# Income Tax (Earnings and Pensions) Act 2003

**2003 CHAPTER 1**

An Act to restate, with minor changes, certain enactments relating to income tax on employment income, pension income and social security income; and for connected purposes. [6th March 2003]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**Modifications etc. (not altering text)**

**C1** Act applied (with modifications) (1.10.2010) by The Employment and Support Allowance (Transitional Provisions, Housing Benefit and Council Tax Benefit) (Existing Awards) (No. 2) Regulations 2010 (S.I. 2010/1907), reg. 16(2)(c), **Sch. 2** (as amended (1.11.2010) by S.I. 2010/2430, regs. 1(2), 17(4))

**C2** Pensions Tax Acts modified (14.7.2026 for the tax year 2014-15 and subsequent tax years) by The Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) Regulations 2026 (S.I. 2026/673), regs. 1(2)(5), **10**

## PART 1

OVERVIEW

### 1 Overview of contents of this Act

(1) This Act imposes charges to income tax on—

(a) employment income (see Parts 2 to **[**F1**]**7A**]** ),

(b) pension income (see Part 9), and

(c) social security income (see **[**F2**]**Chapters 1 to 7 of**]** Part 10).

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) . . . . . .

(3) This Act also—

(a) confers certain reliefs in respect of liabilities of former employees (see Part 8),

**[**[F3](aa) makes provision for the high income child benefit charge (see Chapter 8 of Part 10),**]**

**[**[F4](ab) makes provision for the winter fuel payment charge (see Chapter 9 of Part 10),**]**

(b) provides for the assessment, collection and recovery of income tax in respect of employment, pension or social security income that is PAYE income (see Part 11), ...

**[**[F5](ba) allows deductions to be made from such income in respect of certain debts payable to the Commissioners for Her Majesty's Revenue and Customs (see Part 11), and**]**

(c) allows deductions to be made from such income in respect of payroll giving (see Part 12).

**Textual Amendments**

**F1** Word in s. 1(1)(a) substituted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 3**

**F2** Words in s. 1(1)(c) inserted (with effect in accordance with Sch. 1 para. 7 of the amending Act) by Finance Act 2012 (c. 14), **Sch. 1 para. 5(2)(a)**

**F3** S. 1(3)(aa) inserted (with effect in accordance with Sch. 1 para. 7 of the amending Act) by Finance Act 2012 (c. 14), **Sch. 1 para. 5(2)(b)**

**F4** S. 1(3)(ab) inserted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2026 (c. 11), **Sch. 10 paras. 3(2)**, 5

**F5** S. 1(3)(ba) inserted (20.7.2011) by The Finance Act 2009 (Consequential Amendments) Order 2011 (S.I. 2011/1583), arts. 1, **2(2)**

## 2 Abbreviations and general index in Schedule 1

(1) Schedule 1 (abbreviations and defined expressions) applies for the purposes of this Act.

(2) In Schedule 1—

(a) Part 1 gives the meaning of the abbreviated references to Acts and instruments used in this Act, and

(b) Part 2 lists the places where expressions used in this Act are defined or otherwise explained.

(3) Part 2 of Schedule 1 does not apply to expressions used in Chapters 6 to 9 of Part 7 (share incentive plans and other arrangements for acquiring shares): separate indexes relating to these Chapters appear at the end of Schedules 2 to 5.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

# PART 2

## EMPLOYMENT INCOME: CHARGE TO TAX

**Modifications etc. (not altering text)**

**C3** Pt. 2 applied (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), **ss. 969(4)(a)**, 1329(1) (with Sch. 2 Pts. 1, 2)

**C4** Pt. 2 applied (E.W.S.) (31.3.2017) by The Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (S.I. 2017/353), reg. 1(1), **Sch. 1 para. 4(3)** (with reg. 2(4)(5))

## CHAPTER 1

## INTRODUCTION

### 3 Structure of employment income Parts

(1) The structure of the employment income Parts is as follows—

this Part imposes the charge to tax on employment income, and sets out—

(a) how the amount charged to tax for a tax year is to be calculated, and

(b) who is liable for the tax charged;

Part 3 sets out what are earnings and provides for amounts to be treated as earnings;

Part 4 deals with exemptions from the charge to tax under this Part (and, in some cases, from other charges to tax);

Part 5 deals with deductions from taxable earnings;

Part 6 deals with employment income other than earnings or share-related income; and

Part 7 deals with **[**F6income and exemptions relating to securities and securities options acquired in connection with an employment**]**.

**[**F7Part 7A deals with employment income provided through third parties.**]**

(2) In this Act "the employment income Parts" means this Part and Parts 3 to **[**F8**7A]** .

**Textual Amendments**

**F6** Words in s. 3(1) substituted (16.4.2003 with effect in accordance with Sch. 22 para. 16(2) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 22 para. 16(1)**

**F7** Words in s. 3(1) inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 4(2)**

**F8** Word in s. 3(2) substituted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 4(3)**

### 4 "Employment" for the purposes of the employment income Parts

(1) In the employment income Parts "employment" includes in particular—

(a) any employment under a contract of service,

(b) any employment under a contract of apprenticeship, and

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(c) any employment in the service of the Crown.

(2) In those Parts "employed", "employee" and "employer" have corresponding meanings.

### 5 Application to offices and office-holders

(1) The provisions of the employment income Parts that are expressed to apply to employments apply equally to offices, unless otherwise indicated.

(2) In those provisions as they apply to an office—

(a) references to being employed are to being the holder of the office;

(b) "employee" means the office-holder;

(c) "employer" means the person under whom the office-holder holds office.

(3) In the employment income Parts "office" includes in particular any position which has an existence independent of the person who holds it and may be filled by successive holders.

## CHAPTER 2

TAX ON EMPLOYMENT INCOME

### 6 Nature of charge to tax on employment income

(1) The charge to tax on employment income under this Part is a charge to tax on—

(a) general earnings, and

(b) specific employment income.

The meaning of "employment income", "general earnings" and "specific employment income" is given in section 7.

(2) The amount of general earnings or specific employment income which is charged to tax in a particular tax year is set out in section 9.

(3) The rules in Chapters 4 and 5 of this Part, which are concerned with—

(a) the residence ... of an employee in a tax year, ...

**[**F9(aa) whether section 809B, 809D or 809E of ITA 2007 (remittance basis) **[**F10applied**]** to an employee for a tax year, and**]**

(b) the tax year in which amounts are received or remitted to the United Kingdom,

apply for the purposes of the charge to tax on general earnings but not that on specific employment income.

**[**F11(3A) The rules in **[**F12Chapter 5B**]**, which are concerned with the matters mentioned in subsection (3)(a) to (b), apply for the purposes of the charge to tax on certain specific employment income arising under Part 7 (securities etc).**]**

(4) The person who is liable for any tax charged on employment income is set out in section 13.

(5) Employment income is not charged to tax under this Part if it is within the charge to tax under

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**[**F13(a) Part 2 of ITTOIA 2005 (trading income) by virtue of section 15 (divers and diving supervisors), 16A (voluntary office-holders: compensation for lost profits), 16B (payments to company directors) or 16C (professionals in practice: incidental income from an office or employment) of that Act, or

(b) Part 3 of CTA 2009 (trading income) by virtue of section 40A (payments to company directors) or 40B (professionals in practice: incidental income from an office or employment) of that Act.**]**

**Textual Amendments**

**F9** S. 6(3)(aa) inserted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 3(2)**

**F10** Word in s. 6(3)(aa) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(2)(b)**

**F11** S. 6(3A) inserted (with effect in accordance with Sch. 7 para. 80 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 3(3)**

**F12** Words in s. 6(3A) substituted (with effect in accordance with Sch. 9 para. 48 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 9 paras. 3**, 47

**F13** Words in s. 6(5) substituted (6.4.2018) by The Enactment of Extra-Statutory Concessions Order 2018 (S.I. 2018/282), arts. 1, **4(2)**

## 7 Meaning of "employment income", "general earnings" and "specific employment income"

(1) This section gives the meaning for the purposes of the Tax Acts of "employment income", "general earnings" and "specific employment income".

(2) "Employment income" means—

(a) earnings within Chapter 1 of Part 3,

(b) any amount treated as earnings (see subsection (5)), or

(c) any amount which counts as employment income (see subsection (6)).

(3) "General earnings" means—

(a) earnings within Chapter 1 of Part 3, or

(b) any amount treated as earnings (see subsection (5)),

excluding in each case any exempt income.

(4) "Specific employment income" means any amount which counts as employment income (see subsection (6)), excluding any exempt income.

(5) Subsection (2)(b) or (3)(b) refers to any amount treated as earnings under—

**[**F14(a) Chapters 7 to **[**F15**11]** of this Part (agency workers, workers under arrangements made by intermediaries, ... workers providing services through managed service companies **[**F16and purported umbrella companies**]**),**]**

(b) Chapters 2 to **[**F17**10]** of Part 3 (the benefits code),

(c) Chapter 12 of Part 3 (payments treated as earnings),

**[**F18(ca) section 402B (termination payments, and other benefits, that cannot benefit from section 403 threshold),**]** or

(d) section 262 of CAA 2001 (balancing charges to be given effect by treating them as earnings).

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(6) Subsection (2)(c) or (4) refers to any amount which counts as employment income by virtue of—

(a) Part 6 (income which is not earnings or share-related),

(b) Part 7 **[**F19(income and exemptions relating to securities and securities options)**]**

**[**F20(ba) Part 7A (employment income provided through third parties), or**]**

(c) any other enactment.

**Textual Amendments**

**F14** S. 7(5)(a) substituted (retrospective to 6.4.2007) by Finance Act 2007 (c. 11), s. 25(2), **Sch. 3 para. 2**

**F15** Word in s. 7(5)(a) substituted (with effect in accordance with s. 24(11) of the amending Act) by Finance Act 2026 (c. 11), **s. 24(3)(a)**(11)

**F16** Words in s. 7(5)(a) inserted (with effect in accordance with s. 24(11) of the amending Act) by Finance Act 2026 (c. 11), **s. 24(3)(c)**(11)

**F17** Word in s. 7(5)(b) substituted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 1 para. 2**

**F18** S. 7(5)(ca) inserted (with effect in accordance with s. 5(10) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 5(2)**

**F19** Words in s. 7(6)(b) substituted (16.4.2003 with effect in accordance with Sch. 22 para. 17(2) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 22 para. 17(1)**

**F20** S. 7(6)(ba) substituted for word (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 5**

## 8 Meaning of "exempt income"

For the purposes of the employment income Parts, an amount of employment income within paragraph (a), (b) or (c) of section 7(2) is "exempt income" if, as a result of any exemption in Part 4 or elsewhere, no liability to income tax arises in respect of it as such an amount.

# CHAPTER 3

## OPERATION OF TAX CHARGE

## 9 Amount of employment income charged to tax

(1) The amount of employment income which is charged to tax under this Part for a particular tax year is as follows.

(2) In the case of general earnings, the amount charged is the net taxable earnings from an employment in the year.

(3) That amount is calculated under section 11 by reference to any taxable earnings from the employment in the year (see section 10(2)).

(4) In the case of specific employment income, the amount charged is the net taxable specific income from an employment for the year.

(5) That amount is calculated under section 12 by reference to any taxable specific income from the employment for the year (see section 10(3)).

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(6) Accordingly, no amount of employment income is charged to tax under this Part for a particular tax year unless—

(a) in the case of general earnings, they are taxable earnings from an employment in that year, or

(b) in the case of specific employment income, it is taxable specific income from an employment for that year.

## 10 Meaning of "taxable earnings" and "taxable specific income"

(1) This section explains what is meant by "taxable earnings" and "taxable specific income" in the employment income Parts.

(2) "Taxable earnings from an employment in a tax year are to be determined in accordance with **[**F21Chapters 4 and 5 of this Part**]**.

(3) "Taxable specific income from an employment for a tax year means the full amount of any specific employment income which, by virtue of Part 6 **[**F22, 7 or 7A**]** or any other enactment, counts as employment income for that year in respect of the employment.

**[**F23(4) Subsection (3) is subject to **[**F24Chapter 5B (taxable specific income from employment-related securities etc: internationally mobile employees)**]**.**]**

**[**F25(5) Subsection (3) is also subject to sections 554Z9 to 554Z11 (employment income under Part 7A: remittance basis).**]**

**Textual Amendments**

**F21** Words in s. 10(2) substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 4(2)**

**F22** Words in s. 10(3) substituted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 6(2)**

**F23** S. 10(4) inserted (with effect in accordance with Sch. 7 para. 80 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 4(3)**

**F24** Words in s. 10(4) substituted (with effect in accordance with Sch. 9 para. 48 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 9 para. 4**, 47

**F25** S. 10(5) inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 6(3)**

## 11 Calculation of "net taxable earnings"

(1) For the purposes of this Part the "net taxable earnings" from an employment in a tax year are given by the formula—

$$TE - DE$$

where—

TE means the total amount of any taxable earnings from the employment in the tax year, and

DE means the total amount of any deductions allowed from those earnings under provisions listed in section 327(3) to (5) (deductions from earnings: general).

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(2) If the amount calculated under subsection (1) is negative, the net taxable earnings from the employment in the year are to be taken to be nil instead.

(3) Relief may be available under **[**[F26]section 128 of ITA 2007**]** (set-off against general income)—

(a) where TE is negative, or

(b) in certain exceptional cases where the amount calculated under subsection (1) is negative.

(4) If a person has more than one employment in a tax year, the calculation under subsection (1) must be carried out in relation to each of the employments.

**Textual Amendments**

**F26** Words in s. 11(3) substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 427** (with Sch. 2)

## 12 Calculation of "net taxable specific income"

(1) For the purposes of this Part the "net taxable specific income" from an employment for a tax year is given by the formula—

$$TSI - DSI$$

where—

TSI means the amount of any taxable specific income from the employment for the tax year, and

DSI means the total amount of any deductions allowed from that income under provisions of the Tax Acts not included in the lists in section 327 (3) and (4) (deductions from earnings: general).

(2) If the amount calculated under subsection (1) is negative, the net taxable specific income from the employment for the year is to be taken to be nil instead.

(3) If a person has more than one kind of specific employment income from an employment for a tax year, the calculation under subsection (1) must be carried out in relation to each of those kinds of specific employment income; and in such a case the "net taxable specific income" from the employment for that year is the total of all the amounts so calculated.

## 13 Person liable for tax

(1) The person liable for any tax on employment income under this Part is the taxable person mentioned in subsection (2) or (3).

This is subject to subsection (4).

(2) If the tax is on general earnings, "the taxable person" is the person to whose employment the earnings relate.

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(3) If the tax is on specific employment income, "the taxable person" is the person in relation to whom the income is, by virtue of Part 6 **[**F27, 7 or 7A**]** or any other enactment, to count as employment income.

(4) If the tax is on general earnings received, or remitted to the United Kingdom, after the death of the person to whose employment the earnings relate, the person's personal representatives are liable for the tax.

**[**F28(4A) If the tax is on specific employment income received, or remitted to the United Kingdom, after the death of the person in relation to whom the income is, by virtue of Part 7, to count as employment income, the person's personal representatives are liable for the tax.**]**

**[**F29(4B) Subject to section 554Z12, if—

(a) the tax is on specific employment income under Chapter 2 of Part 7A, and

(b) the relevant step is taken, or (if relevant) the income is remitted to the United Kingdom, after the death of A,

A's personal representatives are liable for the tax.

(4C) Terms used in subsection (4B) have the same meaning as in Part 7A.**]**

(5) **[**F30If subsection (4) **[**F31, (4A) or (4B) or section 554Z12(3)**]** applies,**]** the tax is accordingly to be assessed on the personal representatives and is a debt due from and payable out of the estate.

**Textual Amendments**

**F27** Words in s. 13(3) substituted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 7(2)**

**F28** S. 13(4A) inserted (with effect in accordance with Sch. 7 para. 80 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 5(2)**

**F29** S. 13(4B)(4C) inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 7(3)**

**F30** Words in s. 13(5) substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 5(3)**

**F31** Words in s. 13(5) substituted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 7(4)**

## CHAPTER 4

## **[**F32TAXABLE EARNINGS: UK RESIDENT EMPLOYEES**]**

**Textual Amendments**

**F32** Pt. 2 Ch. 4 heading substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 6**

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*Taxable earnings*

## 14 Taxable earnings under this Chapter: introduction

(1) This Chapter sets out for the purposes of this Part what are taxable earnings from an employment in a tax year in cases where section 15 (earnings for year when employee **[**F33UK resident**]**) applies to general earnings for a tax year.

(2) In this Chapter—

(a) sections 16 and 17 deal with the year for which general earnings are earned, and

(b) sections 18 and 19 deal with the time when general earnings are received.

(3) In the employment income Parts any reference to the charging provisions of this Chapter is a reference to section 15.

**Textual Amendments**

**F33** Words in s. 14(1) substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 7**

***[**F34*UK resident employees***]***

**Textual Amendments**

**F34** S. 15 cross-heading substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 8**

## 15 Earnings for year when employee [F35UK resident]

**[**F36(1) This section applies to general earnings for a tax year for which the employee is UK resident except that, in the case of a split year, it does not apply to any part of those earnings that is excluded.

(1A) General earnings are "excluded" if they—

(a) are attributable to the overseas part of the split year, and

(b) are neither—

(i) general earnings in respect of duties performed in the United Kingdom, nor

(ii) general earnings from overseas Crown employment subject to United Kingdom tax.**]**

(2) The full amount of any general earnings within subsection (1) which are received in a tax year is an amount of "taxable earnings" from the employment in that year.

**[**F37(3) Subsection (2) applies whether or not the employment is held when the earnings are received.**]**

**[**F38(4) Any attribution required for the purposes of subsection (1A)(a) is to be done on a just and reasonable basis.

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(5) The following provisions of Chapter 5 of this Part apply for the purposes of subsection (1A)(b) as for the purposes of section 27(2)—

(a) section 28 (which defines "general earnings from overseas Crown employment subject to United Kingdom tax"), ...

(b) sections 38 to 41 (which contain rules for determining the place of performance of duties of employment) **[**F39, and

(c) section 41ZA (which is about determining the extent to which general earnings are in respect of United Kingdom duties).**]**

(6) Subject to any provision made in an order under section 28(5) for the purposes of subsection (1A)(b), provisions made in an order under that section for the purposes of section 27(2) apply for the purposes of subsection (1A)(b) too.**]**

**Textual Amendments**

**F35** Words in s. 15 heading substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 9(4)**

**F36** S. 15(1)(1A) substituted for s. 15(1) (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 58(1)**

**F37** S. 15(3) substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 9(3)**

**F38** S. 15(4)-(6) inserted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 58(2)**

**F39** S. 15(5)(c) and word inserted (with effect in accordance with Sch. 6 para. 7 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 6 para. 2(b)**

*Year for which general earnings are earned*

## 16 Meaning of earnings "for" a tax year

(1) This section applies for determining whether general earnings are general earnings "for" a particular tax year for the purposes of this Chapter.

(2) General earnings that are earned in, or otherwise in respect of, a particular period are to be regarded as general earnings for that period.

(3) If that period consists of the whole or part of a single tax year, the earnings are to be regarded as general earnings "for" that tax year.

(4) If that period consists of the whole or parts of two or more tax years, the part of the earnings that is to be regarded as general earnings "for" each of those tax years is to be determined on a just and reasonable apportionment.

(5) This section does not apply to any amount which is required by a provision of Part 3 to be treated as earnings for a particular tax year.

## 17 Treatment of earnings for year in which employment not held

(1) This section applies for the purposes of this Chapter in a case where general earnings from an employment would otherwise fall to be regarded as general earnings for a tax year in which the employee does not hold the employment.

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(2) If that year falls before the first tax year in which the employment is held, the earnings are to be treated as general earnings for that first tax year.

(3) If that year falls after the last tax year in which the employment was held, the earnings are to be treated as general earnings for that last tax year.

(4) This section does not apply in connection with determining the year for which amounts are to be treated as earnings under Chapters 2 to **[**F40**]**10 of Part 3 (the benefits code).

**Textual Amendments**

**F40** Word in s. 17(4) substituted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 1 para. 3**

*When general earnings are received*

## 18 Receipt of money earnings

(1) General earnings consisting of money are to be treated for the purposes of this Chapter as received at the earliest of the following times—

*Rule 1*

The time when payment is made of or on account of the earnings.

*Rule 2*

The time when a person becomes entitled to payment of or on account of the earnings.

*Rule 3*

If the employee is a director of a company and the earnings are from employment with the company (whether or not as director), whichever is the earliest of—

(a) the time when sums on account of the earnings are credited in the company's accounts or records (whether or not there is any restriction on the right to draw the sums);

(b) if the amount of the earnings for a period is determined by the end of the period, the time when the period ends;

(c) if the amount of the earnings for a period is not determined until after the period has ended, the time when the amount is determined.

(2) Rule 3 applies if the employee is a director of the company at any time in the tax year in which the time mentioned falls.

(3) In this section "director" means—

(a) in relation to a company whose affairs are managed by a board of directors or similar body, a member of that body,

(b) in relation to a company whose affairs are managed by a single director or similar person, that director or person, and

(c) in relation to a company whose affairs are managed by the members themselves, a member of the company,

and includes any person in accordance with whose directions or instructions the directors of the company (as defined above) are accustomed to act.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) For the purposes of subsection (3) a person is not to be regarded as a person in accordance with whose directions or instructions the directors of the company are accustomed to act merely because the directors act on advice given by that person in a professional capacity.

(5) Where this section applies—

(a) to a payment on account of general earnings, or

(b) to sums on account of general earnings,

it so applies for the purpose of determining the time when an amount of general earnings corresponding to the amount of that payment or those sums is to be treated as received for the purposes of this Chapter.

## 19 Receipt of non-money earnings

(1) General earnings not consisting of money are to be treated for the purposes of this Chapter as received at the following times.

(2) If an amount is treated as earnings for a particular tax year under any of the following provisions, the earnings are to be treated as received in that year—

section 81 (taxable benefits: cash vouchers),

section 94 **[**F41or 94A**]** (taxable benefits: credit-tokens),

Chapter 5 of Part 3 (taxable benefits: living accommodation),

Chapter 6 of Part 3 (taxable benefits: cars, vans and related benefits),

Chapter 7 of Part 3 (taxable benefits: loans),

...

...

Chapter 10 of Part 3 (taxable benefits: residual liability to charge),

section 222 (payments treated as earnings: payments on account of tax where deduction not possible),

section 223 (payments treated as earnings: payments on account of director's tax).

**[**F42section 226A (amount treated as earnings: employee shareholder shares). **]** ,

(3) If an amount is treated as earnings under section 87 **[**F43or 87A**]** (taxable benefits: non-cash vouchers), the earnings are to be treated as received in the tax year mentioned in section 88.

(4) If subsection (2) or (3) does not apply, the earnings are to be treated as received at the time when the benefit is provided.

**Textual Amendments**

**F41** Words in s. 19(2) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 50(2)**

**F42** Words in s. 19(2) inserted (1.9.2013) by Finance Act 2013 (c. 29), **Sch. 23 paras. 2**, 38; S.I. 2013/1755, art. 2

**F43** Words in s. 19(3) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 50(3)**

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## CHAPTER 5

## [F44TAXABLE EARNINGS: REMITTANCE BASIS RULES AND RULES FOR NON-UK RESIDENT EMPLOYEES]

**Textual Amendments**

**F44** Pt. 2 Ch. 5 title substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 10**

*Taxable earnings*

### 20 Taxable earnings under this Chapter: introduction

**[**F45(1) This Chapter contains provision for determining how much of the following are taxable earnings from an employment in a tax year—

(a) general earnings that are for a tax year for which section 809B, 809D or 809E of ITA 2007 (remittance basis) applied to the employee (being a tax year before tax year 2025-26), and

(b) general earnings that are for a tax year for which the employee is non-UK resident.**]**

(2) In this Chapter—

(a) sections 29 and 30 deal with the year for which general earnings are earned,

(b) . . . . . .

(c) . . . . . .

(d) sections 38 to 41 deal with the place where the duties of an employment are performed.

(3) In the employment income Parts any reference to the charging provisions of this Chapter is a reference to any of **[**F46sections 22, 26 and 27**]**.

**Textual Amendments**

**F45** S. 20(1) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(3)**

**F46** Words in s. 20(3) substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 11(4)**

*[F47Remittance basis rules for [F48employees outside section 26]]*

**Textual Amendments**

**F47** S. 21 cross-heading substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 12**

**F48** Words in cross-heading substituted (with effect in accordance with Sch. 46 para. 25 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 7(2)(b)** (with Sch. 46 para. 26)

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## 21 Earnings for year when employee resident and ordinarily resident, but not domiciled, in UK, except chargeable overseas earnings

(1) This section applies to general earnings for a tax year in which the employee is resident and ordinarily resident, but not domiciled, in the United Kingdom except to the extent that they are chargeable overseas earnings for that year.

(2) The full amount of any general earnings within subsection (1) which are received in a tax year is an amount of "taxable earnings" from the employment in that year.

(3) Subsection (2) applies—

(a) whether the earnings are for that year or for some other tax year, and

(b) whether or not the employment is held at the time when the earnings are received.

(4) Section 23 applies for calculating how much of an employee's general earnings are "chargeable overseas earnings" for a tax year, and are therefore within section 22(1) rather than subsection (1) above.

## 22 Chargeable overseas earnings for year when [F49remittance basis [F50applied] and employee [F51outside section 26]]

(1) This section applies to general earnings for a tax year **[**F52, to the extent that they are chargeable overseas earnings for that year, if—

(a) section 809B, 809D or 809E of ITA 2007 (remittance basis) **[**F53applied**]** to the employee for that year, and

**[**F54(b) the employee **[**F55did not**]** meet the requirement of section 26A for that year.**]]**

(2) The full amount of any general earnings within subsection (1) which are remitted to the United Kingdom in a tax year is an amount of "taxable earnings" from the employment in that year.

**[**F56(3) Subsection (2) applies whether or not the employment is held when the earnings are remitted.**]**

(4) Section 23 applies for calculating how much of an employee's general earnings are "chargeable overseas earnings" for a tax year ....

(5) Where any chargeable overseas earnings are taxable earnings under subsection (2), any deduction taken into account under section 23(3) in calculating the amount of the chargeable overseas earnings—

(a) cannot then be deducted under section 11 from those taxable earnings, but

(b) may be deducted under that section from any taxable earnings under **[**F57section 15**]**.

**[**F58(6) See Chapter A1 of Part 14 of ITA 2007 for the meaning of "remitted to the United Kingdom" etc.

**[**F59(7) Section 15(1) does not apply to general earnings within subsection (1).**]]**

**Textual Amendments**

**F49** Words in s. 22 heading substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 14(7)** (with Sch. 7 para. 82)

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**F50** Word in s. 22 heading substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(4)(a)**

**F51** Words in s. 22 heading substituted (with effect in accordance with Sch. 46 para. 25 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 7(2)(a)** (with Sch. 46 para. 26)

**F52** Words in s. 22(1) substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 14(2)** (with Sch. 7 para. 82)

**F53** Word in s. 22(1)(a) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(4)(a)**

**F54** S. 22(1)(b) substituted (with effect in accordance with Sch. 46 para. 25 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 7(1)** (with Sch. 46 para. 26)

**F55** Words in s. 22(1)(b) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(4)(b)**

**F56** S. 22(3) substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 14(3)** (with Sch. 7 para. 82)

**F57** Words in s. 22(5)(b) substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 14(5)** (with Sch. 7 para. 82)

**F58** S. 22(6)(7) inserted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 14(6)** (with Sch. 7 para. 82)

**F59** S. 22(7) substituted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 59**

## 23 Calculation of "chargeable overseas earnings"

(1) This section applies for calculating how much of an employee's general earnings for a tax year are "chargeable overseas earnings" for the purposes of **[**F60section**]** 22.

**[**F61(1A) But none of an employee's general earnings from an employment for a tax year are to be "chargeable overseas earnings" if section 24A applies in relation to the employment for the tax year.**]**

(2) General earnings for a tax year are "overseas earnings" for that year if—

**[**F62(a) section 809B, 809D or 809E of ITA 2007 (remittance basis) **[**F63applied**]** to the employee for that year,

**[**F64(aa) the employee **[**F65did not**]** meet the requirement of section 26A for that year,**]]**

(b) the employment **[**F66was**]** with a foreign employer, and

(c) the duties of the employment **[**F67were**]** performed wholly outside the United Kingdom.

(3) To calculate the amount of "chargeable overseas earnings" for a tax year—

***[**F68Step 1***

Identify—

(a) in the case of a tax year that is not a split year, the full amount of the overseas earnings for that year, and

(b) in the case of a split year, so much of the full amount of the overseas earnings for that year as is attributable to the UK part of the year.**]**

*Step 2*

Subtract any amounts that would (assuming they were taxable earnings) be allowed to be deducted from **[**F69the earnings identified under step 1**]** under—

(a) section 232 or Part 5 (deductions allowed from earnings),

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**[**F70(b) sections 188 to 194 of FA 2004 (contributions to registered pension schemes), or**]**

(d) section 262 of CAA 2001 (capital allowances to be given effect by treating them as deductions from earnings).

*Step 3*

Apply any limit imposed by section 24 (limit where duties of associated employment performed in UK).

The result is the chargeable overseas earnings for the tax year.

**[**F71(4) Any attribution required for the purposes of step 1 or step 2 in subsection (3) is to be done on a just and reasonable basis.**]**

**Textual Amendments**

**F60** Word in s. 23(1) substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 15(2)**

**F61** S. 23(1A) inserted (with effect in accordance with Sch. 3 para. 7(1) of the amending Act) by Finance Act 2014 (c. 26), **Sch. 3 para. 2**

**F62** S. 23(2)(a)(aa) substituted for s. 23(2)(a) (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 15(3)**

**F63** Word in s. 23(2)(a) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(5)(a)**

**F64** S. 23(2)(aa) substituted (with effect in accordance with Sch. 46 para. 25 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 8** (with Sch. 46 para. 26)

**F65** Words in s. 23(2)(aa) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(5)(b)**

**F66** Word in s. 23(2)(b) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(5)(c)**

**F67** Word in s. 23(2)(c) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(5)(d)**

**F68** Words in s. 23(3) substituted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 60(2)**

**F69** Words in s. 23(3) substituted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 60(3)**

**F70** Words in s. 23(3) substituted (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 35 para. 55** (with Sch. 36)

**F71** S. 23(4) inserted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 60(4)**

## 24 Limit on chargeable overseas earnings where duties of associated employment performed in UK

(1) This section imposes a limit on how much of an employee's general earnings are chargeable overseas earnings for a tax year under section 23 if—

(a) in that year the employee holds associated employments as well as the employment to which subsection (2) of that section applies ("the relevant employment"), and

(b) the duties of the associated employments are not performed wholly outside the United Kingdom.

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(2) The limit is the proportion of the aggregate earnings for that year from all the employments concerned that is reasonable having regard to—

(a) the nature of and time devoted to each of the following—

(i) the duties performed outside the United Kingdom, and

(ii) those performed in the United Kingdom, and

(b) all other relevant circumstances.

**[**F72(2A) If the tax year is a split year as respects the employee, subsection (2) has effect as if for "the aggregate earnings for that year from all the employments concerned" there were substituted " so much of the aggregate earnings for that year from all the employments concerned as is attributable to the UK part of that year ".**]**

(3) For the purposes of subsection (2) "the aggregate earnings for a year from all the employments concerned" means the amount produced by aggregating the full amount of earnings from each of those employments for the year mentioned in subsection (1) so far as remaining after subtracting any amounts of the kind mentioned in step 2 in section 23(3).

**[**F73(3A) Any attribution required for the purposes of subsection (2A) is to be done on a just and reasonable basis.**]**

(4) In this section—

(a) "the employments concerned" means the relevant employment and the associated employments;

(b) "associated employments" means employments with the same employer or with associated employers.

(5) The following rules apply to determine whether employers are associated—

*Rule A*

An individual is associated with a partnership or company if that individual has control of the partnership or company.

*Rule B*

A partnership is associated with another partnership or with a company if one has control of the other or both are under the control of the same person or persons.

*Rule C*

A company is associated with another company if one has control of the other or both are under the control of the same person or persons.

(6) In subsection (5)—

(a) in rules A and B "control" has the meaning given by **[**F74section 995 of ITA 2007**]** (in accordance with section 719 of this Act), and

(b) in rule C "control" means control within the meaning **[**F75given by sections 450 and 451 of CTA 2010**]** (meaning of expressions relating to close companies).

(7) If an amount of chargeable overseas earnings is reduced under step 3 in section 23(3) as a result of applying any limit imposed by this section, the amount of general earnings corresponding to the reduction remains an amount of general earnings within **[**F76section 15(1)**]**.

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**Textual Amendments**

**F72** S. 24(2A) inserted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 61(2)**

**F73** S. 24(3A) inserted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 61(3)**

**F74** Words in s. 24(6)(a) substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 428** (with Sch. 2)

**F75** Words in s. 24(6)(b) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 379** (with Sch. 2)

**F76** Words in s. 24(7) substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 16**

## [F77 24A Restrictions on remittance basis

(1) This section applies in relation to an employment ("the relevant employment") for a tax year ("the relevant tax year") if—

(a) one or more of the paragraphs in subsection (5) applies,

(b) conditions 1 to 4 are met, and

(c) condition 5 is not met.

(2) The consequences of this section applying are set out in sections 23(1A), 41C(4A), 41H(5) and 554Z9(1A).

(3) But, for the purpose of determining if, and the extent to which, any provision of Part 11 (PAYE), or of PAYE regulations, applies in relation to any income, the application of any provision mentioned in subsection (2) in relation to the income is to be ignored.

(4) In this section—

(a) "the relevant employee" means the employee in respect of the relevant employment,

(b) "the relevant employer" means the employer in respect of the relevant employment, and

(c) "UK employment" means an employment the duties of which are not performed wholly outside the United Kingdom and "UK employer" is to be read accordingly,

and the rules in section 24(5) ("associated" persons) apply for the purposes of this section.

(5) The paragraphs referred to in subsection (1)(a) are—

(a) general earnings from the relevant employment which are for the relevant tax year would, apart from section 23(1A) and step 3 in section 23(3), be "chargeable overseas earnings" under section 23(3);

(b) employment income in respect of the relevant employment which is treated as accruing in the relevant tax year under section 41C(2) would, apart from sections 41C(4A), 41D and 41E, be "foreign" under section 41C(3);

(c) employment income in respect of the relevant employment which is treated as accruing in the relevant tax year under section 41H(2) would, apart from sections 41H(5), 41I and 41L, be "chargeable foreign securities income" under section 41H(3);

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(d) section 554Z9(2) would, apply to employment income in respect of the relevant employment which corresponds to the value of a relevant step, or a part of the value of a relevant step, which is "for" the relevant tax year as determined under section 554Z4.

(6) Condition 1 is that the relevant employee holds a UK employment—

(a) at a time in the relevant tax year when the relevant employee also holds the relevant employment, or

(b) if the relevant tax year is a split year as respects the relevant employee, at a time in the UK part of the relevant tax year when the relevant employee also holds the relevant employment.

(7) Condition 2 is that the UK employer is the same as, or is associated with, the relevant employer.

(8) Condition 3 is that the UK employment and the relevant employment are related to each other.

(9) Without prejudice to the generality of subsection (8), the UK employment and the relevant employment are to be assumed to be related to each other if one or more of the following paragraphs applies—

(a) it is reasonable to suppose that—

(i) the relevant employee would not hold one employment without holding the other employment, or

(ii) the employments will cease at the same time or one employment will cease in consequence of the other employment ceasing;

(b) the terms of one employment operate to any extent by reference to the other employment;

(c) the performance of duties of one employment is (wholly or partly) dependent upon, or otherwise linked (directly or indirectly) to, the performance of duties of the other employment;

(d) the duties of the employments are wholly or mainly of the same type (ignoring the fact that they may be performed (wholly or partly) in different locations);

(e) the duties of the employments involve (wholly or partly) the provision of goods or services to the same customers or clients;

(f) the relevant employee is—

(i) a director (as defined in section 67) of the UK employer or the relevant employer who has a material interest (as defined in section 68) in the UK employer or the relevant employer,

(ii) a senior employee of the UK employer or the relevant employer, or

(iii) one of the employees of the UK employer or the relevant employer who receives the higher or highest levels of remuneration.

(10) In subsection (9)(f) references to the UK employer or the relevant employer include references to—

(a) any person with which the UK employer or the relevant employer (as the case may be) is associated, and

(b) if the UK employer or the relevant employer (as the case may be) is a company, the following companies taken together as if they were one company—

(i) the UK employer or the relevant employer (as the case may be), and

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(ii) all the companies with which the UK employer or the relevant employer (as the case may be) is associated.

(11) The Treasury may by regulations amend this section so as to add to, reduce or modify the cases in which the UK employment and the relevant employment are to be assumed to be related to each other.

(12) A statutory instrument containing regulations under subsection (11) may not be made unless a draft has been laid before, and approved by a resolution of, the House of Commons.

(13) Condition 4 is that X% is less than Y%.

(14) "X%" is given by the following formula—

$$C \; I \times 100 \; \%$$

See section 24B for the definitions of "C" and "I".

(15) "Y%" is 65% of the additional rate for the relevant tax year.

(16) The Treasury may by regulations amend this section so as to amend the definition of "Y%".

(17) Condition 5 is that—

(a) were the duties of the relevant employment to be duties of the UK employment instead, all or substantially all of them could not lawfully be performed in the relevant territory (whether on the meeting of any condition or otherwise) by virtue of any regulatory requirements imposed by or under the law of that territory, and

(b) were the UK duties of the UK employment to be duties of the relevant employment instead, all or substantially all of them could not lawfully be performed in the part of the United Kingdom in which they are performed (whether on the meeting of any condition or otherwise) by virtue of any regulatory requirements imposed by or under the law of that part of the United Kingdom.

(18) In subsection (17)—

"the relevant territory" means the territory in which the duties of the relevant employment are performed, and

"UK duties" means duties performed in the United Kingdom.

**Textual Amendments**

**F77** Ss. 24A, 24B inserted (17.7.2014) by Finance Act 2014 (c. 26), **Sch. 3 para. 3**

### 24B Definitions of "C" and "I" for the purposes of section 24A(14)

(1) This section applies for the purposes of section 24A(14).

(2) "C" is the total amount of credit which would be allowed under section 18(2) of TIOPA 2010 (double taxation relief by way of credit) against income tax in respect of all the employment income falling within section 24A(5)(a) to (d) were none of that income to be, as relevant—

(a) "chargeable overseas earnings",

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(b) "foreign",
(c) "chargeable foreign securities income", or
(d) income to which section 554Z9(2) applies.

(3) For this purpose, assume—
(a) that all relief is claimed within the applicable time limit given by section 19 of TIOPA 2010, and
(b) that all reasonable steps are taken to minimise any amounts of tax payable as mentioned in section 33 of that Act.

(4) "I" is the total amount of all the employment income falling within section 24A(5)(a) to (d).**]**

**Textual Amendments**
**F77** Ss. 24A, 24B inserted (17.7.2014) by Finance Act 2014 (c. 26), **Sch. 3 para. 3**

***[F78**Remittance basis rules: employees **[F79**who **[F80**met**]** section 26A requirement**]]***

**Textual Amendments**
**F78** S. 25 cross-heading substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 17**
**F79** Words in cross-heading substituted (with effect in accordance with Sch. 46 para. 25 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 9(2)(b)** (with Sch. 46 para. 26)
**F80** Word in s. 25 cross-heading substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(6)**

## 25 UK-based earnings for year when employee resident, but not ordinarily resident, in UK

. . . . . .

## 26 Foreign earnings for year when **[**F81**]**remittance basis **[**F82**]**applied and employee met**][**F83**]** section 26A requirement**]]**

(1) This section applies to general earnings for a tax year **[**F84**]**where section 809B, 809D or 809E of ITA 2007 (remittance basis) **[**F85**]**applied**]** to the employee for that year and the employee **[**F86**[**F87**]**met**]** the requirement of section 26A for**]** that year, **][**F88**]**if the general earnings meet all of the following conditions—
(a) they are neither—
(i) general earnings in respect of duties performed in the United Kingdom, nor
(ii) general earnings from overseas Crown employment subject to United Kingdom tax, and
(b) if the tax year is a split year as respects the employee, they are attributable to the UK part of the year.**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) The full amount of any general earnings within subsection (1) which are remitted to the United Kingdom in a tax year is an amount of "taxable earnings" from the employment in that year.

**[**F89(3) Subsection (2) applies whether or not the employment is held when the earnings are remitted.**]**

(4) Section 28 explains what is meant by "general earnings from overseas Crown employment subject to United Kingdom tax".

**[**F90(5) See Chapter A1 of Part 14 of ITA 2007 for the meaning of "remitted to the United Kingdom" etc.

**[** F91(5A) Any attribution required for the purposes of subsection (1)(b) is to be done on a just and reasonable basis.**]**

**[**F92(6) Section 15(1) does not apply to general earnings within subsection (1).**]]**

**Textual Amendments**

**F81** Words in s. 26 heading substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 19(5)** (with Sch. 7 para. 82)

**F82** Words in s. 26 heading substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(7)(a)**

**F83** Words in s. 26 heading substituted (with effect in accordance with Sch. 46 para. 25 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 9(2)(a)** (with Sch. 46 para. 26)

**F84** Words in s. 26(1) substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 19(2)** (with Sch. 7 para. 82)

**F85** Word in s. 26(1) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(7)(b)(i)**

**F86** Words in s. 26(1) substituted (with effect in accordance with Sch. 46 para. 25 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 9(1)** (with Sch. 46 para. 26)

**F87** Word in s. 26(1) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(7)(b)(ii)**

**F88** Words in s. 26(1) substituted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 62(2)**

**F89** S. 26(3) substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 19(3)** (with Sch. 7 para. 82)

**F90** S. 26(5)(6) inserted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 19(4)** (with Sch. 7 para. 82)

**F91** S. 26(5A) inserted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 62(3)**

**F92** S. 26(6) substituted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 62(4)**

## **[**F93**26A Section 26: requirement for 3-year period of non-residence**

(1) An employee meets the requirement of this section for a tax year if the employee was—

(a) non-UK resident for the previous 3 tax years, or

(b) UK resident for the previous tax year but non-UK resident for the 3 tax years before that, or

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(c) UK resident for the previous 2 tax years but non-UK resident for the 3 tax years before that, or

(d) non-UK resident for the previous tax year, UK resident for the tax year before that and non-UK resident for the 3 tax years before that.

(2) The residence status of the employee before the 3 years of non-UK residence is not relevant for these purposes.**]**

**Textual Amendments**

**F93** S. 26A inserted (with effect in accordance with Sch. 46 para. 25 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 10** (with Sch. 46 para. 26)

*Employees not resident in UK*

## 27 UK-based earnings for year when employee not resident in UK

(1) This section applies to general earnings for a tax year **[**F94for which**]** the employee is not resident in the United Kingdom if they are—

(a) general earnings in respect of duties performed in the United Kingdom **[**F95that do not fall within paragraph (c)**]**, ...

(b) general earnings from overseas Crown employment subject to United Kingdom tax **[**F96that do not fall within paragraph (c)**][**F97, or

(c) general earnings to which section 402B (termination payments, and other benefits, that cannot benefit from the section 403 threshold, to be treated as earnings) applies **[**F98and which have been reduced by a claim for relief under section 414 (reduction in other cases of foreign service)**].]**

(2) The full amount of any general earnings within subsection **[**F99(1)**]** which are received in a tax year is an amount of "taxable earnings" from the employment in that year.

(2A) . . . . . .

**[**F100(3) **[**F101Subsection (2) applies**]** whether or not the employment is held when the earnings are received.**]**

(4) Section 28 explains what is meant by "general earnings from overseas Crown employment subject to United Kingdom tax".

**[**F102(5) Sections 18 and 19 (time when earnings are received) apply for the purposes of this section.**]**

**Textual Amendments**

**F94** Words in s. 27(1) substituted (17.7.2013) by Finance Act 2013 (c. 29), **Sch. 45 para. 149**

**F95** Words in s. 27(1)(a) inserted (with effect in accordance with s. 23(7) of the amending Act) by Finance Act 2026 (c. 11), **s. 23(2)(a)(i)**(7)

**F96** Words in s. 27(1)(b) inserted (with effect in accordance with s. 23(7) of the amending Act) by Finance Act 2026 (c. 11), **s. 23(2)(a)(ii)**(7)

**F97** S. 27(1)(c) and word inserted (with effect in accordance with s. 22(8) of the amending Act) by Finance Act 2021 (c. 26), **s. 22(2)(b)**

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**F98** Words in s. 27(1)(c) inserted (with effect in accordance with s. 23(7) of the amending Act) by Finance Act 2026 (c. 11), **s. 23(2)(a)(iii)**(7)
**F99** Word in s. 27(2) substituted (with effect in accordance with s. 23(7) of the amending Act) by Finance Act 2026 (c. 11), **s. 23(2)(b)**(7)
**F100** S. 27(3) substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 20(2)**
**F101** Words in s. 27(3) substituted (with effect in accordance with s. 23(7) of the amending Act) by Finance Act 2026 (c. 11), **s. 23(2)(d)**(7)
**F102** S. 27(5) inserted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 20(3)**

*Special class of earnings for purposes of sections 25 to 27*

## 28 Meaning of "general earnings from overseas Crown employment subject to UK tax"

(1) This section explains for the purposes of sections 25 to 27 what is meant by "general earnings from overseas Crown employment subject to United Kingdom tax".

(2) "Crown employment" means employment under the Crown—
(a) which is of a public nature, and
(b) the earnings from which are payable out of the public revenue of the United Kingdom or of **[**F103Wales, Scotland or**]** Northern Ireland.

(3) "General earnings from overseas Crown employment" means general earnings from such employment in respect of duties performed outside the United Kingdom.

(4) Such earnings are to be taken as being "subject to United Kingdom tax" unless they fall within any exception contained in an order under subsection (5).

(5) **[**F104the Commissioners for Her Majesty's Revenue and Customs**]** may make an order excepting from the operation of sections 25(2) and 27(2)—
(a) general earnings of any description of employee specified in the order;
(b) general earnings from any description of employment so specified.

(6) The **[**F105Commissioners**]** may make the order if they consider that such earnings should not be subject to those provisions having regard to the international obligations of Her Majesty's Government and such other matters as appear to them to be relevant.

(7) An order may make provision by reference to all or any of the following—
(a) the residence or nationality of the employee;
(b) whether the employee was engaged in or outside the United Kingdom;
(c) the nature of the post, the rate of remuneration and any other terms and conditions applying to it.

(8) Subsection (7) does not affect the generality of the power to make provision by reference to such factors as the Board consider appropriate.

**Textual Amendments**

**F103** Words in s. 28(2)(b) inserted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 1(2)** (with Sch. 8 Pt. 3)

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F104** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(2)**; S.I. 2005/1126, art. 2(2)(h)

**F105** Words in s. 28(6) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(3)(a)**; S.I. 2005/1126, art. 2(2)(h)

*Year for which general earnings are earned*

## 29 Meaning of earnings "for" a tax year

(1) This section applies for determining whether general earnings are general earnings "for" a particular tax year for the purposes of this Chapter.

(2) General earnings that are earned in, or otherwise in respect of, a particular period are to be regarded as general earnings for that period.

(3) If that period consists of the whole or part of a single tax year, the earnings are to be regarded as general earnings "for" that tax year.

(4) If that period consists of the whole or parts of two or more tax years, the part of the earnings that is to be regarded as general earnings "for" each of those tax years is to be determined on a just and reasonable apportionment.

(5) This section does not apply to any amount which is required by a provision of Part 3 to be treated as earnings for a particular tax year.

## 30 Treatment of earnings for year in which employment not held

(1) This section applies for the purposes of this Chapter in a case where general earnings from an employment would otherwise fall to be regarded as general earnings for a tax year in which the employee does not hold the employment.

(2) If that year falls before the first tax year in which the employment is held, the earnings are to be treated as general earnings for that first tax year.

(3) If that year falls after the last tax year in which the employment was held, the earnings are to be treated as general earnings for that last tax year.

(4) This section does not apply in connection with determining the year for which amounts are to be treated as earnings under Chapters 2 to **[**F106**]**10 of Part 3 (the benefits code).

**Textual Amendments**

**F106** Word in s. 30(4) substituted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 1 para. 4**

*F107* ...

**Textual Amendments**

**F107** S. 31 cross-heading omitted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by virtue of Finance Act 2008 (c. 9), **Sch. 7 para. 21**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**31 Receipt of money earnings**

. . . . . .

**32 Receipt of non-money earnings**

. . . . . .

**33 Earnings remitted to UK**

. . . . . .

**34 Earnings remitted to UK: further provisions about UK-linked debts**

. . . . . .

*Relief for delayed remittances*

**35 Relief for delayed remittances**

. . . . . .

**36 Election in respect of delayed remittances**

. . . . . .

**37 Claims for relief on delayed remittances**

. . . . . .

*Place of performance of duties of employment*

**38 Earnings for period of absence from employment**

(1) **[**F108Subsection (2)**]** applies if a person ordinarily performs the whole or part of the duties of an employment in the United Kingdom.

(2) General earnings for a period of absence from the employment are to be treated for the purposes of this Chapter as general earnings for duties performed in the United Kingdom except in so far as they would, but for that absence, have been general earnings for duties performed outside the United Kingdom.

**[**F109(3) If and to the extent that general earnings for a period of absence from an employment are not treated for the purposes of this Chapter as general earnings in respect of duties performed in the United Kingdom, the general earnings are to be treated for the purposes of this Chapter as general earnings in respect of duties performed outside the United Kingdom.

(4) For the purposes of this section references to "general earnings for a period of absence" do not include any general earnings to which section 221A (cancelled, moved or curtailed shift) applies (see section 38A).**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F108** Words in s. 38(1) substituted (with effect in accordance with s. 23(7) of the amending Act) by Finance Act 2026 (c. 11), **s. 23(3)(a)**(7)

**F109** S. 38(3)(4) inserted (with effect in accordance with s. 23(7) of the amending Act) by Finance Act 2026 (c. 11), **s. 23(3)(b)**(7)

## [F110 38A Earnings relating to duties not performed

(1) This section applies for determining the extent to which general earnings that relate to duties that were not performed are to be treated for the purposes of this Chapter as general earnings in respect of duties performed in the United Kingdom.

(2) For the purposes of this section—

(a) "general earnings" means an amount of general earnings specified in the first column of the table, and

(b) the "duties that were not performed", in relation to general earnings, means the duties specified in the corresponding entry in the second column of the table.

| General earnings | Duties that were not performed |
|---|---|
| General earnings to which section 221A (cancelled, moved or curtailed shift) applies | The duties that it is reasonable to assume would have been performed during the shift but were not performed because of the shift's cancellation, movement or curtailment |
| General earnings to which section 402B (termination payments etc) applies | The duties that it is reasonable to assume would have been performed during the post-employment notice period as defined by section 402E if the employee's employment had not been terminated until the end of that period |
| General earnings which consist of a payment in lieu of notice to which Chapter 3 of Part 6 (termination payments etc). does not apply | The duties that it is reasonable to assume would have been performed during the notice period if the employee's employment had not been terminated until the end of that period |
| Any other general earnings in respect of duties that an employee does not perform other than any general earnings for a period of absence from employment | The duties that the employee does not perform |

(3) Subsection (4) applies to the general earnings from an employment for a tax year if—

(a) it is reasonable to assume that some or all of the duties that were not performed would have been performed in the United Kingdom, or

(b) any duties of the employment performed during that tax year are performed wholly or partly in the United Kingdom.

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(4) The general earnings are to be treated for the purposes of this Chapter as general earnings in respect of duties performed in the United Kingdom except in so far as, had the duties that were not performed been performed, general earnings in respect of those duties would have been general earnings for duties performed outside the United Kingdom.

(5) If and to the extent that the general earnings are not treated for the purposes of this Chapter as general earnings in respect of duties performed in the United Kingdom, the general earnings are to be treated for the purposes of this Chapter as general earnings in respect of duties performed outside the United Kingdom.**]**

**Textual Amendments**

**F110** S. 38A inserted (with effect in accordance with s. 23(7) of the amending Act) by Finance Act 2026 (c. 11), **s. 23(4)**(7)

### 39 Duties in UK merely incidental to duties outside UK

(1) This section applies if in a tax year an employment is in substance one whose duties fall to be performed outside the United Kingdom.

(2) Duties of the employment performed in the United Kingdom whose performance is merely incidental to the performance of duties outside the United Kingdom are to be treated for the purposes of this Chapter as performed outside the United Kingdom.

(3) This section does not affect any question as to—

(a) where any duties are performed, or

(b) whether a person is absent from the United Kingdom,

for the purposes of section 378 (deduction from seafarers' earnings: eligibility), and section 383 (place of performance of incidental duties) applies instead.

### 40 Duties on board vessel or aircraft

(1) Duties which a person performs on a vessel engaged on a voyage not extending to a port outside the United Kingdom are to be treated for the purposes of this Chapter as performed in the United Kingdom.

(2) Duties which a person resident in the United Kingdom performs on a vessel or aircraft engaged—

(a) on a voyage or journey beginning or ending in the United Kingdom, or

(b) on a part beginning or ending in the United Kingdom of any other voyage or journey,

are to be treated as performed in the United Kingdom for the purposes of this Chapter.

(3) Subsection (2) does not, however, apply for the purposes of section 24(1)(b) (limit on chargeable overseas earnings under section 23 where duties of associated employment performed in UK) in relation to any duties of a person's employment if—

(a) the employment is as a seafarer, and

(b) the duties are performed on a ship.

(4) Instead, any duties of the employment which are performed on a ship engaged—

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(a) on a voyage beginning or ending outside the United Kingdom (but excluding any part of it beginning and ending there), or

(b) on a part beginning or ending outside the United Kingdom of any other voyage,

are to be treated as performed outside the United Kingdom for the purposes of section 24(1)(b).

(5) For the purposes of subsections (3) and (4)—

(a) employment "as a seafarer" means an employment consisting of the performance of duties on a ship or of such duties and others incidental to them;

**[**[F111](b) "ship" does not include an offshore installation;**]**

(c) the areas designated under section 1(7) of the Continental Shelf Act 1964 (c. 29) are treated as part of the United Kingdom.

**Textual Amendments**

**F111** S. 40(5)(b) substituted (with effect in accordance with Sch. 27 para. 16 of the amending Act) by Finance Act 2004 (c. 12), **Sch. 27 para. 12**

## 41 Employment in UK sector of continental shelf

(1) General earnings in respect of duties performed in the UK sector of the continental shelf in connection with exploration or exploitation activities are to be treated for the purposes of this Chapter as general earnings in respect of duties performed in the United Kingdom.

(2) In this section—

"the UK sector of the continental shelf" means the areas designated under section 1(7) of the Continental Shelf Act 1964, and

"exploration or exploitation activities" means activities carried on in connection with the exploration or exploitation of so much of the seabed and subsoil and their natural resources as is situated in the United Kingdom or the UK sector of the continental shelf.

### *[*[F112]*Apportionment of earnings*

**Textual Amendments**

**F112** S. 41ZA and cross-heading inserted (with effect in accordance with Sch. 6 para. 7 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 6 para. 3**

## 41ZA Basis of apportionment

The extent to which general earnings are in respect of duties performed in the United Kingdom is to be determined under this Chapter on a just and reasonable basis.**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## [F113 CHAPTER 5A

TAXABLE SPECIFIC INCOME: EFFECT OF REMITTANCE BASIS

**Textual Amendments**

**F113** Pt. 2 Ch. 5B substituted (with effect in accordance with Sch. 3 para. 7(3), Sch. 9 para. 48 of the amending Act) for Pt. 2 Ch. 5A by virtue of Finance Act 2014 (c. 26), Sch. 9 paras. 5, **47**

### 41A Taxable specific income from employment-related securities: effect of remittance basis

(1) This section applies if—

(a) an amount within subsection (2) counts as employment income of an individual for a tax year in respect of an employment ("the securities income"), and

(b) any part of the relevant period (see section 41B) is within a tax year for which section 809B, 809D or 809E of ITA 2007 (remittance basis) applies to the individual.

(2) An amount is within this subsection if it counts as employment income under any provision of any of Chapters 2, 3 and 3C to 5 of Part 7 (employment-related securities etc) except section 446UA.

(3) The reference in subsection (2) to an amount that counts as employment income under any of the provisions mentioned there does not include an amount which counts as employment income by virtue of any provision of Chapter 3A or 3B of Part 7.

(4) An amount equal to—

SI -FSI

is an amount of "taxable specific income" from the employment for the tax year mentioned in subsection (1)(a).

(5) In subsection (4)—

(a) SI is the amount of the securities income, and

(b) FSI is the amount of the securities income that is "foreign" (see sections 41C to 41E).

(6) The full amount of any of the foreign securities income which is remitted to the United Kingdom in a tax year is an amount of "taxable specific income" from the employment for that year.

(7) Subsection (6) applies whether or not the employment is held when the foreign securities income is remitted.

(8) For the purposes of Chapter A1 of Part 14 of ITA 2007 (remittance basis), treat the relevant securities or securities option as deriving from the foreign securities income.

(9) But where—

(a) the chargeable event is the disposal of the relevant securities or the assignment or release of the relevant securities option, and

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(b) the individual receives consideration for the disposal, assignment or release of an amount equal to or exceeding the market value of the relevant securities or securities option,

for the purposes of that Chapter treat the consideration (and not the relevant securities or securities option) as deriving from the foreign securities income.

(10) In this section and section 41B—

"the chargeable event" means the event giving rise to the securities income, and

"the relevant securities" or "the relevant securities option" means the employment-related securities or employment-related securities option by virtue of which the amount mentioned in subsection (1)(a) counts as employment income.

(11) See Chapter A1 of Part 14 of ITA 2007 for the meaning of "remitted to the United Kingdom" etc.

### 41B Section 41A: the relevant period

(1) "The relevant period" is to be determined as follows.

(2) In the case of an amount that counts as employment income by virtue of Chapter 2 (restricted securities) or Chapter 3 (convertible securities), the relevant period—

(a) begins with the day of the acquisition, and

(b) ends with the day of the chargeable event.

(3) In the case of an amount that counts as employment income by virtue of section 446U (securities acquired for less than market value: discharge of notional loan)—

(a) if the relevant securities were acquired by virtue of the exercise of a securities option ("the option"), the relevant period—

(i) begins with the day of the acquisition of the option, and

(ii) ends with the day the option vests, and

(b) otherwise, the relevant period is—

(i) the tax year in which the notional loan (within the meaning of Chapter 3C) is treated as made, or

(ii) if the chargeable event occurs in that year, the period beginning at the beginning of that year and ending with the day of that event.

(4) In the case of an amount that counts as employment income by virtue of—

(a) Chapter 3D (securities disposed of for more than market value), or

(b) Chapter 4 (post-acquisition benefits from securities),

the relevant period is the tax year in which the chargeable event occurs.

(5) In the case of an amount that counts as employment income by virtue of Chapter 5 (employment-related securities options), the relevant period—

(a) begins with the day of the acquisition, and

(b) ends with the day of the chargeable event or, if earlier, the day the relevant securities option vests.

(6) In this section "the acquisition" has the same meaning as in Chapters 2 to 4 or Chapter 5 (see section 421B or 471).

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(7) For the purposes of this section an option "vests" when it is first capable of being exercised.

(8) References in this section to a Chapter are to a Chapter of Part 7.

### 41C Section 41A: foreign securities income

(1) The extent to which the securities income is "foreign" is to be determined as follows.

(2) Treat an equal amount of the securities income as accruing on each day of the relevant period.

(3) If any part of the relevant period is within a tax year to which subsection (4) applies, the securities income treated as accruing in that part of the relevant period is "foreign".

This is subject to section 41D (limit where duties of associated employment performed in UK).

(4) This subsection applies to a tax year if—

(a) section 809B, 809D or 809E of ITA 2007 applies to the individual for the year,

**[**[F114](b) the individual does not meet the requirement of section 26A for the year (reading references there to the employee as references to the individual),**]**

(c) the employment is with a foreign employer, and

(d) the duties of the employment are performed wholly outside the United Kingdom.

**[**[F115](4A) But subsection (4) does not apply to a tax year if section 24A applies in relation to the employment for the tax year.**]**

(5) If any part of the relevant period is within a tax year to which subsection (6) applies—

(a) if the duties of the employment are performed wholly outside the United Kingdom, the securities income treated as accruing in that part of the relevant period is "foreign", and

(b) if some but not all of those duties are performed outside the United Kingdom—

(i) the securities income mentioned in paragraph (a) is to be apportioned (on a just and reasonable basis) between duties performed in the United Kingdom and duties performed outside the United Kingdom, and

(ii) the income apportioned in respect of duties performed outside the United Kingdom is "foreign".

(6) This subsection applies to a tax year if—

(a) section 809B, 809D or 809E of ITA 2007 applies to the individual for the year,

**[**[F116](b) the individual meets the requirement of section 26A for the year (reading references there to the employee as references to the individual), and**]**

(c) some or all of the duties of the employment are performed outside the United Kingdom.

(7) If the individual is not resident in the United Kingdom in a tax year, for the purposes of this section treat section 809B of ITA 2007 as applying to the individual for that year.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(8) This section is subject to section 41E (foreign securities income: just and reasonable apportionment).

**[**F117(9) If subsection (4) does not apply to a tax year by virtue of subsection (4A), it is to be assumed for the purposes of section 41E that it is just and reasonable for none of the securities income treated as accruing in the tax year to be "foreign".**]**

**Textual Amendments**

**F114** S. 41C(4)(b) substituted (with effect in accordance with Sch. 46 para. 25 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 11(2)** (with Sch. 46 para. 26)

**F115** S. 41C(4A) inserted (with effect in accordance with Sch. 3 para. 7(2) of the amending Act) by Finance Act 2014 (c. 26), **Sch. 3 para. 4(2)**

**F116** S. 41C(6)(b) substituted (with effect in accordance with Sch. 46 para. 25 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 11(3)** (with Sch. 46 para. 26)

**F117** S. 41C(9) inserted (17.7.2014) by Finance Act 2014 (c. 26), **Sch. 3 para. 4(3)**

## 41D Limit on foreign securities income where duties of associated employment performed in UK

(1) This section imposes a limit on the extent to which section 41C(3) applies in relation to a period when—

(a) the individual holds associated employments as well as the employment in relation to which section 41C(4) applies, and

(b) the duties of the associated employments are not performed wholly outside the United Kingdom.

(2) The amount of the securities income for the period that is to be regarded as "foreign" is limited to such amount as is just and reasonable, having regard to—

(a) the employment income for the period from all the employments mentioned in subsection (1)(a),

(b) the proportion of that income that is general earnings to which section 22 applies (chargeable overseas earnings),

(c) the nature of and time devoted to the duties performed outside the United Kingdom, and those performed in the United Kingdom, in the period, and

(d) all other relevant circumstances.

(3) In this section "associated employments" means employments with the same employer or with associated employers.

(4) Section 24(5) and (6) (meaning of "associated employer") apply for the purposes of this section.

## 41E Foreign securities income: just and reasonable apportionment

(1) This section applies if the proportion of the securities income that would otherwise be regarded as "foreign" is not, having regard to all the circumstances, one that is just and reasonable.

(2) The amount of the securities income that is "foreign" is such amount as is just and reasonable (rather than the amount calculated in accordance with section 41C).**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

# [F118CHAPTER 5B

## TAXABLE SPECIFIC INCOME FROM EMPLOYMENT-RELATED SECURITIES ETC: INTERNATIONALLY MOBILE EMPLOYEES

**Textual Amendments**

**F118** Pt. 2 Ch. 5B substituted (with effect in accordance with Sch. 3 para. 7(3), Sch. 9 para. 48 of the amending Act) for Pt. 2 Ch. 5A by virtue of Finance Act 2014 (c. 26), **Sch. 9 paras. 5**, 47

### 41F Taxable specific income: internationally mobile employees etc

(1) This section applies if—

(a) an amount counts under Chapters 2 to 5 of Part 7 (employment-related securities etc) as employment income of an individual for a tax year ("the securities income") in respect of an employment ("the relevant employment"), and

(b) one or more of the international mobility conditions is met in relation to the individual (see subsection (2)).

(2) The "international mobility conditions" are—

(a) that any part of the relevant period (see section 41G) is within a tax year for which section 809B, 809D or 809E of ITA 2007 (remittance basis) **[**F119applied**]** to the individual;

(b) that any part of the relevant period is within a tax year for which the individual is not UK resident;

(c) that any part of the relevant period is within the overseas part of a tax year that is a split year with respect to the individual.

(3) An amount equal to—

$$SI - FSI$$

is an amount of "taxable specific income" from the relevant employment for the tax year mentioned in subsection (1)(a).

(4) In subsection (3)—

(a) SI is the amount of the securities income, and

(b) FSI is the amount of the securities income that is "foreign".

(5) The amount of the securities income that is "foreign" is the sum of any chargeable foreign securities income and any unchargeable foreign securities income (see sections 41H to 41L).

(6) The full amount of any chargeable foreign securities income which is remitted to the United Kingdom in a tax year is an amount of "taxable specific income" from the relevant employment for that year.

(7) Subsection (6) applies whether or not the relevant employment is held when the chargeable foreign securities income is remitted.

(8) For the purposes of Chapter A1 of Part 14 of ITA 2007 (remittance basis), treat the relevant securities or relevant securities option as deriving from the chargeable foreign securities income.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(9) But where—

(a) the chargeable event is the disposal of the relevant securities or the assignment or release of the relevant securities option, and

(b) the individual receives consideration for the disposal, assignment or release of an amount equal to or exceeding the market value of the relevant securities or relevant securities option,

for the purposes of that Chapter treat the consideration (and not the relevant securities or relevant securities option) as deriving from the chargeable foreign securities income.

(10) See Chapter A1 of Part 14 of ITA 2007 for the meaning of "remitted to the United Kingdom".

(11) In this section and section 41G—

"the chargeable event" means the event giving rise to the securities income, and

"the relevant securities" or "the relevant securities option" means the employment-related securities or employment-related securities option by virtue of which the amount mentioned in subsection (1)(a) counts as employment income.

**Textual Amendments**

**F119** Word in s. 41F(2)(a) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(8)**

## 41G Section 41F: the relevant period

(1) "The relevant period" is to be determined as follows.

(2) In the case of an amount that counts as employment income by virtue of Chapter 2 of Part 7 (restricted securities) (other than where subsection (4) applies) or Chapter 3 of that Part (convertible securities), the relevant period—

(a) begins with the day of the acquisition, and

(b) ends with the day of the chargeable event.

(3) In the case of an amount that counts as employment income by virtue of section 446B (securities with artificially depressed market value: charge on acquisition), the relevant period is the tax year in which the acquisition occurs.

(4) In a case within subsection (1)(aa) or (b) of section 446E (securities with artificially depressed market value: charge on restricted securities) where an amount counts as employment income by virtue of that section, the relevant period—

(a) begins at the beginning of the tax year in which the chargeable event is treated as occurring, and

(b) ends with the day on which the chargeable event is treated as occurring.

(5) In the case of an amount that counts as employment income by virtue of section 446L (securities with artificially enhanced market value), the relevant period—

(a) begins at the beginning of the tax year in which the valuation date (within the meaning of that section) falls, and

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(b) ends with the valuation date.

(6) In the case of an amount that counts as employment income by virtue of section 446U (securities acquired for less than market value: discharge of notional loan) or 446UA (avoidance cases in respect of such securities)—

(a) if the relevant securities were acquired by virtue of the exercise of a securities option ("the option"), the relevant period—

(i) begins with the day of the acquisition of the option, and

(ii) ends with the day the option vests, and

(b) otherwise, the relevant period is—

(i) the tax year in which the notional loan (within the meaning of Chapter 3C of Part 7) is treated as made, or

(ii) if the chargeable event occurs in that year, the period beginning at the beginning of that year and ending with the day of that event.

(7) In the case of an amount that counts as employment income by virtue of—

(a) Chapter 3D of Part 7 (securities disposed of for more than market value), or

(b) Chapter 4 of that Part (post-acquisition benefits from securities),

the relevant period is the tax year in which the chargeable event occurs.

(8) In the case of an amount that counts as employment income by virtue of Chapter 5 of Part 7 (employment-related securities options), the relevant period—

(a) begins with the day of the acquisition, and

(b) ends with the day of the chargeable event or, if earlier, the day the relevant securities option vests.

(9) If the relevant period determined in accordance with subsections (2) to (8) would not, in all the circumstances, be just and reasonable, the relevant period is to be such period as is just and reasonable.

(10) In this section "the acquisition" has the same meaning as in Chapters 2 to 4 or Chapter 5 of Part 7 (see section 421B or 471).

(11) For the purposes of this section an option "vests"—

(a) when it becomes exercisable, or

(b) if earlier, when it becomes exercisable subject only to a period of time expiring.

(12) See section 41F(11) for the definitions of "the chargeable event", "the relevant securities" and "the relevant securities option".

### 41H Section 41F: chargeable and unchargeable foreign securities income

(1) The extent to which the securities income is "chargeable foreign securities income" or "unchargeable foreign securities income" is to be determined as follows.

(2) Treat an equal amount of the securities income as accruing on each day of the relevant period.

(3) If any part of the relevant period is within a tax year to which subsection (4) applies, the securities income treated as accruing in that part of the relevant period is "chargeable foreign securities income".

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

This is subject to subsection (9) and section 41I (limit where duties of associated employment performed in UK).

(4) This subsection applies to a tax year if—

(a) section 809B, 809D or 809E of ITA 2007 **[**F120applied**]** to the individual for the year,

(b) the individual **[**F121did not**]** meet the requirement of section 26A for the year (reading references there to the employee as references to the individual),

(c) the relevant employment **[**F122was**]** with a foreign employer, and

(d) the duties of the relevant employment **[**F123were**]** performed wholly outside the United Kingdom in the year.

(5) But subsection (4) does not apply to a tax year if section 24A applies in relation to the relevant employment for the tax year.

(6) If any part of the relevant period is within a tax year to which subsection (7) applies—

(a) if the duties of the relevant employment are performed wholly outside the United Kingdom, the securities income treated as accruing in that part of the relevant period is "chargeable foreign securities income", and

(b) if some, but not all, of those duties are performed outside the United Kingdom—

(i) the securities income mentioned in paragraph (a) is to be apportioned (on a just and reasonable basis) between duties performed in the United Kingdom and duties performed outside the United Kingdom, and

(ii) the income apportioned in respect of duties performed outside the United Kingdom is "chargeable foreign securities income".

This is subject to subsection (9).

(7) This subsection applies to a tax year if—

(a) section 809B, 809D or 809E of ITA 2007 **[**F124applied**]** to the individual for the year,

(b) the individual **[**F125met**]** the requirement of section 26A for the year (reading references there to the employee as references to the individual), and

(c) some or all of the duties of the relevant employment **[**F126were**]** performed outside the United Kingdom in the year.

(8) If any part of the relevant period is within a tax year for which the individual is not UK resident—

(a) if the duties of the relevant employment are performed wholly outside the United Kingdom in that year, the securities income treated as accruing in that part of the relevant period is "unchargeable foreign securities income", or

(b) if some, but not all, of those duties are performed outside the United Kingdom in that year—

(i) the securities income mentioned in paragraph (a) is to be apportioned (on a just and reasonable basis) between duties performed in the United Kingdom and duties performed outside the United Kingdom, and

(ii) the income apportioned in respect of duties performed outside the United Kingdom is "unchargeable foreign securities income".

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(9) If any part of the relevant period is within the overseas part of a tax year that is a split year with respect to the individual—

(a) if the duties of the relevant employment are performed wholly outside the United Kingdom in that overseas part, the securities income treated as accruing in that part of the relevant period is "unchargeable foreign securities income", or

(b) if some, but not all, of those duties are performed outside the United Kingdom in that overseas part—

(i) the securities income mentioned in paragraph (a) is to be apportioned (on a just and reasonable basis) between duties performed in the United Kingdom and duties performed outside the United Kingdom, and

(ii) the income apportioned in respect of duties performed outside the United Kingdom is "unchargeable foreign securities income".

(10) If subsection (4) does not apply to a tax year by virtue of subsection (5), it is to be assumed for the purposes of section 41L that it is just and reasonable for none of the securities income treated as accruing in the tax year to be "chargeable foreign securities income".

(11) See section 41J for further provision about the location of employment duties.

(12) This section is subject to—

(a) section 41K (securities income from overseas Crown employment), and

(b) section 41L (chargeable and unchargeable foreign securities income: just and reasonable apportionment).

**Textual Amendments**

**F120** Word in s. 41H(4)(a) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(9)(a)(i)**

**F121** Words in s. 41H(4)(b) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(9)(a)(ii)**

**F122** Word in s. 41H(4)(c) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(9)(a)(iii)**

**F123** Word in s. 41H(4)(d) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(9)(a)(iv)**

**F124** Word in s. 41H(7)(a) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(9)(b)(i)**

**F125** Word in s. 41H(7)(b) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(9)(b)(ii)**

**F126** Word in s. 41H(7)(c) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(9)(b)(iii)**

## 41I Limit on "chargeable foreign securities income" where duties of associated employment performed in UK

(1) This section imposes a limit on the extent to which section 41H(3) applies in relation to a period when—

(a) the individual holds associated employments as well as the relevant employment, and

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) the duties of the associated employments are not performed wholly outside the United Kingdom.

(2) The amount of the securities income for the period that is to be regarded as "chargeable foreign securities income" is limited to such amount as is just and reasonable, having regard to—

(a) the employment income for the period from all the employments mentioned in subsection (1)(a),

(b) the proportion of that income that is general earnings to which section 22 applies (chargeable overseas earnings),

(c) the nature of, and time devoted to, the duties performed outside the United Kingdom, and those performed in the United Kingdom, in the period, and

(d) all other relevant circumstances.

(3) In this section "associated employments" means employments with the same employer or with associated employers.

(4) Section 24(5) and (6) (meaning of "associated employer") applies for the purposes of this section.

### 41J Location of employment duties

(1) The following provisions apply for the purposes of this Chapter—

(a) section 39(1) and (2), and

(b) section 40 (but as if in subsections (3) and (4) of that section references to section 24(1)(b) were to section 41I(1)(b)).

(2) Duties of an employment performed in the UK sector of the continental shelf in connection with exploration or exploitation activities are to be treated for the purposes of this Chapter as being performed in the United Kingdom.

(3) In subsection (2) "the UK sector of the continental shelf" and "exploration or exploitation activities" have the same meaning as in section 41 (treatment of general earnings from employment in the UK sector of the continental shelf).

### 41K Securities income from overseas Crown employment

(1) If securities income is from overseas Crown employment subject to United Kingdom tax, it is (notwithstanding any other provision of this Chapter) not "foreign".

(2) "Securities income from overseas Crown employment" means securities income from Crown employment (within the meaning given by section 28(2)) in respect of duties performed outside the United Kingdom.

(3) Such securities income is to be taken as being "subject to United Kingdom tax" unless, by virtue of subsection (4), it falls within an exception contained in an order under section 28(5).

(4) Subject to any provision made in an order under section 28(5) for the purposes of this section, provisions made in an order under that section for the purposes of excepting general earnings from overseas Crown employment from the operation of section 27(2) also have effect for the purposes of excepting securities income from such employment from the operation of subsection (1).

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) For the purposes of this section, if securities income is partly from overseas Crown employment subject to United Kingdom tax, a just and reasonable proportion of the securities income is to be taken to be from such employment.

### 41L Chargeable and unchargeable foreign securities income: just and reasonable apportionment

(1) This section applies if the proportion of the securities income that would otherwise be regarded as "chargeable foreign securities income" or "unchargeable foreign securities income" is not, having regard to all the circumstances, just and reasonable.

(2) The amounts of the securities income that are "chargeable foreign securities income" and "unchargeable foreign securities income" are such amounts as are just and reasonable (rather than the amounts calculated in accordance with section 41H).**]**

## [F127 CHAPTER 5C

RELIEF FOR NEW RESIDENTS ON FOREIGN EMPLOYMENT INCOME

**Textual Amendments**

**F127** Pt. 2 Ch. 5C inserted (20.3.2025 for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), **s. 38(1)**(3) (with Sch. 8 Pt. 3)

*Foreign employment election*

### 41M Foreign employment election for qualifying new residents

(1) This Chapter applies if an individual is a qualifying new resident for a tax year (the "qualifying year").

(2) An individual is a qualifying new resident for a tax year for the purposes of this Chapter if the individual is a qualifying new resident for the tax year for the purposes of Chapter 5 of Part 8 of ITTOIA 2005 (see section 845B of that Act).

(3) The individual may make an election for the qualifying year under this section ("a foreign employment election").

(4) Section 41P makes provision about a claim for relief—

(a) which an individual can make for the qualifying year or any subsequent tax year, where the individual has made a foreign employment election, and

(b) which entitles the individual to relief in that year calculated by reference to employment income that is in respect of the qualifying year.

(5) Sections 41Q (amount of relief available) and 41R (limit on relief) set out how to determine the amount of relief to which the individual is entitled.

(6) See also—

(a) sections 845C to 845E of ITTOIA 2005, which set out some income tax consequences of a foreign employment election, and

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(b) section 1K of TCGA 1992, which provides for the loss of the individual's annual exempt amount for capital gains tax where a foreign employment election is made.

(7) A foreign employment election must be made in a return.

(8) A foreign employment election for the qualifying year must be made before the end of the period of 12 months beginning with 31 January after the end of the qualifying year.

(9) A foreign employment election may not be made as a consequential claim (within the meaning of section 43C(5) of TMA 1970) if the circumstances which give rise to the consequential claim result from a loss of tax brought about carelessly or deliberately by the individual or a person acting on the individual's behalf.

(10) For the purposes of this Chapter—

(a) "return" means a return under section 8 of TMA 1970 (personal return),

(b) references to a claim or election being included in a return include a claim or election being so included as a result of an amendment of the return, and

(c) subsections (5) to (7) of section 118 of TMA 1970 (loss of tax brought about carelessly or deliberately) apply as they apply for the purposes of that Act.

*Key definitions*

### 41N Key definitions

(1) This section sets out some definitions that apply for the purposes of this Chapter.

(2) "Qualifying employment income" means—

(a) qualifying general earnings,

(b) qualifying third party income, and

(c) qualifying securities income.

(3) "Qualifying foreign employment income" means—

(a) qualifying foreign general earnings,

(b) qualifying foreign third party income, and

(c) qualifying foreign securities income.

(4) Section 41T defines what it means—

(a) for general earnings to be "qualifying general earnings", and

(b) for qualifying general earnings to be "qualifying foreign general earnings".

(5) Section 41U defines what it means—

(a) for third party income to be "qualifying third party income", and

(b) for qualifying third party income to be "qualifying foreign third party income".

(6) Section 41V defines what it means—

(a) for securities income to be "qualifying securities income", and

(b) for qualifying securities income to be "qualifying foreign securities income".

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*Claim for relief*

## 41P Claim for relief for qualifying new residents

(1) Where an individual has made a foreign employment election, the individual may make a claim for relief for the qualifying year or any subsequent tax year ("a foreign employment relief claim").

(2) Where an individual makes a foreign employment relief claim for a tax year, the individual is entitled to relief that is equal to so much of the net taxable employment income for that year as—

(a) reflects qualifying foreign employment income (see section 41Q), and

(b) is identified as such in the claim.

(3) But subsection (2) only applies to the extent the total amount of the relief given does not exceed the limit (see section 41R).

(4) The relief is given by deducting the amount of the relief in calculating the individual's net income for the tax year for which the claim is made (see Step 2 of the calculation in section 23 of ITA 2007).

**[**F128(4A) But a deduction for that purpose is to be made only from qualifying foreign employment income.**]**

(5) A foreign employment relief claim must be made in a return.

(6) A foreign employment relief claim for a tax year must be made before the end of the period of 12 months beginning with 31 January after the end of that tax year.

(7) A foreign employment relief claim may not be made as a consequential claim (within the meaning of section 43C(5) of TMA 1970) if the circumstances which give rise to the consequential claim result from a loss of tax brought about carelessly or deliberately by the individual or a person acting on the individual's behalf.

(8) For the purposes of this Chapter "net taxable employment income", in relation to a tax year, means the employment income on which the individual is charged to tax for the tax year (see section 9(1)).

**Textual Amendments**

**F128** S. 41P(4A) inserted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2026 (c. 11), Sch. 3 para. 1(2)**(5)**

## 41Q Amount of relief available

(1) For the purposes of section 41P(2), the amount of net taxable employment income for a tax year that "reflects" qualifying foreign employment income is the total of—

(a) the total of the amount of the net taxable earnings from each employment in the tax year that reflects qualifying foreign general earnings (see subsections (2) to (5)), and

(b) the total of the amount of the net taxable specific income from each employment for the tax year that reflects qualifying foreign third party income or qualifying foreign securities income (see subsection (6)).

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) The amount of the net taxable earnings from an employment in a tax year that "reflects" qualifying foreign general earnings is—

(a) the amount of the taxable earnings from the employment in the tax year that are qualifying foreign general earnings, minus

(b) the amount of the qualifying deductions.

(3) If the amount calculated under subsection (2) is nil or a negative amount, then none of the net taxable earnings from the employment in the tax year reflect qualifying foreign general earnings.

(4) If the foreign employment relief claim is for the qualifying year, the amount of the qualifying deductions is the proportion of the total deductions that is the same as the proportion of the claim year taxable earnings that are qualifying foreign general earnings.

(5) If the foreign employment relief claim is for a subsequent tax year, the amount of the qualifying deductions is the amount resulting from the following steps—

*Step 1*

Deduct the claim year taxable earnings from the total deductions.

If the result is nil or a negative amount, there are no qualifying deductions.

*Step 2*

Deduct any other taxable earnings that are not qualifying foreign general earnings.

If the result is nil or a negative amount, there are no qualifying deductions.

(6) The proportion of the net taxable specific income from an employment for a tax year that "reflects" qualifying foreign third party income or qualifying foreign securities income is the same as the proportion of the taxable specific income for the employment in that year that is qualifying foreign third party income or qualifying foreign securities income.

(7) In this section—

"claim year taxable earnings" means the taxable earnings from the employment in the tax year that are "for" the year for which the claim is made determined in accordance with section 16 and 17;

"total deductions" means the total amount of any deductions allowed from the taxable earnings from the employment in the tax year under provisions listed in section 327(3) to (5) (see section 11(1)).

### 41R Limit on relief

(1) This section sets out how to determine the limit on the amount of relief the individual is entitled to when making a foreign employment relief claim for a year for the purposes of section 41P(3).

(2) The limit is the lesser of—

(a) 30% of the relevant qualifying employment income, and

(b) £300,000.

(3) For the purposes of this section "relevant qualifying employment income" means—

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(a) so much of the net taxable employment income for the tax year for which the claim is made as reflects qualifying employment income, and

(b) if the foreign employment relief claim is for a tax year that is subsequent to the qualifying year, so much of any net taxable employment income for any earlier tax year (but not any tax year before the qualifying year) as would reflect qualifying employment income if that earlier year was the year for which the claim was made.

(4) If the foreign employment relief claim is for a tax year that is subsequent to the qualifying year, the limit is reduced by the total of any amounts reflecting qualifying foreign employment income that have previously been relieved under section 41P.

(5) To determine the amounts mentioned in subsection (3)(a) and (b), apply section 41Q, but as if—

(a) the references in that section to qualifying foreign employment income were to qualifying employment income,

(b) the references in that section to qualifying foreign general earnings were to qualifying general earnings, and

(c) the references in that section to qualifying foreign third party income and qualifying foreign securities income were references to qualifying third party income and qualifying securities income.

### 41S Effect of claim on relief for contributions to registered pension schemes

(1) This section applies where an individual who is an active member of a registered pension scheme for the purposes of section 188 of FA 2004 (relief for contributions) makes a foreign employment relief claim for a tax year.

(2) For the purposes of sections 189(1)(a) and 190 of that Act, references to the amount of the individual's relevant UK earnings chargeable to income tax for that year are to be read as references to that amount minus the relieved amount.

(3) The "relieved amount" is the amount of the relief to which the individual is entitled under section 41P(2) of this Act as a result of making the foreign employment relief claim.

### 41T Foreign employment relief ignored for purposes of determining adjusted net income

(1) Subsection (2) applies for the purpose of determining the adjusted net income under section 58 of ITA 2007 of an individual for a tax year for which the individual is entitled to relief under section 41P.

(2) The adjusted net income is to be determined as if the relief had not been deducted in calculating the individual's net income for the tax year.

*Qualifying foreign employment income*

### 41U Qualifying foreign general earnings

(1) General earnings are "qualifying general earnings" if they are—

(a) "for" the qualifying year determined in accordance with sections 16 and 17,

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(b) if the qualifying year is a split year as respects the individual, attributable to the UK part of the year, and

(c) from an employment the duties of which are performed wholly or partly outside the UK during the qualifying year.

(2) Any attribution required for the purposes of subsection (1)(b) is to be done on a just and reasonable basis.

(3) Qualifying general earnings are "qualifying foreign general earnings" if they are neither—

(a) in respect of duties performed in the United Kingdom, nor

(b) from overseas Crown employment subject to United Kingdom tax (see section 41W).

(4) For the purposes of subsection (3), the extent to which qualifying general earnings are in respect of duties performed in the United Kingdom is to be determined on a just and reasonable basis.

### 41V Qualifying foreign third party income

(1) For the purposes of this Chapter, "third party income" is an amount that counts under Chapter 2 of Part 7A (treatment of relevant step for income tax purposes) as employment income in respect of an employment.

(2) Third party income is "qualifying third party income"—

(a) if it is in respect of an employment the duties of which are performed wholly or partly outside the UK during the qualifying year, and

(b) to the extent that the value of the relevant step that counts as employment income (see section 554Z3) is—

(i) "for" the qualifying year determined in accordance with section 554Z4(2), and

(ii) if the qualifying year is a split year as respects the individual, attributable to the UK part of the year.

(3) Any attribution required for the purposes of subsection (2)(b)(ii) is to be done on a just and reasonable basis.

(4) Qualifying third party income is "qualifying foreign third party income" to the extent that it is not in respect of duties performed in the United Kingdom.

(5) The extent to which qualifying third party income is not in respect of duties performed in the United Kingdom is to be determined on a just and reasonable basis.

### 41W Qualifying foreign securities income

(1) For the purpose of this Chapter, "securities income" is an amount that counts under Chapters 2 to 5 of Part 7 (employment-related securities etc) as employment income in respect of an employment (the "relevant employment").

(2) Securities income is "qualifying securities income"—

(a) if the duties of the relevant employment are performed wholly or partly outside the UK during the qualifying year, and

(b) to the extent that it—

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(i) accrues during the qualifying year, or

(ii) if the qualifying year is a split year as respects the individual, accrues during the UK part of the year.

(3) To determine when securities income accrues treat an equal amount of the securities income as accruing on each day of the relevant period determined in accordance with section 41G.

(4) But if the proportion of the securities income that would be regarded as qualifying securities income by virtue of subsection (3) is not, having regard to all the circumstances, just and reasonable, the amount of the securities income that is qualifying securities income is such amount as is just and reasonable.

(5) Qualifying securities income is wholly "qualifying foreign securities income" if the duties of the relevant employment are performed wholly outside the United Kingdom.

(6) If some, but not all, of the duties of the relevant employment are performed outside the United Kingdom—

(a) the qualifying securities income is to be apportioned (on a just and reasonable basis) between duties performed in the United Kingdom and duties performed outside the United Kingdom, and

(b) the income apportioned in respect of duties performed outside the United Kingdom is qualifying foreign securities income.

(7) But qualifying securities income from overseas Crown employment subject to United Kingdom tax is not qualifying foreign securities income.

### 41X Meaning of "overseas Crown employment subject to UK tax"

(1) This section explains what is meant by —

(a) qualifying general earnings "from overseas Crown employment subject to United Kingdom tax" for the purposes of section 41T(3)(b), and

(b) qualifying securities income "from overseas Crown employment subject to United Kingdom tax" for the purposes of section 41V(7).

(2) Qualifying general earnings and qualifying securities income are "from overseas Crown employment" if the earnings or income is from Crown employment (within the meaning of section 28(2)) in respect of duties performed outside the United Kingdom.

(3) Such earnings or income are to be taken as being "subject to United Kingdom tax" unless they fall within any exception contained in an order made under section 28(5) for the purposes of section 27(2).

(4) An order made under section 28(5) may also—

(a) provide for any exceptions mentioned in subsection (3) to not apply for the purposes of this section, and

(b) make exceptions for the purposes of this section.

(5) For the purposes of this section, if securities income is partly from overseas Crown employment subject to United Kingdom tax, a just and reasonable proportion of the securities income is to be taken to be from such employment.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### 41Y Location of employment duties

(1) Section 38 (period of absence from employment) **[**[F129]and section 38A (earnings in respect of duties not performed) apply**]** for the purposes of this Chapter as if references to general earnings were to general earnings or third party income.

(2) Section 40(1) and (2) (place of performance of duties on board vessel or aircraft) applies for the purposes of this Chapter.

(3) Duties of an employment performed in the UK sector of the continental shelf in connection with exploration of exploitation activities are to be treated for the purposes of this Chapter as being performed in the United Kingdom.

(4) In subsection (3) "the UK sector of the continental shelf" and "exploration or exploitation activities" have the same meaning as in section 41 (treatment of general earnings from employment in the UK sector of the continental shelf).

**Textual Amendments**

**F129** Words in s. 41Y(1) substituted (with effect in accordance with s. 23(7) of the amending Act) by Finance Act 2026 (c. 11), **s. 23(5)**(7)

*Other rules for determining amounts of qualifying foreign employment income*

### 41Z Artificial arrangements to be disregarded

(1) Any arrangements falling within subsection (2) are to be disregarded for the purposes of determining the extent to which—

(a) general earnings are qualifying general earnings;

(b) third party income is qualifying third party income;

(c) securities income is qualifying securities income;

(2) Arrangements fall within this subsection if the main purpose, or one of the main purposes of the arrangements is to enable an individual to obtain—

(a) relief under this Chapter to which they would not otherwise be entitled, or

(b) relief under this Chapter of a greater amount than that to which they would otherwise be entitled.

(3) In this section "arrangements" includes any agreement, understanding, scheme, transaction or series of transactions (whether or not legally enforceable).

### 41Z1 Limit on qualifying foreign employment income from associated employments

(1) This section applies if—

(a) the individual has associated employments from or in respect of which there is qualifying employment income, and

(b) the duties of the associated employments are not performed wholly outside the United Kingdom.

(2) There is a limit on how much of the qualifying employment income from or in respect of the associated employments is qualifying foreign employment income.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) The limit is the proportion of the qualifying employment income that is reasonable having regard to—

(a) the nature of, and time devoted to, the duties performed outside the United Kingdom, and those performed in the United Kingdom, and

(b) all other relevant circumstances.

(4) In this section "associated employments" means employments with the same employer or with associated employers; and section 24(5) and (6) applies for the purposes of this section.**]**

## [F130]CHAPTER 6

DISPUTES AS TO DOMICILE OR ORDINARY RESIDENCE

**Textual Amendments**

**F130** Pt. 2 Ch. 6 omitted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by virtue of Finance Act 2008 (c. 9), **Sch. 7 para. 23**

### 42 Commissioners to determine dispute as to domicile or ordinary residence

. . . . . .

### 43 Appeal against Commissioners' decision on domicile or ordinary residence

. . . . . .

## CHAPTER 7

APPLICATION OF PROVISIONS TO AGENCY WORKERS

*Agency workers*

### [F131]44 Treatment of workers supplied by agencies

(1) This section applies if—

(a) an individual ("the worker") personally provides services (which are not excluded services) to another person ("the client"),

(b) there is a contract between—

(i) the client or a person connected with the client, and

(ii) a person other than the worker, the client or a person connected with the client ("the agency"), and

(c) under or in consequence of that contract—

(i) the services are provided, or

(ii) the client or any person connected with the client pays, or otherwise provides consideration, for the services.

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(2) But this section does not apply if—

(a) it is shown that the manner in which the worker provides the services is not subject to (or to the right of) supervision, direction or control by any person, or

(b) remuneration receivable by the worker in consequence of providing the services constitutes employment income of the worker apart from this Chapter.

(3) If this section applies—

(a) the worker is to be treated for income tax purposes as holding an employment with the agency, the duties of which consist of the services the worker provides to the client, and

(b) all remuneration receivable by the worker (from any person) in consequence of providing the services is to be treated for income tax purposes as earnings from that employment,

but this is subject to subsections (4) to (6).

(4) Subsection (5) applies if (whether before or after the worker begins to provide the services)—

(a) the client provides the agency with a fraudulent document which is intended to constitute evidence that, by virtue of subsection (2)(a), this section does not or will not apply, ...

(b) . . . . . .

(5) In relation to services the worker provides to the client after the fraudulent document is provided—

(a) subsection (3) does not apply,

(b) the worker is to be treated for income tax purposes as holding an employment with the client ..., the duties of which consist of the services, and

(c) all remuneration receivable by the worker (from any person) in consequence of providing the services is to be treated for income tax purposes as earnings from that employment.**]**

(6) . . . . . .

**Textual Amendments**

**F131** S. 44 substituted (6.4.2014) by virtue of Finance Act 2014 (c. 26), **s. 16(2)(11)**

## 45 Arrangements with agencies

If—

(a) an individual ("the worker"), with a view to personally providing services (which are not excluded services) to another person ("the client"), enters into arrangements with a third person ..., and

(b) the arrangements are such that the services (if and when they are provided) will be treated for income tax purposes under section 44 as duties of an employment held by the worker ...,

any remuneration receivable under or in consequence of the arrangements is to be treated for income tax purposes as earnings from that employment.

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### 46 Cases involving unincorporated bodies etc.

(1) Section 44 also applies—

(a) if the worker personally provides... the services in question as a partner in a firm or a member of an unincorporated body;

(b) if the agency in question is an unincorporated body of which the worker is a member.

(2) In a case within subsection (1)(a), remuneration receivable **[**F132in consequence of the worker providing the services**]** is to be treated for income tax purposes as income of the worker and not as income of the firm or body.

**Textual Amendments**

**F132** Words in s. 46(2) substituted (6.4.2014) by Finance Act 2014 (c. 26), **s. 16(4)(b)**(11)

*[F133Anti-avoidance*

**Textual Amendments**

**F133** S. 46A and cross-heading inserted (6.4.2014) by Finance Act 2014 (c. 26), **s. 16(5)**(11)

### 46A Anti-avoidance

(1) This section applies if—

(a) an individual ("W") personally provides services (which are not excluded services) to another person ("C"),

(b) a third person ("A") enters into arrangements the main purpose, or one of the main purposes, of which is to secure that the services are not treated for income tax purposes under section 44 as duties of an employment held by W with A, and

(c) but for this section, section 44 would not apply in relation to the services.

(2) In subsection (1)(b) "arrangements" includes any scheme, transaction or series of transactions, agreement or understanding, whether or not legally enforceable, and any associated operations.

(3) Subject to subsection (2) of section 44, that section applies in relation to the services.

(4) For the purposes of subsection (3)—

(a) W is to be treated as being the worker,

(b) C is to be treated as being the client,

(c) A is to be treated as being the agency, and

(d) section 44 has effect as if subsections (4) to (6) of that section were omitted.**]**

*Supplementary*

### 47 Interpretation of this Chapter

(1) . . . . . .

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) In this Chapter "excluded services" means—

(a) services as an actor, singer, musician or other entertainer or as a fashion, photographic or artist's model, or

(b) services provided wholly—

(i) in the worker's own home, or

(ii) at other premises which are neither controlled or managed by the client nor prescribed by the nature of the services.

(3) For the purposes of this Chapter "remuneration"—

(a) does not include anything that would not have constituted employment income of the worker if it had been receivable in connection with an employment apart from this Chapter, but

(b) subject to paragraph (a), includes every form of payment, gratuity, profit and benefit.

## CHAPTER 8

## [F134WORKERS' SERVICES PROVIDED THROUGH INTERMEDIARIES TO SMALL CLIENTS]

**Textual Amendments**

**F134** Pt. 2 Ch. 8 heading substituted (6.4.2021 for the tax year 2021-22 and subsequent tax years) by Finance Act 2020 (c. 14), **Sch. 1 paras. 2**, 24 (with Sch. 1 paras. 30-34)

*Application of this Chapter*

### 48 Scope of this Chapter

(1) This Chapter has effect with respect to the provision of services through an intermediary **[**F135in a case where the services are provided to a person who is not a public authority and who either—

(a) qualifies as small for a tax year, or

(b) does not have a UK connection for a tax year.**]**

(2) Nothing in this Chapter—

(a) affects the operation of Chapter 7 of this Part,

**[**F136(aa) applies to services provided by a managed service company (within the meaning of Chapter 9 of this Part), or**]**

(b) applies to payments **[**F137or transfers to which section 966(3) or (4) of ITA 2007 applies (visiting performers: duty to deduct and account for sums representing income tax)**]** .

**[**F138(3) In this Chapter "public authority" has the same meaning as in Chapter 10 of this Part (see section 61L).**]**

**[**F139(4) For provisions determining when a person qualifies as small for a tax year, see sections 60A to 60G.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) For provision determining when a person has a UK connection for a tax year, see section 60I.**]**

**Textual Amendments**

**F135** Words in s. 48(1) substituted (6.4.2021 for the tax year 2021-22 and subsequent tax years) by Finance Act 2020 (c. 14), **Sch. 1 paras. 3(2)**, 24 (with Sch. 1 paras. 30-34)

**F136** S. 48(2)(aa) substituted for word (retrospective to 6.4.2007) by Finance Act 2007 (c. 11), s. 25(2), **Sch. 3 para. 3**

**F137** Words in s. 48(2) substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 429** (with Sch. 2)

**F138** S. 48(3) inserted (with effect in accordance with Sch. 1 para. 15 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 1 para. 2(b)**

**F139** S. 48(4)(5) inserted (6.4.2021 for the tax year 2021-22 and subsequent tax years) by Finance Act 2020 (c. 14), **Sch. 1 paras. 3(3)**, 24 (with Sch. 1 paras. 30-34)

## 49 Engagements to which this Chapter applies

(1) This Chapter applies where—

(a) an individual ("the worker") personally performs, or is under an obligation personally to perform, services **[**F140for another person**]** ("the client"),

**[**F141(aa) the client is not a public authority,**]**

(b) the services are provided not under a contract directly between the client and the worker but under arrangements involving a third party ("the intermediary"), and

**[**F142(c) the circumstances are such that—

(i) if the services were provided under a contract directly between the client and the worker, the worker would be regarded for income tax purposes as an employee of the client or the holder of an office under the client, or

(ii) the worker is an office-holder who holds that office under the client and the services relate to the office.**]**

(2) . . . . . .

(3) The reference in subsection (1)(b) to a "third party" includes a partnership or unincorporated body of which the worker is a member.

(4) The circumstances referred to in subsection (1)(c) include the terms on which the services are provided, having regard to the terms of the contracts forming part of the arrangements under which the services are provided.

**[**F143(4A) Holding office as statutory auditor of the client does not count as holding office under the client for the purposes of subsection (1)(c), and here "statutory auditor" means a statutory auditor within the meaning of Part 42 of the Companies Act 2006 (see section 1210 of that Act).**]**

(5) In this Chapter "engagement to which this Chapter applies" means any such provision of services as is mentioned in subsection (1).

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**Textual Amendments**

**F140** Words in s. 49(1)(a) substituted (with effect in accordance with s. 136(4) of the amending Act) by Finance Act 2003 (c. 14), **s. 136(2)**

**F141** S. 49(1)(aa) inserted (with effect in accordance with Sch. 1 para. 15 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 1 para. 3**

**F142** S. 49(1)(c) substituted (with effect in accordance with s. 22(2) of the amending Act) by Finance Act 2013 (c. 29), **s. 22(1)**

**F143** S. 49(4A) inserted (with effect in accordance with Sch. 1 para. 15 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 1 para. 11**

## 50 Worker treated as receiving earnings from employment

(1) If, in the case of an engagement to which this Chapter applies, in any tax year—

**[**[F144](za) the client qualifies as small or does not have a UK connection,**]**

(a) the conditions specified in section 51, 52 or 53 are met in relation to the intermediary, and

(b) the worker, or an associate of the worker—

(i) receives from the intermediary, directly or indirectly, a payment or benefit that is not employment income, or

(ii) has rights which entitle, or which in any circumstances would entitle, the worker or associate to receive from the intermediary, directly or indirectly, any such payment or benefit,

the intermediary is treated as making to the worker, and the worker is treated as receiving, in that year a payment which is to be treated as earnings from an employment ("the deemed employment payment").

(2) A single payment is treated as made in respect of all engagements in relation to which the intermediary is treated as making a payment to the worker in the tax year.

(3) The deemed employment payment is treated as made at the end of the tax year, unless section 57 applies (earlier date of deemed payment in certain cases).

(4) In this Chapter "the relevant engagements", in relation to a deemed employment payment, means the engagements mentioned in subsection (2).

**[**[F145](5) The condition in paragraph (za) of subsection (1) is to be ignored if—

(a) the client concerned is an individual, and

(b) the services concerned are performed otherwise than for the purposes of the client's business.

(6) For the purposes of paragraph (za) of subsection (1) the client is to be treated as not qualifying as small for the tax year concerned if the client is treated as medium or large for that tax year by reason of section 61TA(3)(a).**]**

**Textual Amendments**

**F144** S. 50(1)(za) inserted (6.4.2021 for the tax year 2021-22 and subsequent tax years) by Finance Act 2020 (c. 14), **Sch. 1 paras. 4(2)**, 24 (with Sch. 1 paras. 30-34)

**F145** S. 50(5)(6) inserted (6.4.2021 for the tax year 2021-22 and subsequent tax years) by Finance Act 2020 (c. 14), **Sch. 1 paras. 4(3)**, 24 (with Sch. 1 paras. 30-34)

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## 51 Conditions of liability where intermediary is a company

(1) Where the intermediary is a company the conditions are that the intermediary is not an associated company of the client that falls within subsection (2) and either—

(a) the worker has a material interest in the intermediary, or

(b) the payment or benefit mentioned in section 50(1)(b)—

(i) is received or receivable by the worker directly from the intermediary, and

(ii) can reasonably be taken to represent remuneration for services provided by the worker to the client.

(2) An associated company of the client falls within this subsection if it is such a company by reason of the intermediary and the client being under the control—

(a) of the worker, or

(b) of the worker and other persons.

(3) A worker is treated as having a material interest in a company if—

(a) the worker, alone or with one or more associates of the worker, or

(b) an associate of the worker, with or without other such associates,

has a material interest in the company.

(4) For this purpose a material interest means—

(a) beneficial ownership of, or the ability to control, directly or through the medium of other companies or by any other indirect means, more than 5% of the ordinary share capital of the company; or

(b) possession of, or entitlement to acquire, rights entitling the holder to receive more than 5% of any distributions that may be made by the company; or

(c) where the company is a close company, possession of, or entitlement to acquire, rights that would in the event of the winding up of the company, or in any other circumstances, entitle the holder to receive more than 5% of the assets that would then be available for distribution among the participators.

(5) In subsection (4)(c) "participator" has the meaning given by **[**F146section 454 of CTA 2010**]**.

**Textual Amendments**

**F146** Words in s. 51(5) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 380** (with Sch. 2)

## 52 Conditions of liability where intermediary is a partnership

(1) Where the intermediary is a partnership the conditions are as follows.

(2) In relation to any payment or benefit received or receivable by the worker as a member of the partnership the conditions are—

(a) that the worker, alone or with one or more relatives, is entitled to 60% or more of the profits of the partnership; or

(b) that most of the profits of the partnership concerned derive from the provision of services under engagements to which **[**F147one or other of this Chapter and Chapter 10**]** applies—

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(i) to a single client, or

(ii) to a single client together with associates of that client; or

(c) that under the profit sharing arrangements the income of any of the partners is based on the amount of income generated by that partner by the provision of services under engagements to which **[**F148one or other of this Chapter and Chapter 10**]** applies.

In paragraph (a) "relative" means **[**F149spouse or civil partner**]** , parent or child or remoter relation in the direct line, or brother or sister.

(3) In relation to any payment or benefit received or receivable by the worker otherwise than as a member of the partnership, the conditions are that the payment or benefit—

(a) is received or receivable by the worker directly from the intermediary, and

(b) can reasonably be taken to represent remuneration for services provided by the worker to the client.

**Textual Amendments**

**F147** Words in s. 52(2)(b) substituted (with effect in accordance with Sch. 1 para. 15 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 1 para. 4**

**F148** Words in s. 52(2)(c) substituted (with effect in accordance with Sch. 1 para. 15 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 1 para. 4**

**F149** Words in s. 52(2) substituted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **138**

## 53 Conditions of liability where intermediary is an individual

Where the intermediary is an individual the conditions are that the payment or benefit—

(a) is received or receivable by the worker directly from the intermediary, and

(b) can reasonably be taken to represent remuneration for services provided by the worker to the client.

*The deemed employment payment*

## 54 Calculation of deemed employment payment

(1) The amount of the deemed employment payment for a tax year ("the year") is the amount resulting from the following steps—

*Step 1*

Find (applying section 55) the total amount of all payments and benefits received by the intermediary in the year in respect of the relevant engagements, and reduce that amount by 5%.

*Step 2*

Add (applying that section) the amount of any payments and benefits received by the worker in the year in respect of the relevant engagements, otherwise than from the intermediary, that—

(a) are not chargeable to income tax as employment income, and

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(b) would be so chargeable if the worker were employed by the client.

*Step 3*

Deduct (applying Chapters 1 to 5 of Part 5) the amount of any expenses met in the year by the intermediary that would have been deductible from the taxable earnings from the employment if—

(a) the worker had been employed by the client, and

(b) the expenses had been met by the worker out of those earnings.

If the result at this or any later point is nil or a negative amount, there is no deemed employment payment.

*Step 4*

Deduct the amount of any capital allowances in respect of expenditure incurred by the intermediary that could have been deducted from employment income under section 262 of CAA 2001 (employments and offices) if the worker had been employed by the client and had incurred the expenditure.

*Step 5*

Deduct any contributions made in the year for the benefit of the worker by the intermediary to a **[**F150registered pension scheme**]** that if made by an employer for the benefit of an employee would not be chargeable to income tax as income of the employee.

This does not apply to excess contributions made and later repaid.

*Step 6*

Deduct the amount of any employer's national insurance contributions paid by the intermediary for the year in respect of the worker.

*Step 7*

Deduct the amount of any payments and benefits received in the year by the worker from the intermediary—

(a) in respect of which the worker is chargeable to income tax as employment income, and

(b) which do not represent items in respect of which a deduction was made under step 3.

*Step 8*

Assume that the result of step 7 represents an amount together with employer's national insurance contributions on it, and deduct what (on that assumption) would be the amount of those contributions.

The result is the deemed employment payment.

**[**F151(1A) For the purposes of step 1 of subsection (1), any payment or benefit which is employment income of the worker by virtue of section 863G(4) of ITTOIA 2005 (salaried members of limited liability partnerships: anti-avoidance) is to be ignored.**]**

(2) If **[**F152section 61 of the Finance Act 2004**]** applies (sub-contractors in the construction industry: payments to be made under deduction), the intermediary is treated for the

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purposes of step 1 of subsection (1) as receiving the amount that would have been received had no deduction been made under that section.

(3) In step 3 of subsection (1), the reference to expenses met by the intermediary includes—

(a) expenses met by the worker and reimbursed by the intermediary, and

(b) where the intermediary is a partnership and the worker is a member of the partnership, expenses met by the worker for and on behalf of the partnership.

(4) In step 3 of subsection (1), the expenses deductible include the amount of any mileage allowance relief for the year which the worker would have been entitled to in respect of the use of a vehicle falling within subsection (5) if—

(a) the worker had been employed by the client, and

(b) the vehicle had not been a company vehicle (within the meaning of Chapter 2 of Part 4).

(5) A vehicle falls within this subsection if—

(a) it is provided by the intermediary for the worker, or

(b) where the intermediary is a partnership and the worker is a member of the partnership, it is provided by the worker for the purposes of the business of the partnership.

(6) Where, on the assumptions mentioned in paragraphs (a) and (b) of step 3 of subsection (1), the deductibility of the expenses is determined under sections 337 to 342 (travel expenses), the duties performed under the relevant engagements are treated as duties of a continuous employment with the intermediary.

(7) In step 7 of subsection (1), the amounts deductible include any payments received in the year from the intermediary that—

(a) are exempt from income tax by virtue of section 229 or 233 (mileage allowance payments and passenger payments), and

(b) do not represent items in respect of which a deduction was made under step 3.

(8) For the purposes of subsection (1) any necessary apportionment is to be made on a just and reasonable basis of amounts received by the intermediary that are referable—

(a) to the services of more than one worker, or

(b) partly to the services of the worker and partly to other matters.

**Textual Amendments**

**F150** Words in s. 54(1) substituted (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 35 para. 56** (with Sch. 36)

**F151** S. 54(1A) inserted (retrospective to 6.4.2014) by Finance Act 2014 (c. 26), Sch. 17 paras. 5, **6**

**F152** Words in s. 54(2) substituted (with effect in accordance with s. 77 of the amending Act) by Finance Act 2004 (c. 12), **Sch. 12 para. 17(2)**

## 55 Application of rules relating to earnings from employment

(1) The following provisions apply in relation to the calculation of the deemed employment payment.

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(2) A "payment or benefit" means anything that, if received by an employee for performing the duties of an employment, would be earnings from the employment.

(3) The amount of a payment or benefit is taken to be—

(a) in the case of a payment or cash benefit, the amount received, and

(b) in the case of a non-cash benefit, the cash equivalent of the benefit.

(4) The cash equivalent of a non-cash benefit is taken to be—

(a) the amount that would be earnings if the benefit were earnings from an employment, or

(b) in the case of living accommodation, whichever is the greater of that amount and the cash equivalent determined in accordance with section 398(2).

(5) A payment or benefit is treated as received—

(a) in the case of a payment or cash benefit, when payment is made of or on account of the payment or benefit;

(b) in the case of a non-cash benefit that is calculated by reference to a period within the tax year, at the end of that period;

(c) in the case of a non-cash benefit that is not so calculated, when it would have been treated as received for the purposes of Chapter 4 or 5 of this Part (see section 19 or 32) if—

(i) the worker had been an employee, and

(ii) the benefit had been provided by reason of the employment.

## 56 Application of Income Tax Acts in relation to deemed employment

(1) The Income Tax Acts (in particular, the PAYE provisions) apply in relation to the deemed employment payment as follows.

(2) They apply as if—

(a) the worker were employed by the intermediary, and

(b) the relevant engagements were undertaken by the worker in the course of performing the duties of that employment.

(3) The deemed employment payment is treated in particular—

(a) as taxable earnings from the employment for the purpose of securing that any deductions under Chapters 2 to 6 of Part 5 do not exceed the deemed employment payment; and

(b) as taxable earnings from the employment for the purposes of section 232.

(4) . . . . . .

(5) . . . . . .

(6) Where the intermediary is a partnership or unincorporated association, the deemed employment payment is treated as received by the worker in the worker's personal capacity and not as income of the partnership or association.

(7) Where—

(a) the worker is resident in the United Kingdom, **[**[F153] and**]**

(b) the services in question are provided in the United Kingdom, ...

(c) . . . . . .

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

the intermediary is treated as having a place of business in the United Kingdom, whether or not it in fact does so.

(8) . . . . . .

**Textual Amendments**

**F153** Words in s. 56(7)(a) inserted (with effect in accordance with s. 136(4) of the amending Act) by Finance Act 2003 (c. 14), **s. 136(3)(b)(i)**

*Supplementary provisions*

### 57 Earlier date of deemed employment payment in certain cases

(1) If in any tax year—

(a) a deemed employment payment is treated as made, and

(b) before the date on which the payment would be treated as made under section 50(2) any relevant event (as defined below) occurs in relation to the intermediary,

the deemed employment payment for that year is treated as having been made immediately before that event or, if there is more than one, immediately before the first of them.

(2) Where the intermediary is a company the following are relevant events—

(a) the company ceasing to trade;

(b) where the worker is a member of the company, the worker ceasing to be such a member;

(c) where the worker holds an office with the company, the worker ceasing to hold such an office;

(d) where the worker is employed by the company, the worker ceasing to be so employed.

(3) Where the intermediary is a partnership the following are relevant events—

(a) the dissolution of the partnership or the partnership ceasing to trade or a partner ceasing to act as such;

(b) where the worker is employed by the partnership, the worker ceasing to be so employed.

(4) Where the intermediary is an individual and the worker is employed by the intermediary, it is a relevant event if the worker ceases to be so employed.

(5) The fact that the deemed employment payment is treated as made before the end of the tax year does not affect what receipts and other matters are taken into account in calculating its amount.

### 58 Relief in case of distributions by intermediary

(1) A claim for relief may be made under this section where the intermediary—

(a) is a company,

(b) is treated as making a deemed employment payment in any tax year, and

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(c) either in that tax year (whether before or after that payment is treated as made), or in a subsequent tax year, makes a distribution (a "relevant distribution").

(2) A claim for relief under this section must be made—

(a) by the intermediary by notice to **[**F154an officer of Revenue and Customs**]** , and

(b) within 5 years after the 31st January following the tax year in which the distribution is made.

(3) If on a claim being made **[**F154an officer of Revenue and Customs**][**F155is**]** satisfied that relief should be given in order to avoid a double charge to tax, **[**F156the officer**]** must direct the giving of such relief by way of amending any assessment, by discharge or repayment of tax, or otherwise, as appears to **[**F156the officer**]** appropriate.

(4) Relief under this section is given by setting the amount of the deemed employment payment against the relevant distribution so as to reduce the distribution.

(5) In the case of more than one relevant distribution, **[**F154an officer of Revenue and Customs**]** must exercise the power conferred by this section so as to secure that so far as practicable relief is given by setting the amount of a deemed employment payment—

(a) against relevant distributions of the same tax year before those of other years,

(b) against relevant distributions received by the worker before those received by another person, and

(c) against relevant distributions of earlier years before those of later years.

(6) . . . . . .

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F155** Word in s. 58(3) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 105**; S.I. 2005/1126, art. 2(2)(h)

**F156** Words in s. 58(3) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 103(1)(a)**; S.I. 2005/1126, art. 2(2)(h)

## 59 Provisions applicable to multiple intermediaries

(1) The provisions of this section apply where in the case of an engagement to which this Chapter applies the arrangements involve more than one relevant intermediary.

(2) All relevant intermediaries in relation to the engagement are jointly and severally liable, subject to subsection (3), to account for any amount required under the PAYE provisions to be deducted from a deemed employment payment treated as made by any of them—

(a) in respect of that engagement, or

(b) in respect of that engagement together with other engagements.

(3) An intermediary is not so liable if it has not received any payment or benefit in respect of that engagement or any such other engagement as is mentioned in subsection (2)(b).

(4) Subsection (5) applies where a payment or benefit has been made or provided, directly or indirectly, from one relevant intermediary to another in respect of the engagement.

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(5) In that case, the amount taken into account in relation to any intermediary in step 1 or step 2 of section 54(1) is reduced to such extent as is necessary to avoid double-counting having regard to the amount so taken into account in relation to any other intermediary.

(6) Except as provided by subsections (2) to (5), the provisions of this Chapter apply separately in relation to each relevant intermediary.

(7) In this section "relevant intermediary" means an intermediary in relation to which the conditions specified in section 51, 52 or 53 are met.

## 60 Meaning of "associate"

(1) In this Chapter "associate"—

(a) in relation to an individual, has the meaning given by **[**F157section 448 of CTA 2010**]**, subject to the following provisions of this section;

(b) in relation to a company, means a person connected with the company; and

(c) in relation to a partnership, means any associate of a member of the partnership.

(2) Where an individual has an interest in shares or obligations of the company as a beneficiary of an employee benefit trust, the trustees are not regarded as associates of the individual by reason only of that interest except in the following circumstances.

(3) The exception is where—

(a) the individual, either alone or with any one or more associates of the individual, or

(b) any associate of the individual, with or without other such associates,

has at any time on or after 14th March 1989 been the beneficial owner of, or able (directly or through the medium of other companies or by any other indirect means) to control more than 5% of the ordinary share capital of the company.

(4) In subsection (3) "associate" does not include the trustees of an employee benefit trust as a result only of the individual's having an interest in shares or obligations of the trust.

(5) Sections 549 to 554 (attribution of interests in companies to beneficiaries of employee benefit trusts) apply for the purposes of subsection (3) as they apply for the purposes of the provisions listed in section 549(2).

(6) In this section "employee benefit trust" has the meaning given by sections 550 and 551.

**Textual Amendments**

**F157** Words in s. 60(1)(a) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 381** (with Sch. 2)

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## *[F158 When a person qualifies as small for a tax year*

**Textual Amendments**

**F158** Ss. 60A-60I and cross-headings inserted (6.4.2021 for the tax year 2021-22 and subsequent tax years) by Finance Act 2020 (c. 14), **Sch. 1 paras. 5**, 24 (with Sch. 1 paras. 30-34)

### 60A When a company qualifies as small for a tax year

(1) For the purposes of this Chapter, a company qualifies as small for a tax year if one of the following conditions is met (but this is subject to section 60C).

(2) The first condition is that the company's first financial year is not relevant to the tax year.

(3) The second condition is that the small companies regime applies to the company for its last financial year that is relevant to the tax year.

(4) For the purposes of this section, a financial year of a company is "relevant to" a tax year if the period for filing the company's accounts and reports for the financial year ends before the beginning of the tax year.

(5) Expressions used in this section and in the Companies Act 2006 have the same meaning in this section as in that Act.

### 60B When a company qualifies as small for a tax year: joint ventures

(1) This section applies when determining for the purposes of section 60A(3) whether the small companies regime applies to a company for a financial year in a case where—

(a) at the end of the financial year the company is jointly controlled by two or more other persons, and

(b) one or more of those other persons are undertakings ("the joint venturer undertakings").

(2) If the company is a parent company, the joint venturer undertakings are to be treated as members of the group headed by the company.

(3) If the company is not a parent company, the company and the joint venturer undertakings are to be treated as constituting a group of which the company is the parent company.

(4) In this section the expression "jointly controlled" is to be read in accordance with those provisions of international accounting standards which relate to joint ventures.

(5) Expressions used in this section and in the Companies Act 2006 have the same meaning in this section as in that Act.

### 60C When a company qualifies as small for a tax year: subsidiaries

(1) A company does not qualify as small for a tax year by reason of the condition in section 60A(3) being met if—

(a) the company is a member of a group at the end of its last financial year that is relevant to the tax year,

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(b) the company is not the parent undertaking of that group at the end of that financial year, and

(c) the undertaking that is the parent undertaking of that group at that time does not qualify as small in relation to its last financial year that is relevant to the tax year.

(2) Where the parent undertaking mentioned in subsection (1)(c) is not a company, sections 382 and 383 of the Companies Act 2006 have effect for determining whether the parent undertaking qualifies as small in relation to its last financial year that is relevant to the tax year as if references in those sections to a company and a parent company included references to an undertaking and a parent undertaking.

(3) For the purposes of subsections (1)(c) and (2) a financial year of an undertaking that is not a company is "relevant to" a tax year if it ends at least 9 months before the beginning of the tax year.

(4) For the purposes of this section, a financial year of a company is "relevant to" a tax year if the period for filing the company's accounts and reports for the financial year ends before the beginning of the tax year.

(5) Expressions used in this section and in the Companies Act 2006 have the same meaning in this section as in that Act.

### 60D When a relevant undertaking qualifies as small for a tax year

(1) Sections 60A to 60C apply in relation to a relevant undertaking as they apply in relation to a company, subject to any necessary modifications.

(2) In this section "relevant undertaking" means an undertaking in respect of which regulations have effect under—

(a) section 15(a) of the Limited Liability Partnerships Act 2000,

(b) section 1043 of the Companies Act 2006 (unregistered companies), or

(c) section 1049 of the Companies Act 2006 (overseas companies).

(3) Expressions used in this section and in the Companies Act 2006 have the same meaning in this section as in that Act.

### 60E When other undertakings qualify as small for a tax year

(1) An undertaking that is not a company or a relevant undertaking qualifies as small for a tax year if one of the following conditions is met.

(2) The first condition is that the undertaking's first financial year is not relevant to the tax year.

(3) The second condition is that the undertaking's turnover for its last financial year that is relevant to the tax year is not more than the amount for the time being specified in the second column of item 1 of the Table in section 382(3) of the Companies Act 2006.

(4) For the purposes of this section a financial year of an undertaking is "relevant to" a tax year if it ends at least 9 months before the beginning of the tax year.

(5) In this section—

"relevant undertaking" has the meaning given by section 60D, and

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"turnover", in relation to an undertaking, means the amounts derived from the provision of goods or services after the deduction of trade discounts, value added tax and any other taxes based on the amounts so derived.

(6) Expressions used in this section and in the Companies Act 2006 have the same meaning in this section as in that Act.

### 60F When other persons qualify as small for a tax year

(1) For the purposes of this Chapter, a person who is not a company, relevant undertaking or other undertaking qualifies as small for a tax year if the person's turnover for the last calendar year before the tax year is not more than the amount for the time being specified in the second column of item 1 of the Table in section 382(3) of the Companies Act 2006.

(2) In this section—

"company" and "undertaking" have the same meaning as in the Companies Act 2006,

"relevant undertaking" has the meaning given by section 60D, and

"turnover", in relation to a person, means the amounts derived from the provision of goods or services after the deduction of trade discounts, value added tax and any other taxes based on the amounts so derived.

### 60G Sections 60A to 60F: connected persons

(1) This section applies where—

(a) it is necessary for the purposes of determining whether a person qualifies as small for a tax year ("the tax year concerned") to first determine the person's turnover for a financial year or calendar year ("the assessment year"), and

(b) at the end of the assessment year the person is connected with one or more other persons ("the connected persons").

(2) For the purposes of determining whether the person qualifies as small for the tax year concerned the person's turnover for the assessment year is to be taken to be the sum of—

(a) the person's turnover for the assessment year, and

(b) the relevant turnover of each of the connected persons.

(3) In subsection (2)(b) "the relevant turnover" of a connected person means—

(a) in a case where the connected person is a company, relevant undertaking or other undertaking, its turnover for its last financial year that is relevant to the tax year concerned, and

(b) in a case where the connected person is not a company, relevant undertaking or other undertaking, the turnover of the connected person for the last calendar year ending before the tax year concerned.

(4) For the purposes of subsection (3)(a)—

(a) a financial year of a company or relevant undertaking is relevant to the tax year concerned if the period for filing accounts and reports for the financial year ends before the beginning of the tax year concerned, and

(b) a financial year of any other undertaking is relevant to the tax year concerned if it ends more than 9 months before the beginning of the tax year concerned.

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(5) In a case where—

(a) the person mentioned in subsection (1)(a) is a company or relevant undertaking, and

(b) at the end of the assessment period the person is a member of a group,

the person is to be treated for the purposes of this section as not being connected with any person that is a member of that group.

(6) In this section—

"turnover", in relation to a person, means the amounts derived from the provision of goods or services after the deduction of trade discounts, value added tax and any other taxes based on the amounts so derived, and

"relevant undertaking" has the meaning given by section 60D.

(7) For provision determining whether one person is connected with another, see section 718 (connected persons).

(8) Expressions used in this section and in the Companies Act 2006 have the same meaning in this section as in that Act.

### 60H Duty on client to state whether it qualifies as small for a tax year

(1) This section applies if, in the case of an engagement that meets conditions (a) to (b) in section 49(1), the client receives from the client's agent or the worker a request to state whether in the client's opinion the client qualifies as small for a tax year specified in the request.

(2) The client must provide to the person who made the request a statement as to whether in the client's opinion the client qualifies as small for the tax year specified in the request.

(3) If the client fails to provide the statement by the time mentioned in subsection (4) the duty to do so is enforceable by an injunction or, in Scotland, by an order for specific performance under section 45 of the Court of Session Act 1988.

(4) The time is whichever is the later of—

(a) the end of the period of 45 days beginning with the date the client receives the request, and

(b) the beginning of the period of 45 days ending with the start of the tax year specified in the request.

(5) In this section "the client's agent" means a person with whom the client entered into a contract as part of the arrangements mentioned in paragraph (b) of section 49(1).

*When a person has a UK connection*

### 60I When a person has a UK connection for a tax year

(1) For the purposes of this Chapter, a person has a UK connection for a tax year if (and only if) immediately before the beginning of that tax year the person—

(a) is resident in the United Kingdom, or

(b) has a permanent establishment in the United Kingdom.

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(2) In this section "permanent establishment"—

(a) in relation to a company, is to be read (by virtue of section 1007A of ITA 2007) in accordance with Chapter 2 of Part 24 of CTA 2010, and

(b) in relation to any other person, is to be read in accordance with that Chapter but as if references in that Chapter to a company were references to that person.

*Interpretation***]**

## 61 Interpretation

(1) In this Chapter—

"associate" has the meaning given by section 60;

"associated company" has the meaning given by **[**F159section 449 of CTA 2010**]**;

"business" means any trade, profession or vocation and includes a **[**F160UK property business**][**F161within the meaning of Chapter 2 of Part 3 of ITTOIA 2005 or Chapter 2 of Part 4 of CTA 2009**]**;

"company" **[**F162(except in sections 60A to 60G)**]** means a body corporate or unincorporated association, and does not include a partnership;

"employer's national insurance contributions" means secondary Class 1 or Class 1A national insurance contributions;

**[**F163"engagement to which Chapter 10 applies" has the meaning given by section 61M(5);**]**

"engagement to which this Chapter applies" has the meaning given by section 49(5);

"national insurance contributions" means contributions under Part 1 of SSCBA 1992 or Part 1 of SSCB(NI)A 1992;

"PAYE provisions" means the provisions of Part 11 or PAYE regulations;

"the relevant engagements" has the meaning given by section 50(4).

(2) References in this Chapter to payments or benefits received or receivable from a partnership or unincorporated association include payments or benefits to which a person is or may be entitled in the person's capacity as a member of the partnership or association.

(3) For the purposes of this Chapter—

(a) anything done by or in relation to an associate of an intermediary is treated as done by or in relation to the intermediary, and

(b) a payment or other benefit provided to a member of an individual's family or household is treated as provided to the individual.

**[**F164(4) For the purposes of this Chapter, two people living together as if they were a married couple or civil partners are treated as if they were married to, or civil partners of, each other.**]**

**Textual Amendments**

**F159** Words in s. 61(1) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 382** (with Sch. 2)

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**F160** Words in s. 61(1) inserted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 586** (with Sch. 2)

**F161** Words in s. 61(1) substituted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), **Sch. 1 para. 549** (with Sch. 2 Pts. 1, 2)

**F162** Words in s. 61(1) inserted (6.4.2021 for the tax year 2021-22 and subsequent tax years) by Finance Act 2020 (c. 14), **Sch. 1 paras. 6**, 24 (with Sch. 1 paras. 30-34)

**F163** Words in s. 61(1) inserted (with effect in accordance with Sch. 1 para. 15 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 1 para. 5**

**F164** S. 61(4) substituted for s. 61(4)(5) (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 25(2)**

## [F165 CHAPTER 9

MANAGED SERVICE COMPANIES

**Textual Amendments**

**F165** Pt. 2 Ch. 9 inserted (retrospective to 6.4.2007) by Finance Act 2007 (c. 11), s. 25(2), **Sch. 3 para. 4**

*Application of this Chapter*

### 61A Scope of this Chapter

(1) This Chapter has effect with respect to the provision of services by a managed service company.

(2) Nothing in this Chapter—

(a) affects the operation of Chapter 7 of this Part (agency workers), or

(b) applies to payments or transfers to which section 966(3) or (4) of ITA 2007 applies (visiting performers: duty to deduct and account for sums representing income tax).

**[** See also section 61D(4A) (disapplication of this Chapter if Chapter 10 applies).**]** F166(3)

**Textual Amendments**

**F166** S. 61A(3) inserted (with effect in accordance with Sch. 1 para. 15 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 1 para. 6**

### 61B Meaning of "managed service company"

(1) A company is a "managed service company" if—

(a) its business consists wholly or mainly of providing (directly or indirectly) the services of an individual to other persons,

(b) payments are made (directly or indirectly) to the individual (or associates of the individual) of an amount equal to the greater part or all of the consideration for the provision of the services,

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(c) the way in which those payments are made would result in the individual (or associates) receiving payments of an amount (net of tax and national insurance) exceeding that which would be received (net of tax and national insurance) if every payment in respect of the services were employment income of the individual, and

(d) a person who carries on a business of promoting or facilitating the use of companies to provide the services of individuals ("an MSC provider") is involved with the company.

(2) An MSC provider is "involved with the company" if the MSC provider or an associate of the MSC provider—

(a) benefits financially on an ongoing basis from the provision of the services of the individual,

(b) influences or controls the provision of those services,

(c) influences or controls the way in which payments to the individual (or associates of the individual) are made,

(d) influences or controls the company's finances or any of its activities, or

(e) gives or promotes an undertaking to make good any tax loss.

(3) A person does not fall within subsection (1)(d) merely by virtue of providing legal or accountancy services in a professional capacity.

(4) A person does not fall within subsection (1)(d) merely by virtue of carrying on a business consisting only of placing individuals with persons who wish to obtain their services (including by contracting with companies which provide their services).

(5) Subsection (4) does not apply if the person or an associate of the person—

(a) does anything within subsection (2)(c) or (e), or

(b) does anything within subsection (2)(d) other than influencing the company's finances or activities by doing anything within subsection (2)(b).

### 61C Section 61B: supplementary

(1) The Treasury may by order provide that persons of a prescribed description do not fall within section 61B(1)(d).

(2) An order under subsection (1) may be made so as to have effect in relation to the whole of the tax year in which it is made.

(3) In section 61B and this section, "company" means a body corporate or partnership.

(4) References in section 61B to an associate of a person ("P") include a person who, for the purpose of securing that the individual's services are provided by a company, acts in concert with P (or with P and other persons).

(5) In section 61B(2)(e), "undertaking to make good any tax loss" means an undertaking (in any terms) to make good (in whole or in part, and by any means) any cost to the individual or an associate of the individual resulting from a relevant provision, or a particular kind of relevant provision, applying in relation to payments made to the individual or associate.

(6) In subsection (5) "relevant provision" means—

(a) a provision of the Tax Acts,

(b) an enactment relating to national insurance, or

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(c) a provision of subordinate legislation made under any such provision or enactment.

*The deemed employment payment*

### 61D Worker treated as receiving earnings from employment

(1) This section applies if—

(a) the services of an individual ("the worker") are provided (directly or indirectly) by a managed service company ("the MSC"),

(b) the worker, or an associate of the worker, receives (from any person) a payment or benefit which can reasonably be taken to be in respect of the services, and

(c) the payment or benefit is not earnings (within Chapter 1 of Part 3) received by the worker directly from the MSC.

(2) The MSC is treated as making to the worker, and the worker is treated as receiving, a payment which is to be treated as earnings from an employment ("the deemed employment payment").

(3) The deemed employment payment is treated as made at the time the payment or benefit mentioned in subsection (1)(b) is received.

(4) In this Chapter—

"the worker" has the meaning given by subsection (1),

"the relevant services" means the services mentioned in that subsection, and

"the client" means the person to whom the relevant services are provided.

**[**F167(4A) This section does not apply where the provision of the relevant services gives rise (directly or indirectly) to an engagement to which Chapter 10 applies and either—

(a) the client for the purposes of section 61M(1) is a public authority, or

(b) the client for the purposes of section 61M(1)—

(i) qualifies as medium or large for the tax year in which the payment or benefit mentioned in subsection (1)(b) is received, and

(ii) has a UK connection for the tax year in which the payment or benefit mentioned in subsection (1)(b) is received.

(4B) Sections 60I (when a person has a UK connection for a tax year), 61K(3) (when a person qualifies as medium or large for a tax year) and 61L (meaning of public authority) apply for the purposes of subsection (4A).

(4C) It does not matter for the purposes of subsection (4A) whether the client for the purposes of this Chapter is also "the client" for the purposes of section 61M(1).**]**

(5) Section 61F supplements this section.

**Textual Amendments**

**F167** S. 61D(4A)-(4C) substituted for s. 61D(4A) (with effect in accordance with Sch. 1 para. 26 of the amending Act) by Finance Act 2020 (c. 14), **Sch. 1 para. 18** (with Sch. 1 paras. 30-34)

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### 61E Calculation of deemed employment payment

(1) The amount of the deemed employment payment is the amount resulting from the following steps—

*Step 1*

Find (applying section 61F) the amount of the payment or benefit mentioned in section 61D(1)(b).

*Step 2*

Deduct (applying Chapters 1 to 5 of Part 5) the amount of any expenses met by the worker that would have been deductible from the taxable earnings from the employment if—

(a) the worker had been employed by the client to provide the relevant services, and

(b) the expenses had been met by the worker out of those earnings.

If the result at this point is nil or a negative amount, there is no deemed employment payment.

*Step 3*

Assume that the result of step 2 represents an amount together with employer's national insurance contributions on it, and deduct what (on that assumption) would be the amount of those contributions.

The result is the deemed employment payment.

(2) In step 2 of subsection (1), the reference to expenses met by the worker includes, where the MSC is a partnership and the worker is a member of the partnership, expenses met by the worker for and on behalf of the partnership.

(3) In step 2 of subsection (1), the expenses deductible include the amount of any mileage allowance relief which the worker would have been entitled to in respect of the use of a vehicle falling within subsection (4) if—

(a) the worker had been employed by the client to provide the relevant services, and

(b) the vehicle had not been a company vehicle (within the meaning of Chapter 2 of Part 4).

(4) A vehicle falls within this subsection if—

(a) it is provided by the MSC for the worker, or

(b) where the MSC is a partnership and the worker is a member of the partnership, it is provided by the worker for the purposes of the business of the partnership.

(5) For the purposes of subsection (1) any necessary apportionment of payments or benefits that are referable partly to the provision of the relevant services and partly to other matters is to be made on a just and reasonable basis.

### 61F Sections 61D and 61E: application of rules relating to earnings from employment

(1) The following provisions apply for the purposes of sections 61D and 61E.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) A "payment or benefit" means anything that, if received by an employee for performing the duties of an employment, would be general earnings from the employment.

(3) The amount of a payment or benefit is taken to be—

(a) in the case of a payment or cash benefit, the amount received, and

(b) in the case of a non-cash benefit, the cash equivalent of the benefit.

(4) The cash equivalent of a non-cash benefit is taken to be—

(a) the amount that would be general earnings if the benefit were general earnings from an employment, or

(b) in the case of living accommodation, whichever is the greater of that amount and the cash equivalent determined in accordance with section 398(2).

(5) A payment or benefit is treated as received—

(a) in the case of a payment or cash benefit, when payment is made of or on account of the payment or benefit;

(b) in the case of a non-cash benefit, when it would have been treated as received for the purposes of Chapter 4 or 5 of this Part (see section 19 or 32) if—

(i) the worker had been an employee, and

(ii) the benefit had been provided by reason of the employment.

### 61G Application of Income Tax Acts in relation to deemed employment

(1) The Income Tax Acts (in particular, the PAYE provisions) apply in relation to the deemed employment payment as follows.

(2) They apply as if—

(a) the worker were employed by the MSC to provide the relevant services, and

(b) the deemed employment payment were a payment by the MSC of earnings from that employment;

but this is subject to subsection (3).

(3) No deduction under Part 5 (deductions allowed from employment income) or section 232 (mileage allowance relief) may be made from the deemed employment payment.

(4) . . . . . .

(5) . . . . . .

(6) Where the MSC is a partnership and the worker is a member of the partnership, the deemed employment payment is treated as received by the worker in the worker's personal capacity and not as income of the partnership.

(7) Where—

(a) the worker is resident in the United Kingdom, and

(b) the relevant services are provided in the United Kingdom,

the MSC is treated as having a place of business in the United Kingdom, whether or not it in fact does so.

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*Supplementary provisions*

### 61H Relief in case of distributions by managed service company

(1) A claim for relief may be made under this section where the MSC—

(a) is a body corporate,

(b) is treated as making a deemed employment payment in any tax year, and

(c) either in that tax year (whether before or after that payment is treated as made), or in a subsequent tax year, makes a distribution (a "relevant distribution").

(2) A claim for relief under this section must be made—

(a) by the MSC by notice to an officer of Revenue and Customs, and

(b) within 5 years after 31st January following the tax year in which the distribution is made.

(3) If on a claim being made an officer of Revenue and Customs is satisfied that relief should be given in order to avoid a double charge to tax, the officer must direct the giving of such relief by way of amending any assessment, by discharge or repayment of tax, or otherwise, as appears to the officer appropriate.

(4) Relief under this section is given by setting the amount of the deemed employment payment against the relevant distribution so as to reduce the distribution.

(5) In the case of more than one relevant distribution, an officer of Revenue and Customs must exercise the power conferred by this section so as to secure that so far as practicable relief is given by setting the amount of a deemed employment payment—

(a) against relevant distributions of the same tax year before those of other years,

(b) against relevant distributions received by the worker before those received by another person, and

(c) against relevant distributions of earlier years before those of later years.

(6) . . . . . .

### 61I Meaning of "associate"

(1) Subsections (2) to (4) apply for the purposes of this Chapter.

(2) "Associate", in relation to an individual, means—

(a) a member of the individual's family or household,

(b) a relative of the individual,

(c) a partner of the individual, or

(d) the trustee of any settlement in relation to which the individual, or a relative of the individual or member of the individual's family (living or dead), is or was a settlor.

(3) "Associate", in relation to a company, means a person connected with the company.

(4) "Associate", in relation to a partnership, means any associate of a member of the partnership.

(5) If—

(a) a managed service company ("the MSC") is a partnership, and

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(b) a person is an associate of another person by virtue only of being a member of the partnership,

the person is to be treated, for the purposes of this Chapter as it applies in relation to the MSC, as if the person were not an associate of that other person.

(6) In subsection (2), "relative" means ancestor, lineal descendant, brother or sister.

**[**F168(7) For the purposes of subsection (2), two people living together as if they were a married couple or civil partners are treated as if they were married to, or civil partners of, each other.**]**

**Textual Amendments**

**F168** S. 61I(7) substituted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 25(3)**

## 61J Interpretation of Chapter

(1) In this Chapter—

"associate" has the meaning given by section 61I,

"business" means any trade, profession or vocation,

"the client" has the meaning given by section 61D(4),

"employer's national insurance contributions" means secondary Class 1 or Class 1A national insurance contributions,

**[**F169" engagement to which Chapter 10 applies" has the meaning given by section 61M(5),**]**

"managed service company" has the meaning given by section 61B,

"national insurance contributions" means contributions under Part 1 of SSCBA 1992 or Part 1 of SSCB(NI)A 1992,

"PAYE provisions" means the provisions of Part 11 or PAYE regulations,

"the relevant services" has the meaning given by section 61D(4), and

"the worker" has the meaning given by section 61D(4).

(2) Nothing in section 995 of ITA 2007 (meaning of control) applies for the purposes of this Chapter.**]**

**Textual Amendments**

**F169** Words in s. 61J(1) inserted (with effect in accordance with Sch. 1 para. 15 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 1 para. 8**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## [F170CHAPTER 10

### [F171WORKERS' SERVICES PROVIDED THROUGH INTERMEDIARIES TO PUBLIC AUTHORITIES OR MEDIUM OR LARGE CLIENTS]

**Textual Amendments**

**F170** Pt. 2 Ch. 10 inserted (with effect in accordance with Sch. 1 para. 16 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 1 para. 9**

**F171** Pt. 2 Ch. 10 heading substituted (with effect in accordance with Sch. 1 para. 25 of the amending Act) by Finance Act 2020 (c. 14), **Sch. 1 para. 8** (with Sch. 1 paras. 30-34)

### 61K Scope of this Chapter

(1) This Chapter has effect with respect to the provision of services [F172through an intermediary in a case where the services are provided to a person who—

(a) is a public authority, or

(b) qualifies as medium or large and has a UK connection for a tax year]

(2) Nothing in this Chapter—

(a) affects the operation of Chapter 7 of this Part (agency workers), or

(b) applies to payments or transfers to which section 966(3) or (4) of ITA 2007 applies (visiting performers: duty to deduct and account for sums representing income tax).

[F173(3) For the purposes of this Chapter a person qualifies as medium or large for a tax year if the person does not qualify as small for the tax year for the purposes of Chapter 8 of this Part (see sections 60A to 60G).

(4) Section 60I (when a person has a UK connection for a tax year) applies for the purposes of this Chapter.]

**Textual Amendments**

**F172** Words in s. 61K(1) substituted (with effect in accordance with Sch. 1 para. 25 of the amending Act) by Finance Act 2020 (c. 14), **Sch. 1 para. 9(2)** (with Sch. 1 paras. 30-34)

**F173** S. 61K(3)(4) inserted (with effect in accordance with Sch. 1 para. 25 of the amending Act) by Finance Act 2020 (c. 14), **Sch. 1 para. 9(3)** (with Sch. 1 paras. 30-34)

### 61L Meaning of "public authority"

(1) In this Chapter "public authority" means—

(a) a public authority as defined by the Freedom of Information Act 2000,

[F174(aa) a body specified in section 23(3) of the Freedom of Information Act 2000,]

(b) a Scottish public authority as defined by the Freedom of Information (Scotland) Act 2002 (asp 13),

[F175(ba) the Advanced Research and Invention Agency,]

(c) the Corporate Officer of the House of Commons,

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(d) the Corporate Officer of the House of Lords,

(e) the National Assembly for Wales Commission, ...

(f) the Northern Ireland Assembly Commission **[**F176, or

(g) a company connected with any person mentioned in paragraphs (a) to (f).**]**

(2) An authority within paragraph (a) or (b) of subsection (1) is a public authority for the purposes of this Chapter in relation to all its activities even if provisions of the Act mentioned in that paragraph do not apply to all information held by the authority.

(3) Subsection (1) is subject to subsection (4).

(4) A primary-healthcare provider is a public authority for the purposes of this Chapter only if the primary-healthcare provider—

(a) has a registered patient list for the purposes of relevant medical-services regulations,

(b) is within paragraph 43A in Part 3 of Schedule 1 to the Freedom of Information Act 2000 (providers of primary healthcare services in England and Wales) by reason of being a person providing primary dental services,

(c) is within paragraph 51 in that Part of that Schedule (providers of healthcare services in Northern Ireland) by reason of being a person providing general dental services, or

(d) is within paragraph 33 in Part 4 of Schedule 1 to the Freedom of Information (Scotland) Act 2002 (providers of healthcare services in Scotland) by reason of being a person providing general dental services.

(5) In this section—

"primary-healthcare provider" means an authority that is within subsection (1)(a) or (b) only because it is within a relevant paragraph,

"relevant paragraph" means—

(a) any of paragraphs 43A to 45A and 51 in Part 3 of Schedule 1 to the Freedom of Information Act 2000, or

(b) any of paragraphs 33 to 35 in Part 4 of Schedule 1 to the Freedom of Information (Scotland) Act 2002, and

"relevant medical-services regulations" means any of the following—

(a) the Primary Medical Services (Sale of Goodwill and Restrictions on Sub-contracting) Regulations 2004 (S.I. 2004/906),

(b) the Primary Medical Services (Sale of Goodwill and Restrictions on Sub-contracting) (Wales) Regulations 2004 (S.I. 2004/1017),

(c) the Primary Medical Services (Sale of Goodwill and Restrictions on Sub-contracting) (Scotland) Regulations 2004 (S.S.I. 2004/162), and

(d) the Primary Medical Services (Sale of Goodwill and Restrictions on Sub-contracting) Regulations (Northern Ireland) 2004 (S.R. (N.I.) 2004 No. 477).

(6) The Commissioners for Her Majesty's Revenue and Customs may by regulations amend this section in consequence of—

(a) any amendment or revocation of any regulations for the time being referred to in this section,

(b) any amendment in Part 3 of Schedule 1 to the Freedom of Information Act 2000, or

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(c) any amendment in Part 4 of Schedule 1 to the Freedom of Information (Scotland) Act 2002.

**Textual Amendments**

**F174** S. 61L(1)(aa) inserted (with effect in accordance with Sch. 1 para. 25 of the amending Act) by Finance Act 2020 (c. 14), **Sch. 1 para. 10(a)** (with Sch. 1 paras. 30-34)

**F175** S. 61L(1)(ba) inserted (25.1.2023) by Advanced Research and Invention Agency Act 2022 (c. 4), s. 13(1), **Sch. 3 para. 5**; S.I. 2023/58, reg. 2

**F176** S. 61L(1)(g) and word inserted (with effect in accordance with Sch. 1 para. 25 of the amending Act) by Finance Act 2020 (c. 14), **Sch. 1 para. 10(c)** (with Sch. 1 paras. 30-34)

## 61M Engagements to which Chapter applies

(1) Sections 61N to 61R apply where—

(a) an individual ("the worker") personally performs, or is under an obligation personally to perform, services for another person ("the client"),

(b) . . . . . .

(c) the services are provided not under a contract directly between the client and the worker but under arrangements involving a third party ("the intermediary"), ...

**[** F177(ca) the client—

(i) is a public authority, or

(ii) is a person who qualifies as medium or large and has a UK connection for one or more tax years during which the arrangements mentioned in paragraph (c) have effect, and**]**

(d) the circumstances are such that—

(i) if the services were provided under a contract directly between the client and the worker, the worker would be regarded for income tax purposes as an employee of the client or the holder of an office under the client, or

(ii) the worker is an office-holder who holds that office under the client and the services relate to the office.

**[** But sections 61N to 61R do not apply if—

F178(1A) (a) the client is an individual, and

(b) the services are provided otherwise than for the purposes of the client's trade or business.**]**

(2) The reference in subsection (1)(c) to a "third party" includes a partnership or unincorporated association of which the worker is a member.

(3) The circumstances referred to in subsection (1)(d) include the terms on which the services are provided, having regard to the terms of the contracts forming part of the arrangements under which the services are provided.

(4) Holding office as statutory auditor of the client does not count as holding office under the client for the purposes of subsection (1)(d), and here "statutory auditor" means a statutory auditor within the meaning of Part 42 of the Companies Act 2006 (see section 1210 of that Act).

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(5) In this Chapter "engagement to which this Chapter applies" means any such provision of services as is mentioned in subsection (1).

**Textual Amendments**

**F177** S. 61M(1)(ca) inserted (with effect in accordance with Sch. 1 para. 25 of the amending Act) by Finance Act 2020 (c. 14), **Sch. 1 para. 11(2)(c)** (with Sch. 1 paras. 30-34)

**F178** S. 61M(1A) inserted (with effect in accordance with Sch. 1 para. 25 of the amending Act) by Finance Act 2020 (c. 14), **Sch. 1 para. 11(3)** (with Sch. 1 paras. 30-34)

## 61N Worker treated as receiving earnings from employment

(1) If one of Conditions A to C is met, identify the chain of two or more persons where—

(a) the highest person in the chain is the client,

(b) the lowest person in the chain is the intermediary, and

(c) each person in the chain above the lowest makes a chain payment to the person immediately below them in the chain.

(See section 61U for cases where one of Conditions A to C is treated as being met.)

(2) In this section and sections 61O to 61S—

"chain payment" means a payment, or money's worth or any other benefit, that can reasonably be taken to be for the worker's services to the client,

"make"—

(a) in relation to a chain payment that is money's worth, means transfer, and

(b) in relation to a chain payment that is a benefit other than a payment or money's worth, means provide, and

"the fee-payer" means the person in the chain immediately above the lowest.

(3) The fee-payer is treated as making to the worker, and the worker is treated as receiving, a payment which is to be treated as earnings from an employment ("the deemed direct payment"), but this is subject to subsections (5) to (7) **[**F179and (8A)**]** and sections 61T **[**F180, 61TA**][**F181, 61V and 61WA**]**.

(4) The deemed direct payment is treated as made at the same time as the chain payment made by the fee-payer.

**[**F182(5) Unless and until the client gives a status determination statement to the worker (see section 61NA), subsections (3) and (4) have effect as if for any reference to the fee-payer there were substituted a reference to the client; but this is subject to **[**F183sections 61V and 61WA**]**.

(5A) Subsections (6) and (7) apply, subject to sections 61T, 61TA **[**F184, 61V and 61WA**]**, if—

(a) the client has given a status determination statement to the worker,

(b) the client is not the fee-payer, and

(c) the fee-payer is not a qualifying person.**]**

(6) If there is no person in the chain below the highest and above the lowest who is a qualifying person, subsections (3) and (4) have effect as if for any reference to the fee-payer there were substituted a reference to the client.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(7) Otherwise, subsections (3) and (4) have effect as if for any reference to the fee-payer there were substituted a reference to the person in the chain who—

(a) is above the lowest,

(b) is a qualifying person, and

(c) is lower in the chain than any other person in the chain who—

(i) is above the lowest, and

(ii) is a qualifying person.

(8) In subsections (5) to (7) a "qualifying person" is a person who—

**[**

F185(za) has been given by the person immediately above them in the chain the status determination statement given by the client to the worker,**]**

(a) is resident in the United Kingdom or has a place of business in the United Kingdom,

(b) is not a person who is controlled by—

(i) the worker, alone or with one or more associates of the worker, or

(ii) an associate of the worker, with or without other associates of the worker, and

(c) if a company, is not one in which—

(i) the worker, alone or with one or more associates of the worker, or

(ii) an associate of the worker, with or without other associates of the worker,

has a material interest (within the meaning given by section 51(4) and (5)).

**[**

F186(8A) If the client is not a public authority, a person is to be treated by subsection (3) as making a deemed direct payment to the worker only if the chain payment made by the person is made in a tax year for which the client qualifies as medium or large and has a UK connection.**]**

(9) Condition A is that—

(a) the intermediary is a company, and

(b) the conditions in section 61O are met in relation to the intermediary.

(10) Condition B is that—

(a) the intermediary is a partnership,

(b) the worker is a member of the partnership,

(c) the provision of the services is by the worker as a member of the partnership, and

(d) the condition in section 61P is met in relation to the intermediary.

(11) Condition C is that the intermediary is an individual.

(12) Where a payment, money's worth or any other benefit can reasonably be taken to be for both—

(a) the worker's services to the client, and

(b) anything else,

then, for the purposes of this Chapter, so much of it as can, on a just and reasonable apportionment, be taken to be for the worker's services is to be treated as (and the rest is to be treated as not being) a payment, or money's worth or another benefit, that can reasonably be taken to be for the worker's services.

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**Textual Amendments**

**F179** Words in s. 61N(3) inserted (with effect in accordance with Sch. 1 para. 25 of the amending Act) by Finance Act 2020 (c. 14), **Sch. 1 para. 12(2)(a)** (with Sch. 1 paras. 30-34)

**F180** Word in s. 61N(3) inserted (with effect in accordance with Sch. 1 para. 25 of the amending Act) by Finance Act 2020 (c. 14), **Sch. 1 para. 12(2)(b)** (with Sch. 1 paras. 30-34)

**F181** Words in s. 61N(3) substituted (with effect in accordance with s. 21(10) of the amending Act) by Finance Act 2021 (c. 26), **s. 21(2)(a)**

**F182** S. 61N(5)(5A) substituted for s. 61N(5) (with effect in accordance with Sch. 1 para. 25 of the amending Act) by Finance Act 2020 (c. 14), **Sch. 1 para. 12(3)** (with Sch. 1 paras. 30-34)

**F183** Words in s. 61N(5) substituted (with effect in accordance with s. 21(10) of the amending Act) by Finance Act 2021 (c. 26), **s. 21(2)(b)**

**F184** Words in s. 61N(5A) substituted (with effect in accordance with s. 21(10) of the amending Act) by Finance Act 2021 (c. 26), **s. 21(2)(c)**

**F185** S. 61N(8)(za) inserted (with effect in accordance with Sch. 1 para. 25 of the amending Act) by Finance Act 2020 (c. 14), **Sch. 1 para. 12(4)** (with Sch. 1 paras. 30-34)

**F186** S. 61N(8A) inserted (with effect in accordance with Sch. 1 para. 25 of the amending Act) by Finance Act 2020 (c. 14), **Sch. 1 para. 12(5)** (with Sch. 1 paras. 30-34)

### [ Meaning of status determination statement

F187 **61NA**

(1) For the purposes of section 61N "status determination statement" means a statement by the client that—

(a) states that the client has concluded that the condition in section 61M(1)(d) is met in the case of the engagement and explains the reasons for that conclusion, or

(b) states (albeit incorrectly) that the client has concluded that the condition in section 61M(1)(d) is not met in the case of the engagement and explains the reasons for that conclusion.

(2) But a statement is not a status determination statement if the client fails to take reasonable care in coming to the conclusion mentioned in it.

(3) For further provisions concerning status determination statements, see section 61T (client-led status disagreement process) and section 61TA (duty for client to withdraw status determination statement if it ceases to be medium or large).**]**

**Textual Amendments**

**F187** S. 61NA inserted (with effect in accordance with Sch. 1 para. 25 of the amending Act) by Finance Act 2020 (c. 14), **Sch. 1 para. 13** (with Sch. 1 paras. 30-34)

### 61O Conditions where intermediary is a company

(1) The conditions mentioned in section 61N(9)(b) are that—

(a) the intermediary is not an associated company of the client that falls within subsection (2), and

**[**F188(b) subsection (1A) or (1B) is satisfied.**]**

**[** This subsection is satisfied where the worker has a material interest in the intermediary.

F189(1A)

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(1B) This subsection is satisfied where—

(a) the worker has a non-material interest in the intermediary,

(b) the worker—

(i) has received,

(ii) has rights which entitle, or which in any circumstances would entitle, the worker to receive, or

(iii) expects to receive,

a chain payment from the intermediary, and

(c) the chain payment does not, or will not, wholly constitute employment income of the worker (apart from as a result of this Chapter).**]**

(2) An associated company of the client falls within this subsection if it is such a company by reason of the intermediary and the client being under the control—

(a) of the worker, or

(b) of the worker and other persons.

(3) The worker is treated as having a material interest in the intermediary if—

(a) the worker, alone or with one or more associates of the worker, or

(b) an associate of the worker, with or without other associates of the worker,

has a material interest in the intermediary.

(4) For this purpose "material interest" has the meaning given by section 51(4) and (5).

**[** The worker is treated as having a non-material interest in the intermediary if—

F190(4A)

(a) the worker, alone or with one or more associates of the worker, or

(b) an associate of the worker, with or without other associates of the worker,

has a non-material interest in the intermediary.

(4B) For this purpose a non-material interest means—

(a) beneficial ownership of, or the ability to control, directly or through the medium of other companies or by any other indirect means, 5% or less of the ordinary share capital of the company,

(b) possession of, or entitlement to acquire, rights entitling the holder to receive 5% or less of any distributions that may be made by the company, or

(c) where the company is a close company, possession of, or entitlement to acquire, rights that would in the event of the winding up of the company, or in any other circumstances, entitle the holder to receive 5% or less of the assets that would then be available for distribution among the participators.

(4C) In subsection (4B)(c) "participator" has the meaning given by section 454 of CTA 2010.**]**

(5) In this section "associated company" has the meaning given by section 449 of CTA 2010.

**Textual Amendments**

**F188** S. 61O(1)(b) substituted (with effect in accordance with s. 21(10) of the amending Act) by Finance Act 2021 (c. 26), **s. 21(3)(a)**

**F189** S. 61O(1A)(1B) inserted (with effect in accordance with s. 21(10) of the amending Act) by Finance Act 2021 (c. 26), **s. 21(3)(b)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F190** S. 61O(4A)-(4C) inserted (with effect in accordance with s. 21(10) of the amending Act) by Finance Act 2021 (c. 26), **s. 21(3)(c)**

### 61P Conditions where intermediary is a partnership

(1) The condition mentioned in section 61N(10)(d) is—

(a) that the worker, alone or with one or more relatives, is entitled to 60% or more of the profits of the partnership, or

(b) that most of the profits of the partnership derive from the provision of services under engagements to which one or other of this Chapter and Chapter 8 applies—

(i) to a single client, or

(ii) to a single client together with associates of that client, or

(c) that under the profit sharing arrangements the income of any of the partners is based on the amount of income generated by that partner by the provision of services under engagements to which one or other of this Chapter and Chapter 8 applies.

(2) In subsection (1)(a) "relative" means spouse or civil partner, parent or child or remoter relation in the direct line, or brother or sister.

(3) Section 61(4) and (5) apply for the purposes of this section as they apply for the purposes of Chapter 8.

### 61Q Calculation of deemed direct payment

(1) The amount of the deemed direct payment is the amount resulting from the following steps—

*Step 1* Identify the amount or value of the chain payment made by the person who is treated as making the deemed direct payment, and deduct from that amount so much of it (if any) as is in respect of value added tax.

*Step 2* Deduct, from the amount resulting from Step 1, so much of that amount as represents the direct cost to the intermediary of materials used, or to be used, in the performance of the services.

*Step 3* Deduct, at the option of the person treated as making the deemed direct payment, from the amount resulting from Step 2, so much of that amount as represents expenses met by the intermediary that would have been deductible from the taxable earnings from the employment if—

(a) the worker had been employed by the client, and

(b) the expenses had been met by the worker out of those earnings.

*Step 4* If the amount resulting from the preceding Steps is nil or negative, there is no deemed direct payment. Otherwise, that amount is the amount of the deemed direct payment.

(2) For the purposes of Step 1 of subsection (1), any part of the amount or value of the chain payment which is employment income of the worker by virtue of section 863G(4) of ITTOIA 2005 (salaried members of limited liability partnerships: anti-avoidance) is to be ignored.

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(3) In subsection (1), the reference to the amount or value of the chain payment means the amount or value of that payment before the deduction (if any) permitted under section 61S.

(4) If the actual amount or value of the chain payment mentioned in Step 1 of subsection (1) is such that its recipient bears the cost of amounts due under PAYE regulations or contributions regulations in respect of the deemed direct payment, that Step applies as if the amount or value of that chain payment were what it would be if the burden of that cost were not being passed on through the setting of the level of the payment.

(5) In Step 3 of subsection (1), the reference to expenses met by the intermediary includes—

(a) expenses met by the worker and reimbursed by the intermediary, and

(b) where the intermediary is a partnership and the worker is a member of the partnership, expenses met by the worker for and on behalf of the partnership.

(6) In subsection (4) "contributions regulations" means regulations under the Contributions and Benefits Act providing for primary Class 1 contributions to be paid in a similar manner to income tax in relation to which PAYE regulations have effect (see, in particular, paragraph 6(1) of Schedule 1 to the Act); and here "primary Class 1 contribution" means a primary Class 1 contribution within the meaning of Part 1 of the Contributions and Benefits Act.

### 61R Application of Income Tax Acts in relation to deemed employment

(1) The Income Tax Acts (in particular, Part 11 and PAYE regulations) apply in relation to the deemed direct payment as follows.

(2) They apply as if—

(a) the worker were employed by the person treated as making the deemed direct payment, and

(b) the services were performed, or to be performed, by the worker in the course of performing the duties of that employment.

(3) The deemed direct payment is treated in particular—

(a) as taxable earnings from the employment for the purpose of securing that any deductions under Chapters 2 to 6 of Part 5 do not exceed the deemed direct payment, and

(b) as taxable earnings from the employment for the purposes of section 232.

(4) . . . . . .

(5) . . . . . .

(6) Where the intermediary is a partnership or unincorporated association, the deemed direct payment is treated as received by the worker in the worker's personal capacity and not as income of the partnership or association.

(7) . . . . . .

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### 61S Deductions from chain payments

(1) This section applies if, as a result of section 61R, a person who is treated as making a deemed direct payment is required under PAYE Regulations to pay an amount to the Commissioners for Her Majesty's Revenue and Customs ("the Commissioners") in respect of the payment.

(But see subsection (4)).

(2) The person may deduct from the underlying chain payment an amount which is equal to the amount payable to the Commissioners, but where the amount or value of the underlying chain payment is treated by section 61Q(4) as increased by the cost of any amount due under PAYE Regulations, the amount that may be deducted is limited to the difference (if any) between the amount payable to the Commissioners and the amount of that increase.

(3) Where a person in the chain other than the intermediary receives a chain payment from which an amount has been deducted in reliance on subsection (2) or this subsection, that person may deduct the same amount from the chain payment made by them.

(4) This section does not apply in a case to which 61V(2) applies (**[**[F191]relevant person**]** treated as making deemed direct payment).

(5) In subsection (2) "the underlying chain payment" means the chain payment whose amount is used at Step 1 of section 61Q(1) as the starting point for calculating the amount of the deemed direct payment.

**Textual Amendments**

**F191** Words in s. 61S(4) substituted (with effect in accordance with s. 21(10) of the amending Act) by Finance Act 2021 (c. 26), **s. 21(4)**

### **[**[F192]61T Client-led status disagreement process

(1) This section applies if, before the final chain payment is made in the case of an engagement to which this Chapter applies, the worker or the deemed employer makes representations to the client that the conclusion contained in a status determination statement is incorrect.

(2) The client must either—

(a) give a statement to the worker or (as the case may be) the deemed employer that—

(i) states that the client has considered the representations and has decided that the conclusion contained in the status determination statement is correct, and

(ii) states the reasons for that decision, or

(b) give a new status determination statement to the worker and the deemed employer that—

(i) contains a different conclusion from the conclusion contained in the previous status determination statement,

(ii) states the date from which the client considers that the conclusion contained in the new status determination statement became correct, and

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(iii) states that the previous status determination statement is withdrawn.

(3) If the client fails to comply with the duty in subsection (2) before the end of the period of 45 days beginning with the date the client receives the representations, section 61N(3) and (4) has effect from the end of that period until the duty is complied with as if for any reference to the fee-payer there were substituted a reference to the client; but this is subject to **[**[F193]sections 61V and 61WA**]**.

(4) A new status determination statement given to the deemed employer under subsection (2)(b) is to be treated for the purposes of section 61N(8)(za) as having been given to the deemed employer by the person immediately above the deemed employer in the chain.

(5) In this section—

"the deemed employer" means the person who, assuming one of conditions A to C in section 61N were met, would be treated as making a deemed direct payment to the worker under section 61N(3) on the making of a chain payment;

"status determination statement" has the meaning given by section 61NA.

**Textual Amendments**

**F192** Ss. 61T-61TA substituted for s. 61T (with effect in accordance with Sch. 1 para. 25 of the amending Act) by Finance Act 2020 (c. 14), **Sch. 1 para. 16** (with Sch. 1 paras. 30-34)

**F193** Words in s. 61T(3) substituted (with effect in accordance with s. 21(10) of the amending Act) by Finance Act 2021 (c. 26), **s. 21(5)**

## 61TA Duty for client to withdraw status determination statement if it ceases to be medium or large

(1) This section applies if in the case of an engagement to which this Chapter applies—

(a) the client is not a public authority,

(b) the client gives a status determination statement to the worker, the client's agent or both, and

(c) the client does not (but for this section) qualify as medium or large for a tax year beginning after the status determination statement is given.

(2) Before the beginning of the tax year the client must give a statement to the relevant person, or (as the case may be) to both of the relevant persons, stating—

(a) that the client does not qualify as medium or large for the tax year, and

(b) that the status determination statement is withdrawn with effect from the beginning of the tax year.

(3) If the client fails to comply with that duty the following rules apply in relation to the engagement for the tax year—

(a) the client is to be treated as medium or large for the tax year, and

(b) section 61N(3) and (4) have effect as if for any reference to the fee-payer there were substituted a reference to the client.

(4) For the purposes of subsection (2)—

(a) the worker is a relevant person if the status determination statement was given to the worker, and

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(b) the deemed employer is a relevant person if the status determination statement was given to the client's agent.

(5) In this section—

"client's agent" means a person with whom the client entered into a contract as part of the arrangements mentioned in section 61M(1)(c);

"the deemed employer" means the person who, assuming one of conditions A to C in section 61N were met, would be treated as making a deemed direct payment to the worker under section 61N(3) on the making of a chain payment;

"status determination statement" has the meaning given by section 61NA.**]**

**Textual Amendments**

**F192** Ss. 61T-61TA substituted for s. 61T (with effect in accordance with Sch. 1 para. 25 of the amending Act) by Finance Act 2020 (c. 14), **Sch. 1 para. 16** (with Sch. 1 paras. 30-34)

## 61U Information to be provided by worker [F194or intermediary] and consequences of failure

(1) In the case of an engagement to which this Chapter applies, **[**F195the relevant person**]** must inform the potential deemed employer of which one of the following is applicable—

(a) that one of conditions A to C in section 61N is met in the case;

(b) that none of conditions A to C in section 61N is met in the case.

(2) If **[**F196the relevant person**]** has not complied with subsection (1) then, for the purposes of section 61N(1), one of conditions A to C in section 61N is to be treated as met.

(3) In this section **[**F197—

"relevant person" means the worker or, in a case where the worker has not complied with subsection (1), the intermediary;**]**

"the potential deemed employer" is the person who, if one of conditions A to C in section 61N were met, would be treated as making a deemed direct payment to the worker under section 61N(3).

**Textual Amendments**

**F194** Words in s. 61U heading inserted (with effect in accordance with s. 21(10) of the amending Act) by Finance Act 2021 (c. 26), **s. 21(6)(a)**

**F195** Words in s. 61U(1) substituted (with effect in accordance with s. 21(10) of the amending Act) by Finance Act 2021 (c. 26), **s. 21(6)(b)**

**F196** Words in s. 61U(2) substituted (with effect in accordance with s. 21(10) of the amending Act) by Finance Act 2021 (c. 26), **s. 21(6)(c)**

**F197** Words in s. 61U(3) inserted (with effect in accordance with s. 21(10) of the amending Act) by Finance Act 2021 (c. 26), **s. 21(6)(d)**

## 61V Consequences of providing fraudulent information

(1) Subsection (2) applies if in any case—

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(a) a person ("the deemed employer") would, but for this section, be treated by section 61N(3) as making a payment to another person ("the services-provider"), and

(b) the fraudulent documentation condition is met.

(2) Section 61N(3) has effect in the case as if the reference to the fee-payer were a reference to the **[**F198relevant person (or if more than one, the first relevant person) in relation to whom the fraudulent documentation condition is met**]**, but—

(a) section 61N(4) continues to have effect as if the reference to the fee-payer were a reference to the deemed employer, and

(b) Step 1 of section 61Q(1) continues to have effect as referring to the chain payment made by the deemed employer.

(3) Subsection (2) has effect even though that **[**F199may involve a services-provider**]** being treated as both employer and employee in relation to the deemed employment under section 61N(3).

(4) "The fraudulent documentation condition" is that a relevant person provided any person with a fraudulent document intended to constitute evidence—

(a) that the case is not an engagement to which this Chapter applies, or

(b) that none of conditions A to C in section 61N is met in the case.

**[**F200(4A) But where the fraudulent documentation condition would (ignoring this subsection) be met as a result of the provision of a fraudulent document intended to constitute evidence that section 61Y (umbrella companies) applies in relation to the services provided by the worker, that condition is to be treated as not met.**]**

(5) A "relevant person" is—

(a) the services-provider;

(b) a person connected with the services-provider;

(c) if the intermediary in the case is a company, an office-holder in that company;

**[**F201(d) a person in the chain who is resident in the United Kingdom or has a place of business in the United Kingdom.**]**

**Textual Amendments**

**F198** Words in s. 61V(2) substituted (with effect in accordance with s. 21(10) of the amending Act) by Finance Act 2021 (c. 26), **s. 21(7)(a)**

**F199** Words in s. 61V(3) substituted (with effect in accordance with s. 21(10) of the amending Act) by Finance Act 2021 (c. 26), **s. 21(7)(b)**

**F200** S. 61V(4A) inserted (with effect in accordance with s. 24(11) of the amending Act) by Finance Act 2026 (c. 11), **s. 24(5)**(11)

**F201** S. 61V(5)(d) inserted (with effect in accordance with s. 21(10) of the amending Act) by Finance Act 2021 (c. 26), **s. 21(7)(c)**

## 61W Prevention of double charge to tax and allowance of certain deductions

(1) Subsection (2) applies where—

(a) a person ("the payee") receives a payment or benefit ("the end-of-line remuneration") from another person ("the paying intermediary"),

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(b) the end-of-line remuneration can reasonably be taken to represent remuneration for services of the payee to a **[**F202another person ("the client")**]**,

(c) a payment ("the deemed payment") has been treated by section 61N(3) as made to the payee,

(d) the underlying chain payment can reasonably be taken to be for the same services of the payee to **[**F203the client**]**, and

(e) the recipient of the underlying chain payment has (whether by deduction from that payment or otherwise) borne the cost of any amounts due, under PAYE regulations and contributions regulations in respect of the deemed payment, from the person treated by section 61N(3) as making the deemed payment.

(2) For income tax purposes, the paying intermediary and the payee may treat the amount of the end-of-line remuneration as reduced (but not below nil) by any one or more of the following—

(a) the amount (see section 61Q) of the deemed payment;

(b) the amount of any capital allowances in respect of expenditure incurred by the paying intermediary that could have been deducted from employment income under section 262 of CAA 2001 if the payee had been employed by the **[**F204client**]** and had incurred the expenditure;

(c) the amount of any contributions made, in the same tax year as the end-of-line remuneration, for the benefit of the payee by the paying intermediary to a registered pension scheme that if made by an employer for the benefit of an employee would not be chargeable to income tax as income of the employee.

(3) Subsection (2)(c)does not apply to—

(a) excess contributions paid and later repaid,

(b) contributions set under subsection (2) against another payment by the paying intermediary, or

(c) contributions deductible at Step 5 of section 54(1) in calculating the amount of the payment (if any) treated by section 50 as made in the tax year concerned by the paying intermediary to the payee.

(4) For the purposes of subsection (3)(c), the contributions to which Step 5 of section 54(1) applies in the case of the particular calculation are "deductible" at that Step so far as their amount does not exceed the result after Step 4 in that calculation.

(5) In subsection (1)(d) "the underlying chain payment" means the chain payment whose amount is used at Step 1 of section 61Q(1) as the starting point for calculating the amount of the deemed payment.

(6) Subsection (2) applies whether the end-of-line remuneration—

(a) is earnings of the payee,

(b) is a distribution of the paying intermediary, or

(c) takes some other form.

**Textual Amendments**

**F202** Words in s. 61W(1)(b) substituted (with effect in accordance with Sch. 1 para. 25 of the amending Act) by Finance Act 2020 (c. 14), **Sch. 1 para. 17(2)(a)** (with Sch. 1 paras. 30-34)

**F203** Words in s. 61W(1)(d) substituted (with effect in accordance with Sch. 1 para. 25 of the amending Act) by Finance Act 2020 (c. 14), **Sch. 1 para. 17(2)(b)** (with Sch. 1 paras. 30-34)

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F204** Word in s. 61W(2)(b) substituted (with effect in accordance with Sch. 1 para. 25 of the amending Act) by Finance Act 2020 (c. 14), **Sch. 1 para. 17(3)** (with Sch. 1 paras. 30-34)

**Anti-avoidance**

**F205 61WA**

(1) This section applies if in any case at least one relevant person in a chain participates in a relevant avoidance arrangement.

(2) An arrangement is a "relevant avoidance arrangement" if its main purpose, or one of its main purposes, is to secure a tax advantage by securing that at least one of the conditions mentioned in section 61O or 61P is not met in relation to an intermediary.

(3) Section 61N(3) has effect as if the reference to the fee-payer were a reference to the participating person, but—

(a) section 61N(4) continues to have effect as if the reference to the fee-payer were a reference to the deemed employer, and

(b) Step 1 of section 61Q(1) continues to have effect as referring to the chain payment made by the deemed employer.

(4) The participating person is—

(a) in a case where only one relevant person participates in the arrangement, that person;

(b) in any other case the highest relevant person in the chain who participated in the arrangement and from whom HMRC considers there is a realistic prospect of recovering, within a reasonable period, the amount of tax that would have been paid (or not repaid) in the absence of the arrangement.

(5) Subsection (3) has effect even though that may involve a participating person being treated as both employer and employee in relation to the deemed employment under section 61N(3).

(6) In this section—

"arrangement" includes any agreement, understanding, scheme, transaction or series of transactions (whether or not legally enforceable);

"deemed employer" means a person who would, but for this section, be treated by section 61N(3) as making a payment to the worker;

"relevant person" means—

(a) the worker;

(b) a person who is resident in the United Kingdom or who has a place of business in the United Kingdom;

"tax" means income tax (and "tax advantage" is to be construed accordingly");

"tax advantage" includes—

(a) avoidance or reduction of a charge to tax or an assessment to tax,

(b) repayment or increased repayment of tax,

(c) avoidance of a possible assessment to tax, and

(d) deferral of a payment of tax or advancement of a repayment of tax.]

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F205** S. 61WA inserted (with effect in accordance with s. 21(10) of the amending Act) by Finance Act 2021 (c. 26), **s. 21(8)**

### 61X Interpretation

In this Chapter—

"associate" has the meaning given by section 60;

"company" means a body corporate or unincorporated association, and does not include a partnership;

"engagement to which Chapter 8 applies" has the meaning given by section 49(5).**]**

## [F206CHAPTER 11

UMBRELLA COMPANIES

**Textual Amendments**

**F206** Pt. 2 Ch. 11 inserted (with effect in accordance with s. 24(11) of the amending Act) by Finance Act 2026 (c. 11), **s. 24(2)**(11)

### 61Y Umbrella companies: joint and several liability

(1) Subsection (2) applies if—

(a) an individual ("the worker") personally provides services, or enters into arrangements with a view to personally providing services, to another person ("the client"),

(b) the worker is employed by a third person ("the umbrella company")—

(i) that carries on a business (whether or not with a view to profit and whether or not in conjunction with any other business) of supplying labour, and

(ii) that is not a company in which the worker has a material interest, and

(c) the umbrella company arrangements conditions are met.

(2) Each relevant party (see section 61Z) is, along with the umbrella company, jointly and severally liable to pay any amount payable, in accordance with the PAYE provisions, by the umbrella company in relation to a qualifying umbrella company payment.

(3) A "qualifying umbrella company payment" means a payment made in respect of the employment of the worker to the extent that it is not in respect of the provision of services to a person other than the client.

(4) The umbrella company arrangements conditions are that—

(a) there is a contract between the umbrella company and—

(i) the client, or

(ii) another person,

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(b) under or in consequence of the contract—

(i) the services are provided, or

(ii) the umbrella company is paid, or otherwise provided with consideration, for the services, and

(c) if the contract is not between the umbrella company and the client—

(i) there is a contract between the client and another person,

(ii) the provision of the services or of payment or other consideration for the services is also a consequence of that other contract (whether directly or as a result of a series of contracts involving other persons).

(5) For the purposes of subsection (1)(b)(ii)—

(a) "material interest", in relation to a company, means—

(i) beneficial ownership of, or the ability to control, directly or through the medium of other companies or by any other indirect means, more than 5% of the ordinary share capital of the company,

(ii) possession of, or entitlement to acquire, rights entitling the holder to receive more than 5% of any distributions that may be made by the company, or

(iii) where the company is a close company, possession of, or entitlement to acquire, rights that would in the event of the winding up of the company, or in any other circumstances, entitle the holder to receive more than 5% of the assets that would then be available for distribution among the participators, but

(b) the worker is to be regarded as not having a material interest in a company if that interest is a result, to any extent, of any arrangements the main purpose, or one of the main purposes, of which is to secure that subsection (2) does not apply.

(6) And for the purposes of subsection (5)(a) "participator" has the meaning given by section 454 of CTA 2010.

(7) In this Chapter—

"arrangements" include any agreement, understanding, scheme transaction or series of transactions (whether or not legally enforceable);

"the client", "the umbrella company" and "the worker" are to be construed in accordance with subsection (1);

"employed", in relation to an individual, does not include the individual being treated as employed as a result of any of—

(a) Chapters 7 to 10 of this Part (deemed employment by intermediaries), or

(b) section 863A of ITTOIA 2005 (deemed employment of partners in limited liability partnerships),

and "employer" is to be construed accordingly;

"PAYE provisions" means the provisions of Part 11 or PAYE regulations;

"the umbrella company arrangements conditions" means the conditions set out in subsection (4).

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### 61Z Relevant parties

(1) If the contract referred to in subsection (4)(a) of section 61Y is between the umbrella company and a person other than the client, the person referred to in subsection (4)(c)(i) of that section is a relevant party.

(2) The client is a relevant party if—

(a) the contract referred to in subsection (4)(a) of that section is between the umbrella company and the client, or

(b) the person referred to in subsection (4)(c)(i) of that section—

(i) is connected with the umbrella company, or

(ii) is non-UK resident.

(3) In a case where—

(a) both the client and the person referred to in subsection (4)(c)(i) of section 61Y are non-UK resident,

(b) the provision of the services or payment or other consideration for the services is a consequence of a series of contracts involving other persons (other than the worker), and

(c) at least one of those persons is UK resident,

the person who is UK resident and is closest, by reference to that series of contracts, to the client is a relevant party.

### 61Z1 Purported umbrella companies

(1) Subsection (5) applies if any of the following cases applies.

(2) Case 1 is that—

(a) a person ("the purported umbrella company") participates in arrangements that would, if an individual were employed by the purported umbrella company, result in the umbrella company arrangements conditions being met in relation to services the individual provides to the client,

(b) either—

(i) it is reasonable to suppose that one or more participants in the arrangements, other than the purported umbrella company or the individual, would assume that the purported umbrella company is the employer of that individual, or

(ii) the purported umbrella company has taken any step that it is reasonable to suppose was intended to give the impression to any person (whether or not that impression is given) that the purported umbrella company is the employer of the individual,

(c) the individual is not employed by the purported umbrella company, and

(d) if the individual were employed by the purported umbrella company subsection (2) of section 61Y would apply.

(3) Case 2 is that—

(a) a person ("the purported umbrella company") participates in arrangements that would, if an individual were employed by the purported umbrella company, result in the umbrella company arrangements conditions being met in relation to services the individual provides to the client,

(b) the individual would, ignoring this section, be treated as employed by the purported umbrella company as a result of Chapter 7 of this Part,

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(c) if the individual were employed by the purported umbrella company subsection (2) of section 61Y would apply,

(d) if it did apply accordingly, the contract referred to in subsection (4)(a) of that section would be between the umbrella company and the client, and

(e) the provision of the services by the individual to the client was not as a result of services having been provided to the individual in connection with finding the client with a view to the individual personally providing services to the client—

(i) by the purported umbrella company, or

(ii) where the provision of services to the client is as a result of a series of contracts, by one or more of the parties to those contracts.

(4) Case 3 is that—

(a) a company ("the purported umbrella company") in which an individual has a material interest, within the meaning given by subsection (5)(a) of section 61Y, participates in arrangements that would, if the company were the umbrella company, result in the umbrella company arrangements conditions being met in relation to services the individual provides to the client,

(b) either—

(i) it is reasonable to suppose that one or more participants in the arrangements, other than the purported umbrella company or the individual, would assume that a substantial proportion of amounts provided to the purported umbrella company in respect of the services will be paid to the individual as earnings, or

(ii) the purported umbrella company has taken any step that it is reasonable to suppose was intended to give the impression to any person (whether or not that impression is given) that a substantial proportion of amounts provided to the purported umbrella company in respect of the services will be paid to the individual as earnings,

(c) it is not the case that a substantial proportion of amounts provided to the purported umbrella company in respect of the services is paid to the individual as earnings, and

(d) subsection (2) of section 61Y would apply if subsection (1)(b)(ii) of that section (requirement that the umbrella company is not a company in which the worker has a material interest) were omitted.

(5) If this subsection applies—

(a) the individual is to be treated for income tax purposes as holding an employment with the purported umbrella company, the duties of which consist of the services the individual provides to the client,

(b) all relevant remuneration is to be treated for income tax purposes as earnings from that employment,

(c) where there is any provision of relevant remuneration (by any person and to any person) that does not result (whether as a direct result of that provision, as a result of the onward provision of that remuneration or otherwise) in the payment of PAYE income of that remuneration, or any part of it, to the individual, the purported umbrella company is treated as making, and the individual is treated as receiving—

(i) a payment of PAYE income in the relevant amount made at the time it was provided for the purposes of the PAYE provisions, and

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(ii) a qualifying umbrella company payment made in the relevant amount at that time for the purposes of section 61Y(3),

(d) Chapters 7 to 10 of this Part (deemed employment by intermediaries) do not apply in relation to the provision of those services,

(e) section 863A (deemed employment of partners in limited liability partnerships) of ITTOIA 2005 does not apply so far as it otherwise would apply in relation to the provision of those services, and

(f) accordingly, section 61Y(2) will apply in relation to the purported umbrella company.

(6) For the purposes of subsection (5)—

(a) in paragraph (c) the relevant amount means so much of the remuneration provided as does not result in the payment of PAYE income to the individual, and

(b) that paragraph only applies in relation to the initial provision of an amount of relevant remuneration (and not to any subsequent onward provision of that same amount).

(7) If subsection (5) would, ignoring this subsection, apply in relation to more than one purported umbrella company in relation to services the individual provides to the client, that subsection only applies in relation to the purported umbrella company that—

(a) is a person to whom PAYE regulations apply and is closest to the individual, by reference to the contract or series of contracts resulting in the provision of those services, or

(b) if none of the purported umbrella companies is a person to whom PAYE regulations apply, is closest to the individual by reference to that contract or those contracts.

(8) Where subsection (5) applies and there is a person who is an umbrella company in relation to the services the individual provides to the client, that subsection has effect as if—

(a) paragraph (a) were omitted,

(b) in paragraph (b), the reference to that employment were to the employment of the individual by the umbrella company,

(c) in paragraph (c), the reference to the purported umbrella company were to the umbrella company, and

(d) paragraph (f) were omitted.

(9) Subsection (10) applies where subsection (5) applies and there is more than one person who—

(a) is an umbrella company in relation to services the individual provides to the client, or

(b) is a purported umbrella company in relation to those services (including a purported umbrella company in relation to which subsection (5) does not apply as a result of subsection (7)).

(10) Where this subsection applies, each of the persons falling within paragraphs (a) or (b) of subsection (9) is (to the extent this would not otherwise be the case) jointly and severally liable to pay any amount payable, in accordance with the PAYE provisions, in relation to the relevant remuneration.

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(11) For the purposes of this section "relevant remuneration" means—

(a) all remuneration receivable by the individual (from any person) in consequence of providing the services, and

(b) any other amount that it is just and reasonable to attribute to provision of the services by the individual (for example, any amounts that would form part of any deemed direct employment payment or deemed direct payment if any of Chapters 8, 9 or 10 of this Part applied).

### 61Z2 Disclosures to liable persons

(1) Subsection (2) applies where an officer of Revenue and Customs considers that a person is, or may be, jointly and severally liable to pay an amount as a result of this Chapter.

(2) The officer may at any time disclose to the person such information as the officer considers appropriate (whether or not such a disclosure would otherwise be permitted under section 18(2)(a) of CRCA 2005 or any other enactment) for the purposes of informing the person about that liability ("the joint liability") including—

(a) the identity of any person who is an umbrella company, a purported umbrella company or the worker in relation to the arrangements to which the joint liability relates, and

(b) information about the nature and extent of the liability of an umbrella company or a purported umbrella company that (by virtue of this Chapter) results, or may result, in the joint liability.

(3) Information disclosed in reliance on subsection (2) may not be further disclosed without the consent of the Commissioners for His Majesty's Revenue and Customs (which may be general or specific).

(4) Where a person contravenes subsection (3) by disclosing information relating to a person whose identity—

(a) is specified in the disclosure, or

(b) can be deduced from it,

section 19 of CRCA 2005 (offence of wrongful disclosure) applies in relation to the disclosure as it applies in relation to a disclosure in contravention of section 20(9) of that Act.

(5) In this section "CRCA 2005" means the Commissioners for Revenue and Customs Act 2005.**]**

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# PART 3

EMPLOYMENT INCOME: EARNINGS AND BENEFITS ETC. TREATED AS EARNINGS

## CHAPTER 1

EARNINGS

### 62 Earnings

(1) This section explains what is meant by "earnings" in the employment income Parts.

(2) In those Parts "earnings", in relation to an employment, means—

(a) any salary, wages or fee,

(b) any gratuity or other profit or incidental benefit of any kind obtained by the employee if it is money or money's worth, or

(c) anything else that constitutes an emolument of the employment.

(3) For the purposes of subsection (2) "money's worth" means something that is—

(a) of direct monetary value to the employee, or

(b) capable of being converted into money or something of direct monetary value to the employee.

(4) Subsection (1) does not affect the operation of statutory provisions that provide for amounts to be treated as earnings (and see section 721(7)).

## CHAPTER 2

TAXABLE BENEFITS: THE BENEFITS CODE

*The benefits code*

### 63 The benefits code

(1) In the employment income Parts "the benefits code" means—

this Chapter,
Chapter 3 (expenses payments),
Chapter 4 (vouchers and credit-tokens),
Chapter 5 (living accommodation),
Chapter 6 (cars, vans and related benefits),
Chapter 7 (loans), **[**F207and**]**
...
...
Chapter 10 (residual liability to charge)
...

(2) . . . . . .

(3) . . . . . .

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(4) . . . . . .

**[**[F208](5) The benefits code has effect subject to section 554Z2(2).**]**

**Textual Amendments**

**F207** Word in s. 63(1) inserted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 1 para. 5(2)(a)**

**F208** S. 63(5) inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 8**

## 64 Relationship between earnings and benefits code

(1) This section applies if, apart from this section, the same benefit would give rise to two amounts ("A" and "B")—

(a) A being an amount of earnings as defined in Chapter 1 of this Part, and

(b) B being an amount to be treated as earnings under the benefits code.

(2) In such a case—

(a) A constitutes earnings as defined in Chapter 1 of this Part, and

(b) the amount (if any) by which B exceeds A is to be treated as earnings under the benefits code.

(3) This section does not apply in connection with living accommodation to which Chapter 5 of this Part applies.

(4) In that case section 109 applies to determine the relationship between that Chapter and Chapter 1 of this Part.

(5) . . . . . .

(6) . . . . . .

## 65 Dispensations relating to benefits within provisions not applicable to lower-paid employment

. . . . . .

*General definitions for benefits code*

## 66 Meaning of "employment" and related expressions

(1) In the benefits code—

(a) "employment" means a taxable employment under Part 2, and

(b) "employed", "employee" and "employer" have corresponding meanings.

(2) Where a Chapter of the benefits code applies in relation to an employee—

(a) references in that Chapter to "the employment" are to the employment of that employee, and

(b) references in that Chapter to "the employer" are to the employer in respect of that employment.

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(3) For the purposes of the benefits code an employment is a "taxable employment under Part 2" in a tax year if the earnings from the employment for that year are (or would be if there were any) general earnings to which the charging provisions of Chapter 4 or 5 of Part 2 apply.

(4) In subsection (3)—

(a) the reference to an employment includes employment as a director of a company, and

(b) "earnings" means earnings as defined in Chapter 1 of this Part.

**[**[F209](5) In the benefits code "lower-paid employment as a minister of religion" has the same meaning as in Part 4 (see section 290D).**]**

**Textual Amendments**

**F209** S. 66(5) inserted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 1 para. 6**

## 67 Meaning of "director" and "full-time working director"

(1) In the benefits code "director" means—

(a) in relation to a company whose affairs are managed by a board of directors or similar body, a member of that body,

(b) in relation to a company whose affairs are managed by a single director or similar person, that director or person, and

(c) in relation to a company whose affairs are managed by the members themselves, a member of the company,

and includes any person in accordance with whose directions or instructions the directors of the company (as defined above) are accustomed to act.

(2) For the purposes of subsection (1) a person is not to be regarded as a person in accordance with whose directions or instructions the directors of the company are accustomed to act merely because the directors act on advice given by that person in a professional capacity.

(3) In the benefits code "full-time working director" means a director who is required to devote substantially the whole of his time to the service of the company in a managerial or technical capacity.

## 68 Meaning of "material interest" in a company

(1) For the purposes of the benefits code a person has a material interest in a company if condition A or B is met.

(2) Condition A is that the person (with or without one or more associates) or any associate of that person (with or without one or more **[**[F210]other such associates**]**) is—

(a) the beneficial owner of, or

(b) able to control, directly or through the medium of other companies or by any other indirect means,

more than 5% of the ordinary share capital of the company.

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(3) Condition B is that, in the case of a close company, the person (with or without one or more associates) or any associate of that person (with or without one or more **[**F211other such associates**]**), possesses or is entitled to acquire, such rights as would—

(a) in the event of the winding-up of the company, or

(b) in any other circumstances,

give an entitlement to receive more than 5% of the assets which would then be available for distribution among the participators.

(4) In this section—

"associate" has the meaning given by **[**F212section 448 of CTA 2010**]** except that, for this purpose, "relative" in **[**F213section 448(1)**]** has the meaning given by subsection (5) below, and

"participator" has the meaning given by **[**F214section 454 of CTA 2010**]**.

(5) For the purposes of this section a person ("A") is a relative of another ("B") if A is—

(a) B's spouse **[**F215or civil partner**]**,

(b) a parent, child or remoter relation in the direct line either of B or of B's spouse **[**F215or civil partner**]**,

(c) a brother or sister of B or of B's spouse **[**F215or civil partner**]**, or

(d) the spouse **[**F215or civil partner**]** of a person falling within paragraph (b) or (c).

**Textual Amendments**

**F210** Words in s. 68(2) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 383(2)** (with Sch. 2)

**F211** Words in s. 68(3) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 383(3)** (with Sch. 2)

**F212** Words in s. 68(4) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 383(4)(a)(i)** (with Sch. 2)

**F213** Words in s. 68(4) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 383(4)(a)(ii)** (with Sch. 2)

**F214** Words in s. 68(4) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 383(4)(b)** (with Sch. 2)

**F215** Words in s. 68(5) inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **140**

## 69 Extended meaning of "control"

(1) The definition of "control" in **[**F216section 995 of ITA 2007**]** (which is applied for the purposes of this Act by section 719) is extended as follows.

(2) For the purposes of the benefits code that definition applies (with the necessary modifications) in relation to an unincorporated association as it applies in relation to a body corporate.

**Textual Amendments**

**F216** Words in s. 69(1) substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 430** (with Sch. 2)

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## [F217 69A Optional remuneration arrangements

(1) Subsections (2) to (7) have effect for the purposes of the benefits code.

(2) A benefit provided for an employee is provided under "optional remuneration arrangements" so far as it is provided under arrangements of type A or B (regardless of whether those arrangements are made before or after the beginning of the person's employment).

(3) "Type A arrangements" are arrangements under which, in return for the benefit, the employee gives up the right (or a future right) to receive an amount of earnings within Chapter 1 of Part 3.

(4) "Type B arrangements" are arrangements (other than type A arrangements) under which the employee agrees to be provided with the benefit rather than an amount of earnings within Chapter 1 of Part 3.

(5) A benefit provided for an employee is to be regarded as provided under optional remuneration arrangements (whether of type A or type B) so far as it is just and reasonable to attribute the provision of the benefit to the arrangements in question.

(6) Where a benefit is provided for an employee under any arrangements, the mere fact that under the arrangements the employee makes good, or is required to make good, any part of the cost of provision is not to be taken to show that the benefit is (to any extent) provided otherwise than under optional remuneration arrangements.

(7) Where a benefit is provided for an employee partly under optional remuneration arrangements and partly otherwise than under such arrangements, the benefits code is to apply with any modifications (including provision for just and reasonable apportionments) that may be required for ensuring that the benefit is treated—

(a) in accordance with the relevant provision in the column 2 of the table so far as it is provided under optional remuneration arrangements, and

(b) in accordance with the relevant provision in column 1 of the table so far as it is provided otherwise than under such arrangements.

| ***Column 1*** | ***Column 2*** |
|---|---|
| ***Section*** | ***Section*** |
| 81(1) | 81(1A)(b) |
| 87(1) | 87A(1)(a) |
| 94(1) | 94A(1)(a) |
| 102(1A) | 102(1B)(b) |
| 120(1) | 120A(1)(a) |
| 149(1) | 149A(2)(a) |
| 154(1) | 154A(1)(a) |
| 160(1) | 160A(2)(a) |
| 175(1) | 175(1A)(b) |
| 203(1) | 203A(1)(a) |

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**Textual Amendments**

**F217** Ss. 69A, 69B inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 1**

### 69B Optional remuneration arrangements: supplementary

(1) For the purposes of the benefits code "the amount foregone"—

(a) in relation to a benefit provided for an employee under type A arrangements means the amount of earnings mentioned in section 69A(3);

(b) in relation to a benefit provided for an employee under type B arrangements means the amount of earnings mentioned in section 69A(4);

(c) in relation to a benefit provided for an employee partly under type A arrangements and partly under type B arrangements, means the sum of the amounts foregone under the arrangements of each type.

(2) Subsection (3) applies where, in order to determine the amount foregone with respect to a particular benefit mentioned in section 69A(3) or (4), it is necessary to apportion an amount of earnings to the benefit.

(3) The apportionment is to be made on a just and reasonable basis.

(4) In this section and section 69A references to a benefit provided for an employee include a benefit provided for a member of an employee's family or household.

(5) In this section and section 69A—

"benefit" includes any benefit or facility, regardless of its form and the manner of providing it;

"earnings" means earnings within Chapter 1 of Part 3 (and includes a reference to amounts which would have been such earnings if the employee had received them).**]**

**Textual Amendments**

**F217** Ss. 69A, 69B inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 1**

## CHAPTER 3

TAXABLE BENEFITS: EXPENSES PAYMENTS

### 70 Sums in respect of expenses

(1) This Chapter applies to a sum paid to an employee in a tax year if the sum—

(a) is paid to the employee in respect of expenses, and

(b) is so paid by reason of the employment.

(2) This Chapter applies to a sum paid away by an employee in a tax year if the sum—

(a) was put at the employee's disposal in respect of expenses,

(b) was so put by reason of the employment, and

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(c) is paid away by the employee in respect of expenses.

(3) For the purposes of this Chapter it does not matter whether the employment is held at the time when the sum is paid or paid away so long as it is held at some point in the tax year in which the sum is paid or paid away.

(4) References in this Chapter to an employee accordingly include a prospective or former employee.

(5) This Chapter does not apply to the extent that the sum constitutes earnings from the employment by virtue of any other provision.

### 71 Meaning of paid or put at disposal by reason of the employment

(1) If an employer pays a sum in respect of expenses to an employee it is to be treated as paid by reason of the employment unless—

(a) the employer is an individual, and

(b) the payment is made in the normal course of the employer's domestic, family or personal relationships.

(2) If an employer puts a sum at an employee's disposal in respect of expenses it is to be treated as put at the employee's disposal by reason of the employment unless—

(a) the employer is an individual, and

(b) the sum is put at the employee's disposal in the normal course of the employer's domestic, family or personal relationships.

### 72 Sums in respect of expenses treated as earnings

(1) If this Chapter applies to a sum, the sum is to be treated as earnings from the employment for the tax year in which it is paid or paid away.

(2) Subsection (1) does not prevent the making of a deduction allowed under any of the provisions listed in subsection (3).

(3) The provisions are—

section 336 (deductions for expenses: the general rule);
section 337 (travel in performance of duties);
section 338 (travel for necessary attendance);
section 340 (travel between group employments);
**[**[F218]section 340A (travel between linked employments);**]**
section 341 (travel at start or finish of overseas employment);
section 342 (travel between employments where duties performed abroad);
section 343 (deduction for professional membership fees);
section 344 (deduction for annual subscriptions);
section 346 (deduction for employee liabilities);
section 351 (expenses of ministers of religion);
section 353 (deductions from earnings charged on remittance).

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**Textual Amendments**

**F218** Words in s. 72(3) inserted (with effect in accordance with art. 4 of the amending S.I.) by The Enactment of Extra-Statutory Concessions Order 2014 (S.I. 2014/211), arts. 1, **3**

## CHAPTER 4

TAXABLE BENEFITS: VOUCHERS AND CREDIT-TOKENS

*Cash vouchers: introduction*

### 73 Cash vouchers to which this Chapter applies

(1) This Chapter applies to a cash voucher provided for an employee by reason of the employment which is received by the employee.

(2) A cash voucher provided for an employee by the employer is to be regarded as provided by reason of the employment unless—

(a) the employer is an individual, and

(b) the provision is made in the normal course of the employer's domestic, family or personal relationships.

(3) A cash voucher provided for an employee and appropriated to the employee—

(a) by attaching it to a card held for the employee, or

(b) in any other way,

is to be treated for the purposes of this Chapter as having been received by the employee at the time when it is appropriated.

### 74 Provision for, or receipt by, member of employee's family

For the purposes of this Chapter any reference to a cash voucher being provided for or received by an employee includes a reference to it being provided for or received by a member of the employee's family.

*Meaning of "cash voucher"*

### 75 Meaning of "cash voucher"

(1) In this Chapter "cash voucher" means a voucher, stamp or similar document capable of being exchanged for a sum of money which is—

(a) greater than,

(b) equal to, or

(c) not substantially less than,

the expense incurred by the person at whose cost the voucher, stamp or similar document is provided.

(2) For the purposes of subsection (1) it does not matter whether the document—

(a) is also capable of being exchanged for goods or services;

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(b) is capable of being exchanged singly or together with other vouchers, stamps, or documents;

(c) is capable of being exchanged immediately or only after a time.

(3) Subsection (1) is subject to section 76 (sickness benefits-related voucher).

### 76 Sickness benefits-related voucher

(1) This section applies where—

(a) the expense incurred by the person at whose cost a voucher, stamp or similar document is provided ("the provision expense") includes costs to that person of providing sickness benefits ("sickness benefits costs"),

(b) the voucher, stamp or document would be a cash voucher (apart from this section) but for the fact that the sum of money for which it is capable of being exchanged ("the exchange sum") is substantially less than the provision expense, and

(c) the whole or part of the difference between the exchange sum and the provision expense represents the sickness benefits costs.

(2) The voucher, stamp or document is a cash voucher within the meaning of this Chapter if—

$$E = \mathrm{PE} - D$$

or

$$E \text{ is not substantially less than } \mathrm{PE} - D$$

where—

E is the exchange sum,

PE is the provision expense, and

D is the amount of the difference between E and PE which represents the sickness benefits costs.

(3) In this section "sickness benefits" mean benefits in connection with sickness, personal injury or death.

### 77 Apportionment of cost of provision of voucher

If a person incurs expense in or in connection with the provision of vouchers, stamps or similar documents for two or more employees as members of a group or class, the expense incurred in respect of one of them is to be such part of that expense as is just and reasonable.

*Cash vouchers: exceptions*

### 78 Voucher made available to public generally

This Chapter does not apply to a cash voucher if—

(a) it is of a kind made available to the public generally, and

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(b) it is provided to the employee or a member of the employee's family on no more favourable terms than to the public generally.

### 79 Voucher issued under approved scheme

(1) This Chapter does not apply to a cash voucher received by an employee if—

(a) it is issued under a scheme, and

(b) at the time when it is received the scheme is a scheme approved by **[**F154an officer of Revenue and Customs**]** for the purposes of this section.

(2) **[**F154An officer of Revenue and Customs**]** must not approve a scheme for the purposes of this section unless **[**F219the officer**][**F220is**]** satisfied that it is practicable for income tax in respect of all payments made in exchange for vouchers issued under the scheme to be deducted in accordance with PAYE regulations.

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F219** Words in s. 79(2) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 103(1)(c)**; S.I. 2005/1126, art. 2(2)(h)

**F220** Word in s. 79(2) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 107**; S.I. 2005/1126, art. 2(2)(h)

### 80 Vouchers where payment of sums exempt from tax

This Chapter does not apply to a cash voucher if it is—

(a) a document intended to enable a person to obtain payment of a sum which would not have constituted employment income if paid to the person directly, or

(b) a savings certificate where the accumulated interest payable in respect of it is exempt from tax (or would be so exempt if certain conditions were met).

*Benefit of cash voucher treated as earnings*

### 81 Benefit of cash voucher treated as earnings

(1) The cash equivalent of the benefit of a cash voucher to which this Chapter applies is to be treated as earnings from the employment for the tax year in which the voucher is received by the employee.

**[**F221(1A) Where a cash voucher to which this Chapter applies is provided pursuant to optional remuneration arrangements—

(a) subsection (1) does not apply, and

(b) the relevant amount is to be treated as earnings from the employment for the tax year in which the voucher is received by the employee.

(1B) In this section "the relevant amount" means—

(a) the cash equivalent, or

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(b) if greater, the amount foregone with respect to the benefit of the voucher (see section 69B).**]**

(2) The cash equivalent is the sum of money for which the voucher is capable of being exchanged.

**[**F222(3) For the purposes of subsection (1B), assume that the cash equivalent is zero if the condition in subsection (4) is met.

(4) The condition is that the benefit of the voucher would be exempt from income tax but for section 228A (exclusion of certain exemptions).**]**

**Textual Amendments**

**F221** S. 81(1A)(1B) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 3(2)**

**F222** S. 81(3)(4) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 3(3)**

*Non-cash vouchers: introduction*

### 82 Non-cash vouchers to which this Chapter applies

(1) This Chapter applies to a non-cash voucher provided for an employee by reason of the employment which is received by the employee.

(2) A non-cash voucher provided for an employee by the employer is to be regarded as provided by reason of the employment unless—

(a) the employer is an individual, and

(b) the provision is made in the normal course of the employer's domestic, family or personal relationships.

(3) A non-cash voucher provided for an employee and appropriated to the employee—

(a) by attaching it to a card held for the employee, or

(b) in any other way,

is to be treated for the purposes of this Chapter as having been received by the employee at the time when it is appropriated.

### 83 Provision for, or receipt by, member of employee's family

For the purposes of this Chapter any reference to a non-cash voucher being provided for or received by an employee includes a reference to it being provided for or received by a member of the employee's family.

*Meaning of "non-cash voucher"*

### 84 Meaning of "non-cash voucher"

(1) In this Chapter "non-cash voucher" means—

(a) a voucher, stamp or similar document or token which is capable of being exchanged for money, goods or services,

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**[**F223(ab) a childcare voucher,**]**

(b) a transport voucher, or

(c) a cheque voucher,

but does not include a cash voucher.

(2) For the purposes of subsection (1)(a) it does not matter whether the document or token is capable of being exchanged—

(a) singly or together with other vouchers, stamps, documents or tokens;

(b) immediately or only after a time.

**[**F224(2A) In this Chapter "childcare voucher" means a voucher, stamp or similar document or token intended to enable a person to obtain the provision of care for a child (whether or not in exchange for it).**]**

(3) In this Chapter "transport voucher" means a ticket, pass or other document or token intended to enable a person to obtain passenger transport services (whether or not in exchange for it).

(4) In this Chapter "cheque voucher" means a cheque—

(a) provided for an employee, and

(b) intended for use by the employee wholly or mainly for payment for—

(i) particular goods or services, or

(ii) goods or services of one or more particular classes;

and, in relation to a cheque voucher, references to a voucher being exchanged for goods or services are to be read accordingly.

**Textual Amendments**

**F223** S. 84(1)(ab) inserted (with effect in accordance with s. 78(2) of the amending Act) by Finance Act 2004 (c. 12), **Sch. 13 para. 2(2)(a)**

**F224** S. 84(2A) inserted (with effect in accordance with s. 78(2) of the amending Act) by Finance Act 2004 (c. 12), **Sch. 13 para. 2(2)(b)**

*Non-cash voucher: exceptions*

### 85 Non-cash voucher made available to public generally

This Chapter does not apply to a non-cash voucher if—

(a) it is of a kind made available to the public generally, and

(b) it is provided to the employee or a member of the employee's family on no more favourable terms than to the public generally.

### 86 Transport vouchers under pre-26th March 1982 arrangements

(1) This Chapter does not apply to a transport voucher provided for an employee of a passenger transport undertaking under arrangements in operation on 25th March 1982 which meet the condition in subsection (2).

(2) The condition is that the arrangements are intended to enable the employee or a member of the employee's family to obtain passenger transport services provided by—

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(a) the employer,
(b) a subsidiary of the employer,
(c) a body corporate of which the employer is a subsidiary, or
(d) another passenger transport undertaking.

(3) In this section—

"passenger transport undertaking" means an undertaking whose business consists wholly or mainly in the carriage of passengers or a subsidiary of such an undertaking, and

"subsidiary" means a wholly-owned subsidiary within the meaning of section **[**F225**]**1159 of and Schedule 6 to**]** the Companies Act **[**F226**]**2006**]**.

**Textual Amendments**

**F225** Words in s. 86(3) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments) (Taxes and National Insurance) Order 2009 (S.I. 2009/1890), arts. 1(1), **4(1)(g)**

**F226** Word in s. 86(3) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments) (Taxes and National Insurance) Order 2009 (S.I. 2009/1890), arts. 1(1), **4(1)(g)**

*Benefit of non-cash voucher treated as earnings*

## 87 Benefit of non-cash voucher treated as earnings

(1) The cash equivalent of the benefit of a non-cash voucher to which this Chapter applies is to be treated as earnings from the employment for the tax year in which the voucher is received by the employee.

(2) The cash equivalent is the difference between—
(a) the cost of provision, and
(b) any part of that cost made good by the employee **[**F227, to the person incurring it, on or before 6 July following the relevant tax year**]**.

**[**F228(2A) If the voucher is a non-cash voucher other than a cheque voucher, the relevant tax year is—
(a) the tax year in which the cost of provision is incurred, or
(b) if later, the tax year in which the employee receives the voucher.

(2B) If the voucher is a cheque voucher, the relevant tax year is the tax year in which the voucher is handed over in exchange for money, goods or services.**]**

(3) In this Chapter the "cost of provision" means, in relation to a non-cash voucher, the expense incurred in or in connection with the provision of—
(a) the voucher, and
(b) the money, goods or services for which it is capable of being exchanged,
by the person at whose cost they are provided.

**[**F229(3A) In the case of a childcare voucher, the reference in subsection (3)(b) to the services for which the voucher is capable of being exchanged is to the provision of care for a child which may be obtained by using it.**]**

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(4) In the case of a transport voucher, the reference in subsection (3)(b) to the services for which the voucher is capable of being exchanged is to the passenger transport services which may be obtained by using it.

(5) If a person incurs expense in or in connection with the provision of non-cash vouchers for two or more employees as members of a group or class, the expense incurred in respect of one of them is to be such part of that expense as is just and reasonable.

(6) . . . . . .

**Textual Amendments**

**F227** Words in s. 87(2)(b) substituted (with effect in accordance with s. 1(14) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 1(2)(a)**

**F228** S. 87(2A)(2B) inserted (with effect in accordance with s. 1(14) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 1(2)(b)**

**F229** S. 87(3A) inserted (with effect in accordance with s. 78(2) of the amending Act) by Finance Act 2004 (c. 12), **Sch. 13 para. 2(3)**

## [F230 87A Benefit of non-cash voucher treated as earnings: optional remuneration arrangements

(1) Where a non-cash voucher to which this Chapter applies is provided pursuant to optional remuneration arrangements—

(a) the relevant amount is to be treated as earnings from the employment for the tax year in which the voucher is received by the employee, and

(b) section 87(1) does not apply.

(2) To find the relevant amount, first determine which (if any) is the greater of—

(a) the cost of provision (see section 87(3)), and

(b) the amount foregone with respect to the benefit of the voucher (see section 69B).

(3) If the cost of provision is greater than or equal to the amount foregone, the "relevant amount" is the cash equivalent of the benefit of the non-cash voucher (see section 87(2)).

(4) Otherwise, the "relevant amount" is the difference between—

(a) the amount foregone, and

(b) any part of the cost of provision that is made good by the employee, to the person incurring it, on or before 6 July following the relevant tax year.

(5) If the voucher is a non-cash voucher other than a cheque voucher, the relevant tax year is—

(a) the tax year in which the cost of provision is incurred, or

(b) if later, the tax year in which the employee receives the voucher.

(6) If the voucher is a cheque voucher, the relevant tax year is the tax year in which the voucher is handed over in exchange for money, goods or services.

(7) For the purposes of subsections (2) and (3), assume that the cost of provision is zero if the condition in subsection (8) is met.

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(8) The condition is that the non-cash voucher would be exempt from income tax but for section 228A (exclusion of certain exemptions).**]**

**Textual Amendments**

**F230** S. 87A inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 4**

## 88 Year in which earnings treated as received

(1) In the case of a non-cash voucher other than a cheque voucher, the amount treated as earnings under section 87 **[**F231or 87A**]** is to be treated as received—

(a) in the tax year in which the cost of provision is incurred, or

(b) if later, in the tax year in which the voucher is received by the employee.

(2) In the case of a cheque voucher, the amount treated as earnings under section 87 **[**F232or 87A**]** is to be treated as received in the tax year in which the voucher is handed over in exchange for money, goods or services.

(3) **[**F233For the purposes of subsection (2) and sections 87(2B) and 87A(6),**]** Where a cheque voucher is posted it is to be treated as handed over at the time of posting.

**Textual Amendments**

**F231** Words in s. 88(1) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 5(a)**

**F232** Words in s. 88(2) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 5(b)**

**F233** Words in s. 88(3) inserted (with effect in accordance with s. 1(14) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 1(3)**

## 89 Reduction for meal vouchers

. . . . . .

*Credit-tokens: introduction*

## 90 Credit-tokens to which this Chapter applies

(1) This Chapter applies to a credit-token provided for an employee by reason of the employment which is used by the employee to obtain money, goods or services.

(2) A credit-token provided for an employee by the employer is to be regarded as provided by reason of the employment unless—

(a) the employer is an individual, and

(b) the provision is made in the normal course of the employer's domestic, family or personal relationships.

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### 91 Provision for, or use by, member of employee's family

For the purposes of this Chapter—

(a) any reference to a credit-token being provided for an employee includes a reference to it being provided for a member of the employee's family, and

(b) use of a credit-token by a member of an employee's family is to be treated as use of the token by the employee.

*Meaning of "credit-token"*

### 92 Meaning of "credit-token"

(1) In this Chapter "credit-token" means a credit card, debit card or other card, a token, a document or other object given to a person by another person ("X") who undertakes—

(a) on the production of it, to supply money, goods or services on credit, or

(b) if a third party ("Y") supplies money, goods or services on its production, to pay Y for what is supplied.

(2) A card, token, document or other object can be a credit-token even if—

(a) some other action is required in addition to its production in order for the money, goods or services to be supplied;

(b) X in paying Y may take a discount or commission.

(3) For the purposes of this section—

(a) the use of an object given by X to operate a machine provided by X is to be treated as its production to X, and

(b) the use of an object given by X to operate a machine provided by Y is to be treated as its production to Y.

(4) A "credit-token" does not include a cash voucher or a non-cash voucher.

*Credit-tokens: exception*

### 93 Credit-token made available to public generally

This Chapter does not apply to a credit-token if—

(a) it is of a kind made available to the public generally, and

(b) it is provided to the employee or a member of the employee's family on no more favourable terms than to the public generally.

*Benefit of credit-token treated as earnings*

### 94 Benefit of credit-token treated as earnings

(1) On each occasion on which a credit-token to which this Chapter applies is used by the employee in a tax year to obtain money, goods or services, the cash equivalent of the benefit of the token is to be treated as earnings from the employment for that year.

(2) The cash equivalent is the difference between—

(a) the cost of provision, and

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(b) any part of that cost made good by the **[**F234employee—

(i) to the person incurring it, and

(ii) on or before 6 July following the tax year which contains the occasion in question.**]**

(3) In this section the "cost of provision" means the expense incurred—

(a) in or in connection with the provision of the money, goods or services obtained on the occasion in question, and

(b) by the person at whose cost they are provided.

(4) If a person incurs expense in or in connection with the provision of credit-tokens for two or more employees as members of a group or class, the expense incurred in respect of one of them is to be such part of that expense as is just and reasonable.

**Textual Amendments**

**F234** Words in s. 94(2)(b) substituted (with effect in accordance with s. 1(14) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 1(4)**

### **[**F235**94A Benefit of credit-token treated as earnings: optional remuneration arrangements**

(1) If the conditions in subsections (2) and (3) are met in relation to any occasions on which a credit-token to which this Chapter applies is used by the employee in a tax year to obtain money, goods or services—

(a) the relevant amount is to be treated as earnings from the employment for that year, and

(b) section 94(1) does not apply in relation to the use of the credit-token on those occasions.

(2) The condition in this subsection is that the credit-token is used pursuant to optional remuneration arrangements.

(3) The condition in this subsection is that AF is greater than the relevant cost of provision for the tax year.

In this section "AF" means so much of the amount foregone (see section 69B) as is attributable on a just and reasonable basis to the use of the credit-token by the employee in the tax year pursuant to the optional remuneration arrangements to obtain money, goods or services.

(4) The "relevant amount" is the difference between—

(a) AF, and

(b) any part of the relevant cost of provision for the tax year that is made good by the employee, to the person incurring it, on or before 6 July following the tax year which contains the occasion of use of the credit-token to which the making good relates.

(5) But the relevant amount is taken to be zero if the amount given by paragraph (b) of subsection (4) exceeds AF.

(6) For the purposes of this section the "relevant cost of provision for the tax year" is determined as follows—

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*Step 1* Find the cost of provision with respect to each occasion of use of the credit-token by the employee in the tax year pursuant to the optional remuneration arrangements to obtain money, goods or services.

*Step 2* The total of those amounts is the relevant cost of provision for the tax year.

(7) But the relevant cost of provision for the tax year is to be taken to be zero if the condition in subsection (8) is met.

(8) The condition is that use of the credit token by the employee in the tax year pursuant to the optional remuneration arrangements to obtain money, goods or services would be exempt from income tax but for section 228A (exclusion of certain exemptions).

(9) In this section "cost of provision" has the same meaning as in section 94.**]**

**Textual Amendments**

**F235** S. 94A inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 6**

*General supplementary provisions*

## 95 Disregard for money, goods or services obtained

(1) This section applies if the cash equivalent of the benefit of a cash voucher, a non-cash voucher or a credit-token **[**F236or the relevant amount in respect of a cash voucher, a non-cash voucher or a credit-token**]** —

(a) is to be treated as earnings from an employee's employment under this Chapter, ...

(b) . . . . . .

(2) Money, goods or services obtained—

(a) by the employee or another person in exchange for the cash voucher or non-cash voucher, or

(b) by the employee or a member of the employee's family by use of the credit-token,

are to be disregarded for the purposes of the Income Tax Acts.

(3) But the goods or services are not to be disregarded for the purposes of applying sections 362 and 363 (deductions where non-cash voucher or credit-token provided).

**[**F237(3A) In the case of a childcare voucher, the reference in subsection (2)(a) to the services obtained in exchange for the voucher is to the provision of care for a child obtained by using it.**]**

(4) In the case of a transport voucher, the reference in subsection (2)(a) to the services obtained in exchange for the voucher is to the passenger transport services obtained by using it.

**Textual Amendments**

**F236** Words in s. 95(1) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 51**

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**F237** S. 95(3A) inserted (with effect in accordance with s. 78(2) of the amending Act) by Finance Act 2004 (c. 12), **Sch. 13 para. 2(4)**

### 96 Dispensations relating to vouchers or credit-tokens

. . . . . .

### [F238 96A Power to exempt use of non-cash vouchers or credit-tokens to obtain exempt benefits

(1) The Treasury may by regulations provide for exemption from any liability that would otherwise arise by virtue of this Chapter in respect of—

(a) non-cash vouchers which are or can be used to obtain specified exempt benefits, or which evidence an employee's entitlement to specified exempt benefits;

(b) credit-tokens which are used to obtain specified exempt benefits.

(2) In this section—

"exempt benefit" means a benefit the direct provision of which is exempted from liability to income tax by a provision of Part 4 (employment income: exemptions), and

"specified" means specified in the regulations.

(3) Regulations under this section may operate by amending section 266 (exemption of non-cash vouchers for exempt benefits) or section 267 (exemption of credit-tokens used for exempt benefits).**]**

**Textual Amendments**

**F238** S. 96A inserted (19.7.2006) by Finance Act 2006 (c. 25), **s. 63**

## CHAPTER 5

TAXABLE BENEFITS: LIVING ACCOMMODATION

*Living accommodation*

### 97 Living accommodation to which this Chapter applies

(1) This Chapter applies to living accommodation provided for—

(a) an employee, or

(b) a member of an employee's family or household,

by reason of the employment.

[F239 (1A) Where this Chapter applies to any living accommodation—

(a) the living accommodation is a benefit for the purposes of this Chapter (and accordingly it is immaterial whether the terms on which it is provided to any of those persons constitute a fair bargain), and

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(b) sections 102 to 108 provide for **[**F240an amount in respect of**]** the benefit of the living accommodation to be treated as earnings.**]**

(2) Living accommodation provided for any of those persons by the employer is to be regarded as provided by reason of the employment unless—

(a) the employer is an individual, and

(b) the provision is made in the normal course of the employer's domestic, family or personal relationships.

**Textual Amendments**

**F239** S. 97(1A) inserted (with effect in accordance with s. 7(9) of the amending Act) by Finance Act 2016 (c. 24), **s. 7(2)**

**F240** Words in s. 97(1A)(b) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 7**

*Exceptions*

## 98 Accommodation provided by local authority

**[**F241In section 102 (benefit of accommodation treated as earnings) subsection (1A) (accommodation provided otherwise than pursuant to optional remuneration arrangements)**]** does not apply to living accommodation provided for an employee if—

(a) the employer is a local authority,

(b) it is provided for the employee by the authority, and

(c) the terms on which it is provided are no more favourable than those on which similar accommodation is provided by the authority for persons who are not their employees but whose circumstances are otherwise similar to those of the employee.

**Textual Amendments**

**F241** Words in s. 98 substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 8**

## 99 Accommodation provided for performance of duties

(1) **[**F242In section 102 (benefit of accommodation treated as earnings) subsection (1A) (accommodation provided otherwise than pursuant to optional remuneration arrangements)**]** does not apply to living accommodation provided for an employee if it is necessary for the proper performance of the employee's duties that the employee should reside in it.

(2) **[**F243In section 102 (benefit of accommodation treated as earnings) subsection (1A)**]** does not apply to living accommodation provided for an employee if—

(a) it is provided for the better performance of the duties of the employment, and

(b) the employment is one of the kinds of employment in the case of which it is customary for employers to provide living accommodation for employees.

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(3) But if the accommodation is provided by a company and the employee ("E") is a director of the company or of an associated company, the exception in subsection (1) or (2) only applies if, in the case of each company of which E is a director—

(a) E has no material interest in the company, and

(b) either—

(i) E's employment is as a full-time working director, or

(ii) the company is non-profit-making or is **[**F244a charitable company**]**.

(4) "Non-profit-making" means that the company does not carry on a trade and its functions do not consist wholly or mainly in the holding of investments or other property.

(5) A company is "associated" with another if—

(a) one has control of the other, or

(b) both are under the control of the same person.

**Textual Amendments**

**F242** Words in s. 99(1) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 9(2)**

**F243** Words in s. 99(2) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 9(3)**

**F244** Words in s. 99(3)(b)(ii) substituted (coming into force for the tax year 2012-13 and subsequent tax years) by Finance Act 2010 (c. 13), **Sch. 6 paras. 17(2)**, 34(2); S.I. 2012/736, art. 13

## 100 Accommodation provided as result of security threat

**[**F245In section 102 (benefit of accommodation treated as earnings) subsection (1A) (accommodation provided otherwise than pursuant to optional remuneration arrangements)**]** does not apply to living accommodation provided for an employee if—

(a) there is a special threat to the security of the employee,

(b) special security arrangements are in force, and

(c) the employee resides in the accommodation as part of those arrangements.

**Textual Amendments**

**F245** Words in s. 100 substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 10**

## **[**F246**100AHomes outside UK owned through company etc**

(1) **[**F247In section 102 (benefit of accommodation treated as earnings) subsection (1A) (accommodation provided otherwise than pursuant to optional remuneration arrangements)**]** does not apply to living accommodation outside the United Kingdom provided by a company for a director or other officer of the company ("D") or a member of D's family or household if—

(a) the company is wholly owned by D or D and other individuals (and no interest in the company is partnership property), and

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(b) the company has been the holding company of the property at all times after the relevant time.

(2) The company is "the holding company of the property" when—

(a) it owns a relevant interest in the property,

(b) its main or only asset is that interest, and

(c) the only activities undertaken by it are ones that are incidental to its ownership of that interest.

(3) The company is also "the holding company of the property" when—

(a) a company ("the subsidiary") which is wholly owned by the company meets the conditions in paragraphs (a) to (c) of subsection (2),

(b) the company's main or only asset is its interest in the subsidiary, and

(c) the only activities undertaken by the company are ones that are incidental to its ownership of that interest.

(4) "Relevant interest in the property" means an interest under the law of any territory that confers (or would but for any inferior interest confer) a right to exclusive possession of the property at all times or at certain times.

(5) "The relevant time" is the time the company first owned a relevant interest in the property; but this is subject to subsection (6).

(6) If—

(a) none of D's interest in the company was acquired directly or indirectly from a person connected with D, and

(b) the company owned a relevant interest in the property at the time D first acquired an interest in the company,

"the relevant time" is the time D first acquired such an interest.

**Textual Amendments**

**F246** Ss. 100A,100B inserted (retrospectively) by Finance Act 2008 (c. 9), **s. 45**

**F247** Words in s. 100A(1) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 11**

## 100B Section 100A(1): exceptions

(1) Section 100A(1) does not apply if subsection (2), (3) or (4) applies.

(2) This subsection applies if—

(a) the company's interest in the property was acquired directly or indirectly from a connected company at an undervalue, or

(b) the company's interest in the property derives from an interest that was so acquired.

(3) This subsection applies if, at any time after the relevant time—

(a) expenditure in respect of the property has been incurred directly or indirectly by a connected company, or

(b) any borrowing of the company directly or indirectly from a connected company has been outstanding (but see subsection (7)).

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(4) This subsection applies if the living accommodation is provided in pursuance of an arrangement the main purpose, or one of the main purposes, of which is the avoidance of tax or national insurance contributions.

(5) In subsection (2) references to the acquisition of an interest include the grant of an interest.

(6) For the purposes of that subsection, an interest is acquired at an undervalue if the total consideration for it is less than that which might reasonably have been expected to be obtained on a disposal of the interest on the open market; and "consideration" here means consideration provided at any time (and, for example, includes payments by way of rent).

(7) For the purposes of subsection (3)(b), no account is to be taken of—

(a) any borrowing at a commercial rate, or

(b) any borrowing which results in D being treated under Chapter 7 (taxable benefits: loans) as receiving earnings.

(8) In subsection (4) "arrangement" includes any scheme, agreement or understanding, whether or not enforceable.

(9) In this section "connected company" means—

(a) a company connected with D, with a member of D's family or with an employer of D, or

(b) a company connected with such a company.**]**

**Textual Amendments**

**F246** Ss. 100A,100B inserted (retrospectively) by Finance Act 2008 (c. 9), **s. 45**

## 101 Chevening House

**[**[F248]In section 102 (benefit of accommodation treated as earnings) subsection (1A) (accommodation provided otherwise than pursuant to optional remuneration arrangements)**]** does not apply to living accommodation provided for an employee if the accommodation is—

(a) Chevening House, or

(b) any other premises held on the trusts of the trust instrument set out in the Schedule to the Chevening Estate Act 1959 (c. 49),

and the employee is a person nominated in accordance with those trusts.

**Textual Amendments**

**F248** Words in s. 101 substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 12**

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*Benefit of living accommodation treated as earnings*

## 102 Benefit of living accommodation treated as earnings

(1) **[**F249This section applies if living accommodation to which this Chapter applies is provided in any period ("the taxable period") — **]**

(a) which consists of the whole or part of a tax year, and

(b) throughout which the employee holds the employment,

**[**F250(1A) the cash equivalent of the benefit of the accommodation is to be treated as earnings from the employment for that year.**]**

**[**F251(1B) If the benefit of the accommodation is provided pursuant to optional remuneration arrangements—

(a) subsection (1A) does not apply, and

(b) the relevant amount is to be treated as earnings from the employment for that tax year.**]**

(2) . . . . . .

(3) Section 103 indicates how the cash equivalent is calculated.

**[**F252(4) Section 103A indicates how the relevant amount is determined.**]**

**Textual Amendments**

**F249** Words in s. 102(1) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 13(2)**

**F250** Words in s. 102(1) renumbered as s. 102(1A) (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 13(3)**

**F251** S. 102(1B) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 13(4)**

**F252** S. 102(4) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 13(6)**

*Calculation of cash equivalent*

## 103 Method of calculating cash equivalent

(1) The cash equivalent is calculated—

(a) under section 105 if the cost of providing the living accommodation does not exceed £75,000; and

(b) under section 106 if the cost of providing the living accommodation exceeds £75,000.

(2) Section 104 (general rule) sets out how to calculate the cost of providing living accommodation for the purpose of determining whether or not it exceeds £75,000.

(3) In this Chapter—

"annual value",

"person involved in providing accommodation", and

"the property",

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have the meaning given by sections 110 to 113, and "the taxable period" has the meaning given by section **[**F253102(1)**]** .

**Textual Amendments**

**F253** Word in s. 103(3) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 14**

### [F254103AAccommodation provided pursuant to optional remuneration arrangements: relevant amount

(1) To find the relevant amount, first determine which (if any) is the greater of—

(a) the modified cash equivalent of the benefit of the accommodation (see sections 105(2A) and 106(2A)), and

(b) the amount foregone with respect to the benefit of the accommodation (see section 69B).

(2) If the amount mentioned in subsection (1)(a) is greater than or equal to the amount mentioned in subsection (1)(b), the "relevant amount" is the cash equivalent of the benefit of the accommodation (see section 103).

(3) Otherwise, the "relevant amount" is the difference between—

(a) the amount foregone with respect to the benefit of the accommodation, and

(b) the deductible amount (see subsections (7) and (8)).

(4) If the amount foregone with respect to the benefit of the accommodation does not exceed the deductible amount, the relevant amount is taken to be zero.

(5) For the purposes of subsections (1) and (2), assume that the modified cash equivalent of the benefit of the accommodation is zero if the condition in subsection (6) is met.

(6) The condition is that the benefit of the accommodation would be exempt from income tax but for section 228A (exclusion of certain exemptions).

(7) If the cost of providing the living accommodation does not exceed £75,000, the "deductible amount" means any sum made good, on or before 6 July following the tax year which contains the taxable period, by the employee to the person at whose cost the accommodation is provided that is properly attributable to its provision.

(8) If the cost of providing the living accommodation exceeds £75,000, the "deductible amount" means the total of amounts A and B where—

A is equal to so much of MG as does not exceed RV;

B is the amount of any excess rent paid by the employee in respect of the taxable period;

MG is the total of any sums made good, on or before 6 July following the tax year which contains the taxable period, by the employee to the person at whose cost the accommodation is provided that are properly attributable to its provision (in the taxable period);

RV is the rental value of the accommodation for the taxable period as set out in section 105(3) or (4A)(b) (as applicable).

(9) In subsection (8) "excess rent" means so much of the rent in respect of the taxable period paid—

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(a) by the employee,
(b) in respect of the accommodation,
(c) to the person providing it, and
(d) on or before 6 July following the tax year which contains the taxable period,

as exceeds the rental value of the accommodation.

(10) Where it is necessary for the purposes of subsection (1)(b) and (3)(a) to apportion an amount of earnings to the benefit of the accommodation in the taxable period, the apportionment is to be made on a just and reasonable basis.

In this subsection "earnings" is to be interpreted in accordance with section 69B(5).**]**

**Textual Amendments**

**F254** S. 103A inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 15**

## 104 General rule for calculating cost of providing accommodation

For any tax year the cost of providing living accommodation is given by the formula—

$$A + 1 - P$$

where—

A is any expenditure incurred in acquiring the estate or interest in the property held by a person involved in providing the accommodation,

I is any expenditure incurred on improvements to the property which has been incurred before the tax year in question by a person involved in providing the accommodation, and

P is so much of any payment or payments made by the employee to a person involved in providing the accommodation as represents—

(a) reimbursement of A or I, or

(b) consideration for the grant to the employee of a tenancy or sub-tenancy of the property.

*Accommodation costing £75,000 or less*

## 105 Cash equivalent: cost of accommodation not over £75,000

(1) The cash equivalent **[**F255or modified cash equivalent**]** is to be calculated under this section if the cost of providing the living accommodation does not exceed £75,000.

(2) The cash equivalent is the difference between—

(a) the rental value of the accommodation for the taxable period, and

(b) any sum made good **[**F256, on or before 6 July following the tax year which contains the taxable period,**]** by the employee to the person at whose cost the accommodation is provided that is properly attributable to its provision.

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**[**F257(2A) The modified cash equivalent is equal to the rental value of the accommodation for the taxable period.**]**

(3) The "rental value of the accommodation" for the taxable period is **[**F258(subject to subsections (4) and (4A))**]** the rent which would have been payable for that period if the property had been let to the employee at an annual rent equal to the annual value.

**[**F259(4) Subsection (4A) applies where—

(a) a rental amount is payable by the person ("P") at whose cost the accommodation is provided in respect of the whole or part of the taxable period ("the relevant period"), and

(b) the amount so payable is payable at an annual rate greater than the annual value.

(4A) Where this subsection applies—

(a) subsection (3) does not apply to the relevant period, and

(b) instead the "rental value of the accommodation" for the relevant period is the rental amount payable by P in respect of the relevant period.

(4B) A reference in subsection (4) or (4A) to a rental amount payable by P in respect of the relevant period is to the sum of—

(a) any rent for the period payable by P, and

(b) any amount attributed to the period in respect of a lease premium (see sections 105A and 105B).**]**

(5) If the rental value of the accommodation for the taxable period does not exceed any sum made good by the employee as mentioned in subsection (2)(b), the cash equivalent is nil.

**Textual Amendments**

**F255** Words in s. 105(1) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 16(2)**

**F256** Words in s. 105(2)(b) inserted (with effect in accordance with s. 1(14) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 1(5)**

**F257** S. 105(2A) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 16(3)**

**F258** Words in s. 105(3) inserted (with effect in accordance with s. 71(4)-(6) of the amending Act) by Finance Act 2009 (c. 10), **s. 71(2)(a)**

**F259** S. 105(4)-(4B) substituted for s. 105(4) (with effect in accordance with s. 71(4)-(6) of the amending Act) by Finance Act 2009 (c. 10), **s. 71(2)(b)**

## **[**F260105ALease premiums

(1) For the purposes of section 105(4B)(b) an amount is attributed to the relevant period "in respect of a lease premium" if—

(a) the property consists of premises, or a part of premises, that are subject to a lease,

(b) the premises are not mainly used by P for a purpose other than the provision of living accommodation to which this Chapter applies,

(c) the lease is for a term of 10 years or less, and

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(d) the net amount payable by P in relation to the lease by way of lease premium is greater than zero.

(2) The amount so attributed is—

$$AC \times C$$

where—
A is the relevant period (in days),
B is the term of the lease (in days), and
C is the net amount payable by P in relation to the lease by way of lease premium.

(3) For provision about the application of this section in relation to certain leases with break clauses, see section 105B.

(4) For the purposes of this section the net amount payable by P in relation to a lease by way of lease premium is—

(a) the total amount (if any) that has been paid, or is or will become payable, by P in relation to the lease by way of lease premium, less

(b) any amount within paragraph (a) that has been repaid or is or will become repayable.

(5) In this section and section 105B "lease premium" means any premium payable—

(a) under a lease, or

(b) otherwise under the terms on which a lease is granted.

(6) In the application of this section to Scotland "premium" includes a grassum.

**Textual Amendments**

**F260** Ss. 105A, 105B inserted (with effect in accordance with s. 71(4)-(6) of the amending Act) by Finance Act 2009 (c. 10), **s. 71(3)**

### 105B Lease premiums in the case of leases with break clauses

(1) This section applies to a lease ("the original lease") that contains one or more relevant break clauses.

(2) For the purposes of this section—

(a) "break clause" means a provision of a lease that gives a person a right to terminate it so that its term is shorter than it otherwise would be, and

(b) a break clause contained in the original lease is "relevant" if the right to terminate the lease that it confers is capable of being exercised in such a way that the term of the original lease is 10 years or less.

(3) For the purposes of section 105A—

(a) the term of the original lease, and

(b) the net amount payable by P in relation to the lease by way of lease premium,

are to be determined on the assumption that any relevant break clause is exercised in such a way that the term of the lease is as short as possible.

(4) If a relevant break clause is not in fact exercised in such a way that the term of the original lease is as short as possible, the parties to the lease are treated for the purposes

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of section 105A as if they were parties to another lease (a "notional lease") the term of which—

(a) begins immediately after the time at which the term of the original lease would have ended, if that break clause had been so exercised, and

(b) ends at the time mentioned in subsection (5).

(5) The term of a notional lease ends—

(a) at the time the term of the original lease would end, on the assumption that any relevant break clause that is exercisable only after the beginning of the term of the notional lease is exercised in such a way that the term of the original lease is as short as possible, or

(b) if earlier, the tenth anniversary of the beginning of the term of the original lease.

(6) For the purposes of section 105A the net amount payable by P in relation to a notional lease by way of lease premium is, in the case of a notional lease the term of which ends under paragraph (a) of subsection (5)—

(a) the net amount that would be payable by P in relation to the original lease by way of lease premium on the assumption mentioned in that paragraph, less

(b) any part of that amount that has already been attributed to a period in respect of a lease premium under section 105(4B)(b).

(7) For the purposes of section 105A the net amount payable by P in relation to a notional lease by way of lease premium is, in the case of a notional lease the term of which ends under paragraph (b) of subsection (5), the relevant proportion of—

(a) the net amount that would be payable by P in relation to the original lease by way of lease premium, on the assumption that no break clause is exercised, less

(b) any part of that amount that has already been attributed to a period in respect of a lease premium under section 105(4B)(b).

(8) In subsection (7) "the relevant proportion" means—

$$\frac{D}{E}$$

where—
D is the term of the notional lease (in days), and
E is the sum of—

(a) the term of the notional lease (in days), and

(b) the number of days by which the term of the original lease would exceed 10 years, on the assumption that no break clause is exercised.**]**

**Textual Amendments**

**F260** Ss. 105A, 105B inserted (with effect in accordance with s. 71(4)-(6) of the amending Act) by Finance Act 2009 (c. 10), **s. 71(3)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Accommodation costing more than £75,000*

**106 Cash equivalent: cost of accommodation over £75,000**

(1) The cash equivalent **[**[F261]or modified cash equivalent**]** is calculated under this section if the cost of providing the living accommodation exceeds £75,000.

(2) To calculate the cash equivalent—

*Step 1*

Calculate the amount that would be the cash equivalent if section 105 applied (cash equivalent: cost of accommodation not over £75,000).

*Step 2*

Calculate the following amount ("the additional yearly rent")—

$$\text{ORI} \times (C - £75{,}000)$$

where—

ORI is the official rate of interest in force for the purposes of Chapter 7 of this Part (taxable benefits: loans) on 6th April in the tax year, and

C is the cost of providing the accommodation calculated—

(a) in accordance with section 104 (general rule for calculating cost of accommodation), or

(b) in a case where section 107 applies (special rule for calculating cost of providing accommodation), in accordance with that section instead.

*Step 3*

Calculate the rent which would have been payable for the taxable period if the property had been let to the employee at the additional yearly rent calculated under step 2.

*Step 4*

Calculate the cash equivalent by—

(a) adding together the amounts calculated under steps 1 and 3, and

(b) (if allowed by subsection (3)) subtracting from that total the excess rent paid by the employee.

**[**[F262](2A) To calculate the modified cash equivalent—

(a) apply steps 1 to 3 in subsection (2), as if the words "cash equivalent" in step 1 were "modified cash equivalent (for the purposes of section 105)";

(b) calculate the modified cash equivalent by adding together the amounts calculated under steps 1 and 3 as applied by paragraph (a).**]**

(3) In step 4—

(a) paragraph (b) only applies if, in respect of the taxable period, the rent **[**[F263]paid —

(i) by the employee,

(ii) in respect of the accommodation,

(iii) to the person providing it, and

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(iv) on or before 6 July following the tax year which contains the taxable period,

exceeds] the rental value of the accommodation for that period as set out in section 105(3) or (4)(b), as applicable, and

(b) "the excess rent" means the total amount of that excess.

**Textual Amendments**

**F261** Words in s. 106(1) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 17(2)**

**F262** S. 106(2A) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 17(3)**

**F263** Words in s. 106(3)(a) substituted (with effect in accordance with s. 1(14) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 1(6)**

## 107 Special rule for calculating cost of providing accommodation

(1) This section contains a special rule for calculating the cost of providing living accommodation which—

(a) operates for the purposes of step 2 of section 106(2) (calculating the additional yearly rent), and

(b) accordingly only operates where the cost of provision for the purposes of section 106(1) (as calculated under section 104) exceeds £75,000.

(2) This section applies if, throughout the period of 6 years ending with the date when the employee first occupied the accommodation ("the initial date"), an estate or interest in the property was held by a person involved in providing the accommodation.

It does not matter whether it was the same estate, interest or person throughout.

(3) For any tax year the cost of providing the living accommodation for the purposes mentioned in subsection (1)(a) is given by the formula—

$$MV + I - P$$

where—

MV is the price which the property might reasonably be expected to have fetched on a sale in the open market with vacant possession as at the initial date,

I is any expenditure incurred on improvements to the property which has been incurred during the period—

(a) beginning with the initial date, and

(b) ending with the day before the beginning of the tax year,

by a person involved in providing the accommodation, and

P is so much of any payment or payments made by the employee to a person involved in providing the accommodation as represents—

(a) reimbursement (up to an amount not exceeding MV) of any expenditure incurred in acquiring the estate or interest in the property held on the initial date,

(b) reimbursement of I, or

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(c) consideration for the grant to the employee of a tenancy or sub-tenancy of the property.

(4) In estimating MV no reduction is to be made for an option in respect of the property held by—

(a) the employee,

(b) a person connected with the employee, or

(c) a person involved in providing the accommodation.

*Apportionment of cash equivalent*

### 108 Cash equivalent: accommodation provided for more than one employee

(1) If, for the whole or part of a tax year, the same living accommodation is provided for more than one employee at the same time, the total of the cash equivalents for all of the employees is to be limited to the amount that would be the cash equivalent if the accommodation was provided for one employee.

(2) The cash equivalent for each of the employees is to be such part of that amount as is just and reasonable.

*Other tax implications*

### 109 Priority of this Chapter over Chapter 1 of this Part

(1) This section applies if—

(a) under this Chapter **[**F264an amount**]** is to be treated as earnings from an employee's employment for a tax year, and

(b) under Chapter 1 of this Part an amount would, apart from this section, constitute earnings from the employment for the year in respect of the provision of the accommodation.

(2) The full amount **[**F265mentioned in subsection (1)(a)**]** is to be treated as earnings from the employment for that year under this Chapter.

(3) The amount mentioned in subsection (1)(b) is to constitute earnings from the employment for the year under Chapter 1 of this Part only to the extent that it exceeds the amount mentioned in subsection (2).

**[**F266(4) In a case where the **[**F267amount mentioned in subsection (1)(a)**]** is nil—

(a) subsections (2) and (3) do not apply, and

(b) the full amount mentioned in subsection (1)(b) constitutes earnings from the employment for the year under Chapter 1.**]**

**Textual Amendments**

**F264** Words in s. 109(1)(a) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 18(2)**

**F265** Words in s. 109(2) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 18(3)**

**F266** S. 109(4) inserted (with effect in accordance with s. 7(9) of the amending Act) by Finance Act 2016 (c. 24), **s. 7(3)**

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F267** Words in s. 109(4) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 18(4)**

*Supplementary*

## 110 Meaning of "annual value"

(1) For the purposes of this Chapter the "annual value" of living accommodation is the rent which might reasonably be expected to be obtained on a letting from year to year if—

(a) the tenant undertook to pay all taxes, rates and charges usually paid by a tenant, and

(b) the landlord undertook to bear the costs of the repairs and insurance and the other expenses (if any) necessary for maintaining the property in a state to command that rent.

(2) For the purposes of subsection (1) that rent—

(a) is to be taken to be the amount that might reasonably be expected to be so obtained in respect of the letting of the accommodation, and

(b) is to be calculated on the basis that the only amounts that may be deducted in respect of services provided by the landlord are amounts in respect of the cost to the landlord of providing any relevant services.

(3) If living accommodation is of a kind that might reasonably be expected to be let on terms under which—

(a) the landlord is to provide any services which are either—

(i) relevant services, or

(ii) the repair, insurance or maintenance of any premises which do not form part of the accommodation but belong to or are occupied by the landlord, and

(b) amounts are payable in respect of the services in addition to the rent,

the rent to be established under subsection (1) in respect of the accommodation is to be increased under subsection (4).

(4) That rent is to include—

(a) where the services are relevant services, so much of the additional amounts as exceeds the cost to the landlord of providing the services;

(b) where the services are within subsection (3)(a)(ii), the whole of the additional amounts.

(5) In this section "relevant service" means a service other than the repair, insurance or maintenance of the accommodation or of any other premises.

## 111 Disputes as to annual value

(1) This section applies if there is a dispute as to the amount of the annual value of living accommodation for the purposes of this Chapter.

(2) . . . . . .

[F268(3) An application for the tribunal to determine the question is to be subject to the relevant provisions of Part 5 of TMA 1970 (see, in particular, section 48(2)(b) of that Act),

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

and each of the persons concerned is entitled to be a party to the proceedings on the application.**]**

**Textual Amendments**

**F268** S. 111(3) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 336(3)**

### 112 Meaning of "person involved in providing the accommodation"

For the purposes of this Chapter "person involved in providing the accommodation" means any of the following—

(a) the person providing the accommodation;

(b) the employee's employer (if not within paragraph (a));

(c) any person, other than the employee, who is connected with a person within paragraph (a) or (b).

### 113 Meaning of "the property"

For the purposes of this Chapter "the property", in relation to living accommodation, means the property consisting of that accommodation.

## CHAPTER 6

TAXABLE BENEFITS: CARS, VANS AND RELATED BENEFITS

**Modifications etc. (not altering text)**

**C5** Pt. 3 Ch. 6 modified (6.4.2020 for the tax year 2020-21) by Finance Act 2020 (c. 14), **s. 9**

**C6** Pt. 3 Ch. 6 modified (6.4.2021 for the tax year 2021-22) by Finance Act 2020 (c. 14), **s. 10**

*General*

### 114 Cars, vans and related benefits

(1) This Chapter applies to a car or a van in relation to a particular tax year if in that year the car or van—

(a) is made available (without any transfer of the property in it) to an employee or a member of the employee's family or household,

(b) is so made available by reason of the employment (see section 117), and

(c) is available for the employee's or member's private use (see section 118).

**[**F269(1A) Where this Chapter applies to a car or van, the car or van is a benefit for the purposes of this Chapter (and accordingly it is immaterial whether the terms on which it is made available to the employee or member constitute a fair bargain).**]**

(2) Where this Chapter applies to a car or van—

(a) sections 120 to 148 provide for **[**F270an amount in respect of**]** the benefit of the car to be treated as earnings,

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) sections 149 to 153 provide for **[**F271an amount in respect of**]** the benefit of any fuel provided for the car to be treated as earnings, ...

(c) sections 154 to **[**F272159**]** provide for **[**F273an amount in respect of**]** the benefit of the van to be treated as earnings**[**F274; and

(d) sections 160 to 164 provide for **[**F275an amount in respect of**]** the benefit of any fuel provided for the van to be treated as earnings in certain circumstances.**]**

(3) . . . . . .

**[**F276(3A) This Chapter does not apply to a van in relation to a tax year if the private use of the van during the tax year by the employee or member of the employee's family or household is insignificant.**]**

(4) The following provisions of this Chapter provide for further exceptions—

section 167 (pooled cars);

section 168 (pooled vans);

section 169 (car available to more than one member of family or household employed by same employer).

**[**F277section 169A (van available to more than one member of family or household employed by same employer).**]**

**Textual Amendments**

**F269** S. 114(1A) inserted (with effect in accordance with s. 7(9) of the amending Act) by Finance Act 2016 (c. 24), **s. 7(4)**

**F270** Words in s. 114(2)(a) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 19(a)**

**F271** Words in s. 114(2)(b) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 19(b)**

**F272** Word in s. 114(2)(c) substituted (with effect in accordance with s. 80(2) of the amending Act) by Finance Act 2004 (c. 12), **Sch. 14 para. 2(2)**

**F273** Words in s. 114(2)(c) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 19(c)**

**F274** S. 114(2)(d) and preceding word inserted (with effect in accordance with s. 80(2) of the amending Act) by Finance Act 2004 (c. 12), **Sch. 14 para. 2(2)**

**F275** Words in s. 114(2)(d) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 19(d)**

**F276** S. 114(3A) inserted (with effect in accordance with s. 80(2) of the amending Act) by Finance Act 2004 (c. 12), **Sch. 14 para. 2(3)**

**F277** Words in s. 114(4) inserted (with effect in accordance with s. 80(2) of the amending Act) by Finance Act 2004 (c. 12), **Sch. 14 para. 2(4)**

## 115 Meaning of "car" and "van"

(1) In this Chapter—

"car" means a mechanically propelled road vehicle which is not—

(a) a goods vehicle,

(b) a motor cycle,

(c) an invalid carriage, or

(d) a vehicle of a type not commonly used as a private vehicle and unsuitable to be so used;

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"van" means a mechanically propelled road vehicle which—

(a) is a goods vehicle, and

(b) has a design weight not exceeding 3,500 kilograms,

and which is not a motor cycle.

(2) For the purposes of subsection (1)—

"design weight" means the weight which a vehicle is designed or adapted not to exceed when in normal use and travelling on a road laden;

"goods vehicle" means a vehicle of a construction primarily suited for the conveyance of goods or burden of any description;

"invalid carriage" has the meaning given by section 185(1) of the Road Traffic Act 1988 (c. 52);

"motor cycle" has the meaning given by section 185(1) of the Road Traffic Act 1988.

## 116 Meaning of when car or van is available to employee

(1) For the purposes of this Chapter a car or van is available to an employee at a particular time if it is then made available, by reason of the employment and without any transfer of the property in it, to the employee or a member of the employee's family or household.

(2) References in this Chapter to—

(a) the time when a car **[**F278or van**]** is first made available to an employee are to the earliest time when the car **[**F278or van**]** is made available as mentioned in subsection (1), and

(b) the last day in a year on which a car **[**F278or van**]** is available to an employee are to the last day in the year on which the car **[**F278or van**]** is made available as mentioned in subsection (1).

(3) This section does not apply to section **[**F279124A or**]** 138 (automatic car **[**F278or van**]** for a disabled employee).

**Textual Amendments**

**F278** Words in s. 116(2) inserted (22.7.2004) by Finance Act 2004 (c. 12), **Sch. 14 para. 3**

**F279** Words in s. 116(3) inserted (with effect in accordance with s. 54(6) of the amending Act) by Finance Act 2009 (c. 10), **s. 54(2)**

## **[**F280**117 Meaning of car or van made available by reason of employment**

(1) For the purposes of this Chapter a car or van made available by an employer to an employee or member of an employee's family or household is to be regarded as made available by reason of the employment unless subsection (2) **[**F281, (3) or (4)**]** excludes the application of this subsection.

(2) Subsection (1) does not apply where—

(a) the employer is an individual, and

(b) the car or van in question is made available in the normal course of the employer's domestic, family or personal relationships.

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) Subsection (1) does not apply where—

(a) the employer carries on a vehicle hire business under which cars or vans of the same kind are made available to members of the public for hire,

(b) the car or van in question is hired to the employee or member in the normal course of that business, and

(c) in hiring that car or van the employee or member is acting as an ordinary member of the public.

**[**F282(4) Subsection (1) does not apply where—

(a) the employer carries on a business under which cars or vans of the same kind are made available to members of the public for sale or lease,

(b) the car or van in question is sold or leased to the employee or member in the normal course of that business, and

(c) the terms on which the car or van is sold or leased to the employee or member might reasonably be expected to be agreed between the employer and a member of the public with whom the employer deals at arm's length.**]]**

**Textual Amendments**

**F280** S. 117 substituted (with effect in accordance with s. 7(9) of the amending Act) by Finance Act 2016 (c. 24), **s. 7(5)**

**F281** Words in s. 117(1) substituted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), **s. 18(1)(a)**(2)

**F282** S. 117(4) inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), **s. 18(1)(b)**(2)

## 118 Availability for private use

(1) For the purposes of this Chapter a car or van made available in a tax year to an employee or a member of the employee's family or household is to be treated as available for the employee's or member's private use unless in that year—

(a) the terms on which it is made available prohibit such use, and

(b) it is not so used.

(2) In this Chapter "private use", in relation to a car or van made available to an employee or a member of the employee's family or household, means any use other than for the employee's business travel (see section 171(1)).

## 119 Where alternative to benefit of [F283low emission] car [F284or van] offered

**[**F285(1) This section applies where in a tax year—

(a) a car is made available as mentioned in section 114(1),

(b) the car's $CO_2$ emissions figure (see sections 133 to 138) does not exceed 75 grams per kilometre, and

(c) an alternative to the benefit of the car is offered.**]**

(2) The mere fact that the alternative is offered does not result in an amount in respect of the benefit constituting earnings by virtue of Chapter 1 of this Part (earnings).

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F283** Words in s. 119 heading inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 20(3)**

**F284** Words in s. 119 inserted (22.7.2004) by Finance Act 2004 (c. 12), **Sch. 14 para. 4**

**F285** S. 119(1) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 20(2)**

*Cars: benefit treated as earnings*

## 120 Benefit of car treated as earnings

(1) If this Chapter applies to a car in relation to a particular tax year, the cash equivalent of the benefit of the car is to be treated as earnings from the employment for that year.

(2) In such a case **[**F286(including a case where the cash equivalent of the benefit of the car is nil)**]** the employee is referred to in this Chapter as being chargeable to tax in respect of the car in that year.

**[**F287(3) Any reference in this Act to a case where the cash equivalent of the benefit of a car is treated as the employee's earnings for a year by virtue of this section includes a case where the cash equivalent is nil.**]**

**[**F288(4) This section is subject to section 120A.**]**

**Textual Amendments**

**F286** Words in s. 120(2) inserted (with effect in accordance with s. 7(9) of the amending Act) by Finance Act 2016 (c. 24), **s. 7(6)(a)**

**F287** S. 120(3) inserted (with effect in accordance with s. 7(9) of the amending Act) by Finance Act 2016 (c. 24), **s. 7(6)(b)**

**F288** S. 120(4) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 21**

## **[**F289120A Benefit of car treated as earnings: optional remuneration arrangements

(1) Where this Chapter applies to a car in relation to a particular tax year and the conditions in subsection (3) are met—

(a) the relevant amount (see section 121A) is to be treated as earnings from the employment for that tax year, and

(b) section 120(1) does not apply.

(2) In such a case (including a case where the relevant amount is nil) the employee is referred to in this Chapter as being chargeable to tax in respect of the car in the tax year.

(3) The conditions are that—

(a) the car is made available to the employee or member of the employee's household pursuant to optional remuneration arrangements,

(b) **[**F290the total foregone amount in connection with the car for the tax year is**]** is greater than the modified cash equivalent of the benefit of the car for the tax year (see section 121B), and

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(c) the car's $CO_2$ emissions figure (see sections 133 to 138) exceeds 75 grams per kilometre.

**[**F291(4) In this section, and in section 121A, the total foregone amount in connection with the car for a tax year is the total of—

(a) the amount foregone (see section 69B) with respect to the benefit of the car for that year, and

(b) the amount foregone (see section 69B) with respect to each other benefit that—

(i) is connected with the car,

(ii) is provided in that year for the employee, or a member of the employee's household, pursuant to optional remuneration arrangements, and

(iii) is neither the provision of a driver nor the provision of fuel.**]]**

**Textual Amendments**

**F289** S. 120A inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 22**

**F290** Words in s. 120A(3)(b) substituted (with effect in accordance with s. 7(7) of the amending Act) by Finance Act 2019 (c. 1), **s. 7(2)(a)**

**F291** S. 120A(4) inserted (with effect in accordance with s. 7(7) of the amending Act) by Finance Act 2019 (c. 1), **s. 7(2)(b)**

## 121 Method of calculating the cash equivalent of the benefit of a car

(1) The cash equivalent of the benefit of a car for a tax year is calculated as follows—

*Step 1*

Find the price of the car in accordance with sections 122 to **[**F292124A**]**.

*Step 2*

Add the price of any accessories which fall to be taken into account in accordance with sections 125 to 131.

*Step 3*

Make any deduction under section 132 for capital contributions made by the employee to the cost of the car or accessories. **[**F293The resulting amount is the interim sum.**]**

*Step 4*

...

*Step 5*

Find the appropriate percentage for the car for the year in accordance with sections 133 to 142.

*Step 6*

Multiply the interim sum by the appropriate percentage for the car for the year.

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*Step 7*

Make any deduction under section 143 for any periods when the car was unavailable.

The resulting amount is the provisional sum.

*Step 8*

Make any deduction from the provisional sum under section 144 in respect of payments by the employee for the private use of the car.

The result is the cash equivalent of the benefit of the car for the year.

(2) The method of calculation set out in subsection (1) is modified in the special cases dealt with in—

section 146 (cars that run on road fuel gas), and

section 147 (classic cars: 15 years of age or more).

**[**F294(3) Where the car is shared the cash equivalent is calculated under this section in accordance with section 148.**]**

**Textual Amendments**

**F292** Word in s. 121(1) substituted (with effect in accordance with s. 54(6) of the amending Act) by Finance Act 2009 (c. 10), **s. 54(3)**

**F293** Words in s. 121(1) inserted (with effect in accordance with Sch. 28 para. 10(2) of the amending Act) by Finance Act 2009 (c. 10), **Sch. 28 para. 2(2)**

**F294** S. 121(3) substituted (1.3.2012) by The Enactment of Extra-Statutory Concessions Order 2012 (S.I. 2012/266), arts. 1, **3(2)**

## **[**F295**121A Optional remuneration arrangements: method of calculating relevant amount**

(1) To find the relevant amount for the purposes of section 120A, take the following steps—

***[**F296*Step 1*** Take the total foregone amount in connection with the car for the tax year (see section 120A(4)).**]** .

*Step 2* Make any deduction under section 132A in respect of capital contributions made by the employee to the cost of the car or accessories.

The resulting amount is the provisional sum.

*Step 3* Make any deduction from the provisional sum under section 144 in respect of payments by the employee for the private use of the car.

The result is the "relevant amount" for the purposes of section 120A.

(2) Where it is necessary, for the purpose of determining the **[**F297"total foregone amount" for the purposes of**]** step 1 of subsection (1), to apportion an amount of earnings to **[**F298a benefit mentioned in section 120A(4)(a) or (b)**]** for the tax year, the apportionment is to be made on a just and reasonable basis.

In this subsection "earnings" is to be interpreted in accordance with section 69B(5).

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F295** Ss. 121A, 121B inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 23**

**F296** Words in s. 121A(1) substituted (with effect in accordance with s. 7(7) of the amending Act) by Finance Act 2019 (c. 1), **s. 7(3)(a)**

**F297** Words in s. 121A(2) substituted (with effect in accordance with s. 7(7) of the amending Act) by Finance Act 2019 (c. 1), **s. 7(3)(b)(i)**

**F298** Words in s. 121A(2) substituted (with effect in accordance with s. 7(7) of the amending Act) by Finance Act 2019 (c. 1), **s. 7(3)(b)(ii)**

## 121B Meaning of "modified cash equivalent"

(1) The "modified cash equivalent" of the benefit of a car for a tax year is calculated in accordance with the following steps (which must be read with subsections (2) to (4))—

*Step 1* Find the price of the car in accordance with sections 122 to 124A.

*Step 2* Add the price of any accessories which fall to be taken into account in accordance with sections 125 to 131.

The resulting amount is the interim sum.

*Step 3* Find the appropriate percentage for the car for the year in accordance with sections 133 to 142.

*Step 4* Multiply the interim sum by the appropriate percentage for the car for the year.

*Step 5* Make any deduction under section 143 for any periods when the car was unavailable.

The resulting amount is the modified cash equivalent of the benefit of the car for the year.

(2) Where the car is shared the modified cash equivalent is calculated under this section in accordance with section 148.

(3) The modified cash equivalent of the benefit of a car for a tax year is to be taken to be zero if the condition in subsection (4) is met.

(4) The condition is that the benefit of the car for the tax year would be exempt from income tax but for section 228A (exclusion of certain exemptions).

(5) The method of calculation set out in subsection (1) is modified in the special cases dealt with in—

(a) section 146 (cars that run on road fuel gas), and

(b) section 147A (classic cars: optional remuneration arrangements).**]**

**Textual Amendments**

**F295** Ss. 121A, 121B inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 23**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Cars: the price of a car*

## 122 The price of the car

**[**[F299](1) For the purposes of this Chapter the price of a car means—

This is subject to section 124A (automatic car for a disabled employee).

(a) its list price, if it has one, or

(b) its notional price, if it has no list price.**]**

**[**[F300](2) This is subject to section 124A (automatic car for a disabled employee).**]**

**Textual Amendments**

**F299** S. 122 renumbered as s. 122(1) (with effect in accordance with s. 54(6) of the amending Act) by Finance Act 2009 (c. 10), **s. 54(4)**

**F300** S. 122(2) inserted (with effect in accordance with s. 54(6) of the amending Act) by Finance Act 2009 (c. 10), **s. 54(4)**

## 123 The list price of a car

(1) In this Chapter a car's "list price" means the price published by the car's manufacturer, importer or distributor (as the case may be) as the inclusive price appropriate for a car of that kind if sold—

(a) in the United Kingdom,

(b) singly,

(c) in a retail sale,

(d) in the open market, and

(e) on the day immediately before the date of the car's first registration.

(2) The "inclusive price" means the price inclusive of—

(a) any charge for delivery by the manufacturer, importer or distributor to the seller's place of business, and

(b) any relevant taxes (see section 171(1)).

## 124 The notional price of a car with no list price

(1) In this Chapter a car's "notional price" means the price which might reasonably have been expected to be its list price if its manufacturer, importer or distributor (as the case may be) had published a price as the inclusive price appropriate for a sale of a car of the same kind sold—

(a) in the United Kingdom,

(b) singly,

(c) in a retail sale,

(d) in the open market,

(e) on the day immediately before the date of the car's first registration, and

(f) with accessories equivalent to the qualifying accessories (see section 125) available with the car at the time when it was first made available to the employee.

(2) In this section "inclusive price" has the same meaning as in section 123.

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### [F301 124A Automatic car for a disabled employee

(1) This section applies where—

(a) a car has automatic transmission ("the automatic car"),

(b) at any time in the year when the automatic car is available to the employee ("E"), E holds a disabled person's badge, and

(c) by reason of E's disability, E must, in the event of wanting to drive a car, drive a car which has automatic transmission.

(2) If, under section 122 to 124, the price of the automatic car is more than it would have been if the automatic car had been an equivalent manual car, the price of the automatic car is to be the price of an equivalent manual car.

(3) In subsection (2) "an equivalent manual car" means a car which—

(a) is first registered at or about the same time as the automatic car, and

(b) does not have automatic transmission, but otherwise is the closest variant available of the make and model of the automatic car.

(4) For the purposes of this section a car has automatic transmission if—

(a) the driver of the car is not provided with any means by which the driver may vary the gear ratio between the engine and the road wheels independently of the accelerator and the brakes, or

(b) the driver is provided with such means, but they do not include—

(i) a clutch pedal, or

(ii) a lever which the driver may operate manually.

(5) For the purposes of this section a car is available to an employee at a particular time if it is then made available, by reason of the employment and without any transfer of the property in it, to the employee.**]**

**Textual Amendments**

**F301** S. 124A inserted (with effect in accordance with s. 54(6) of the amending Act) by Finance Act 2009 (c. 10), **s. 54(5)**

*Cars: treatment of accessories*

### 125 Meaning of "accessory" and related terms

(1) In this Chapter "qualifying accessory" means an accessory which—

(a) is made available for use with the car without any transfer of the property in the accessory,

(b) is made available by reason of the employment, and

(c) is attached to the car (whether permanently or not).

(2) For the purposes of this Chapter "accessory" includes any kind of equipment but does not include—

(a) equipment necessarily provided for use in the performance of the duties of the employment;

(b) equipment by means of which a car is capable of running on road fuel gas;

(c) equipment to enable a disabled person to use a car (see section 172);

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(d) a mobile telephone (within the meaning given in section 319(2)).

(3) But subsection (2)(b) does not apply in relation to a car to which section 137 (different $CO_2$ emissions figure for bi-fuel cars) applies.

**[**F302(3A) Subsection (2) needs to be read with section 125A (security features not to be regarded as accessories).**]**

(4) In this Chapter—

"standard accessory" means an accessory equivalent to an accessory assumed to be available with cars of the same kind as the car in question in arriving at the list price, and

"non-standard accessory" means any other accessory.

**Textual Amendments**

**F302** S. 125(3A) inserted (with effect in accordance with s. 14(5) of the amending Act) by Finance Act 2012 (c. 14), **s. 14(2)**

### **[**F303**125A Security features not to be regarded as accessories**

(1) This section applies where a car made available to an employee has a relevant security feature.

(2) The relevant security feature is not an accessory for the purposes of this Chapter if it is provided in order to meet a threat to the employee's personal physical security which arises wholly or mainly because of the nature of the employee's employment.

(3) In this section "relevant security feature" means—

(a) armour designed to protect the car's occupants from explosions or gunfire,

(b) bullet-resistant glass,

(c) any modification to the car's fuel tank designed to protect the tank's contents from explosions or gunfire (including by making the tank self-sealing), and

(d) any modification made to the car in consequence of anything which is a relevant security feature by virtue of paragraph (a), (b) or (c).

(4) The Treasury may by regulations amend the definition of "relevant security feature" in subsection (3).**]**

**Textual Amendments**

**F303** S. 125A inserted (with effect in accordance with s. 14(5) of the amending Act) by Finance Act 2012 (c. 14), **s. 14(3)**

### 126 Amounts taken into account in respect of accessories

(1) The price of the following accessories is to be taken into account under step 2 of section 121(1) **[**F304and step 2 of section 121B(1)**]** —

(a) in the case of a car with a list price, the price of any initial extra accessory, and

(b) in the case of any car, the price of any later accessory.

(2) In this Chapter an "initial extra accessory" means a qualifying accessory which—

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(a) is a non-standard accessory,
(b) is available with the car at the time when it is first made available to the employee, and
(c) if it is an accessory in relation to which there is no published price of the manufacturer, importer or distributor of the car (see section 128), is available with the car in the tax year in question.

(3) In this Chapter a "later accessory" means a qualifying accessory which—
(a) is available with the car in the tax year in question,
(b) was not available with the car at the time when it was first made available to the employee,
(c) was not made available with the car before 1st August 1993, and
(d) has a price of at least £100.

(4) In this section references to the price of an accessory are to—
(a) its list price, if it has one, or
(b) its notional price, if it has no list price.

(5) This section is subject to section 131 (replacement accessories).

**Textual Amendments**

**F304** Words in s. 126(1) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 24**

### 127 The list price of an accessory

(1) For the purposes of this Chapter the list price of an initial extra accessory is—
(a) the published price of the manufacturer, importer or distributor of the car (see section 128), or
(b) if there is no such price, the published price of the manufacturer, importer or distributor of the accessory (see section 129).

(2) For the purposes of this Chapter the list price of a later accessory is the published price of the manufacturer, importer or distributor of the accessory (see section 129).

### 128 Accessory: published price of the car manufacturer etc.

(1) In this Chapter the "published price of the manufacturer, importer or distributor of the car" in relation to an accessory means the price published by the car's manufacturer, importer or distributor (as the case may be) as the inclusive price appropriate for an equivalent accessory if sold with a car of the same kind—
(a) in the United Kingdom,
(b) singly,
(c) in a retail sale,
(d) in the open market, and
(e) on the day immediately before the date of the car's first registration.

(2) The "inclusive price" means the price inclusive of—

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(a) any charge for delivery by the manufacturer, importer or distributor to the seller's place of business,
(b) any relevant taxes other than car tax (see section 171(1)), and
(c) any charge for fitting the accessory.

### 129 Accessory: published price of the accessory manufacturer etc.

(1) In this Chapter the "published price of the manufacturer, importer or distributor of the accessory" in relation to an accessory means the price published by or on behalf of the manufacturer, importer or distributor of the accessory (as the case may be) as the inclusive price appropriate for such an accessory if sold—
(a) in the United Kingdom,
(b) singly,
(c) in a retail sale,
(d) in the open market, and
(e) at the time immediately before the accessory concerned is first made available for use with the car.

(2) The "inclusive price" means the price inclusive of—
(a) any charge for delivery by the manufacturer, importer or distributor to the seller's place of business,
(b) any relevant taxes other than car tax (see section 171(1)), and
(c) in the case of an accessory permanently attached to the car, the price which the seller would charge for attaching it.

(3) In the case of an initial extra accessory, the time referred to in subsection (1)(e) may be a time before the car is first made available to the employee.

### 130 The notional price of an accessory

(1) In this Chapter the "notional price" of an accessory means the inclusive price which it might reasonably have been expected to fetch if sold—
(a) in the United Kingdom,
(b) singly,
(c) in a retail sale,
(d) in the open market, and
(e) at the time immediately before the accessory concerned is first made available for use with the car.

(2) The "inclusive price" means the price inclusive of—
(a) any charge for delivery by the manufacturer, importer or distributor to the seller's place of business,
(b) any relevant taxes other than car tax (see section 171(1)), and
(c) in the case of an accessory permanently attached to the car, the price which the seller would charge for attaching it.

(3) In the case of an initial extra accessory, the time referred to in subsection (1)(e) may be a time before the car is first made available to the employee.

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## 131 Replacement accessories

(1) This section applies **[**[F305]for the purposes of sections 121(1) and 121B(1)**]** where—

(a) a later accessory is available with the car in the tax year in question,

(b) that accessory ("the new accessory") replaced another qualifying accessory ("the old accessory") in that year or an earlier tax year, and

(c) the new accessory is of the same kind as the old accessory.

**[**[F306](1A) In the application of this section for the purposes of section 121B(1)—

(a) references to the cash equivalent of the benefit of the car for the tax year are to be read as references to the modified cash equivalent of the benefit of the car for the tax year, and

(b) references to step 2 of section 121(1) are to be read as references to step 2 of section 121B(1).**]**

(2) If the new accessory is not superior to the old accessory, the cash equivalent of the benefit of the car for the tax year is to be calculated under step 2 of section 121(1) as if—

(a) the replacement has not been made, and

(b) the new accessory is a continuation of the old accessory.

(3) If the new accessory is superior to the old accessory and the conditions in subsection (4) are met, the cash equivalent of the benefit of the car for the tax year is to be calculated under step 2 of section 121(1)—

(a) as if the old accessory was not available with the car in that tax year, or

(b) where the price of the old accessory would (apart from this section) be added to the price of the car under step 2 of section 121(1) as an initial extra accessory, as if it was not available with the car at the time when the car was first made available to the employee.

(4) The conditions mentioned in subsection (3) are that—

(a) the old accessory was a non-standard accessory, and

(b) both the old and the new accessory would (apart from this section) be taken into account under step 2 of section 121(1) in calculating the cash equivalent of the benefit of the car for the year.

(5) For the purposes of this section a new accessory is superior to an old accessory if the price of the new accessory exceeds whichever is the greater of—

(a) the price of the old accessory, and

(b) the price of an accessory equivalent to the old accessory at the time immediately before the new accessory is first made available for use with the car.

(6) In this section references to the price of an accessory are to—

(a) its list price, if it has one, or

(b) its notional price, if it has no list price.

**Textual Amendments**

**F305** Words in s. 131(1) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 25(2)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F306** S. 131(1A) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 25(3)**

*Cars: capital contributions by employee*

## 132 Capital contributions by employee

(1) This section applies **[**F307for the purposes of section 121(1)**]** if the employee contributes a capital sum to expenditure on the provision of—

(a) the car, or

(b) any qualifying accessory which is taken into account in calculating the cash equivalent of the benefit of the car.

(2) A deduction is to be made from the amount carried forward from step 2 of section 121(1)—

(a) for the tax year in which the contribution is made, and

(b) for all subsequent years in which the employee is chargeable to tax in respect of the car by virtue of section 120.

(3) The amount of the deduction allowed in any tax year is the lesser of—

(a) the total of the capital sums contributed by the employee in that year and any earlier years to expenditure on the provision of—

(i) the car, or

(ii) any qualifying accessory which is taken into account in calculating the cash equivalent of the benefit of the car for the tax year in question, and

(b) £5,000.

**Textual Amendments**

**F307** Words in s. 132(1) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 26**

## **[**F308132ACapital contributions by employee: optional remuneration arrangements

(1) This section applies for the purposes of section 121A(1) if the employee contributes a capital sum to expenditure on the provision of—

(a) the car, or

(b) any qualifying accessory which is taken into account in calculating under section 121B the modified cash equivalent of the benefit of the car.

(2) A deduction is to be made from the amount carried forward from step 1 of section 121A(1)—

(a) for the tax year in which the contribution is made, and

(b) for all subsequent tax years in which the employee is chargeable to tax in respect of the car by virtue of section 120A.

**[**F309(3) The amount of the deduction allowed in any tax year is found by—

(a) first multiplying the capped amount by the appropriate percentage, and

(b) then multiplying the result by the availability factor.**]**

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(4) In subsection (3) the reference to "the appropriate percentage" is to the appropriate percentage for the car for the tax year (determined in accordance with sections 133 to 142).

**[**F310(4A) For the purposes of subsection (3), "the availability factor" is given by the formula—

$$\frac{Y - U}{Y}$$

where—

Y is the number of days in the tax year, and

U is the number of days in the tax year on which the car is unavailable.

(4B) For the purposes of subsection (4A), the car is unavailable on any day if the day—

(a) falls before the first day on which the car is available to the employee,

(b) falls after the last day on which the car is available to the employee, or

(c) falls within a period of 30 days or more throughout which the car is not available to the employee.**]**

(5) In this section "the capped amount" means the lesser of—

(a) the total of the capital sums contributed by the employee in that year and any earlier years to expenditure on the provision of—

(i) the car, or

(ii) any qualifying accessory which is taken into account in calculating under section 121B the modified cash equivalent of the benefit of the car for the tax year in question, and

(b) £5,000.

(6) This section is modified by section 147A (classic cars: optional remuneration arrangements).**]**

**Textual Amendments**

**F308** S. 132A inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 27**

**F309** S. 132A(3) substituted (with effect in accordance with s. 7(7) of the amending Act) by Finance Act 2019 (c. 1), **s. 7(4)(a)**

**F310** S. 132A(4A)(4B) inserted (with effect in accordance with s. 7(7) of the amending Act) by Finance Act 2019 (c. 1), **s. 7(4)(b)**

*Cars: the appropriate percentage*

## 133 How to determine the "appropriate percentage"

(1) The "appropriate percentage" for a car for a year depends upon when the car was first registered.

(2) If the car was first registered on or after 1st January 1998, the "appropriate percentage" depends upon whether the car—

(a) is a car with a $CO_2$ emissions figure (see section 134(1)),

(b) is a car without a $CO_2$ emissions figure (see section 134(2)), or

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(c) is a diesel car to which section 141 applies,

and is determined under sections 139 to 141.

(3) If the car was first registered before 1st January 1998, the "appropriate percentage" is determined under section 142.

### 134 Meaning of car with or without a $CO_2$ emissions figure

(1) In this Chapter a "car with a $CO_2$ emissions figure" means—

(a) a car first registered on or after 1st January 1998 but before 1st October 1999 to which section 135 applies,

(b) a car first registered on or after 1st October 1999 **[**F311but before IP completion day**]** to which section 136 **[**F312(registration from 1st October 1999 to IP completion day)**]** applies, ...

**[**F313(ba) a car first registered on or after IP completion day to which section 136A (registration on or after IP completion day) applies,**]**

(c) a car first registered on or after 1st January 2000 **[**F314but before IP completion day**]** which is a car to which section 137 (bi-fuel cars **[**F315: registration from 1st January 2000 to IP completion day**]**) applies **[**F316, or

(d) a car first registered on or after IP completion day to which section 137A (bi-fuel cars: registration on or after IP completion day) applies.**]**

(2) In this Chapter a "car without a $CO_2$ emissions figure" means any other car first registered on or after 1st January 1998.

**Textual Amendments**

**F311** Words in s. 134(1)(b) inserted (24.2.2022) by Finance Act 2022 (c. 3), **Sch. 18 para. 3(a)(i)**

**F312** Words in s. 134(1)(b) inserted (24.2.2022) by Finance Act 2022 (c. 3), **Sch. 18 para. 3(a)(ii)**

**F313** S. 134(1)(ba) inserted (24.2.2022) by Finance Act 2022 (c. 3), **Sch. 18 para. 3(b)**

**F314** Words in s. 134(1)(c) inserted (24.2.2022) by Finance Act 2022 (c. 3), **Sch. 18 para. 3(c)(i)**

**F315** Words in s. 134(1)(c) inserted (24.2.2022) by Finance Act 2022 (c. 3), **Sch. 18 para. 3(c)(ii)**

**F316** S. 134(1)(d) and word inserted (24.2.2022) by Finance Act 2022 (c. 3), **Sch. 18 para. 3(d)**

*Cars: appropriate percentage: first registered on or after 1st January 1998*

### 135 Car with a $CO_2$ emissions figure: pre-October 1999 registration

(1) This section applies to a car first registered on or after 1st January 1998 but before 1st October 1999 if when it was so registered—

(a) it conformed to a vehicle type with an EC type-approval certificate (see section 171(1)), or

(b) it had a UK approval certificate (see section 171(1)),

which specifies a $CO_2$ emissions figure in terms of grams per kilometre driven.

(2) The car's $CO_2$ emissions figure is that specified figure.

(3) This is subject to section 138 (automatic car for a disabled employee).

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## 136 Car with a $CO_2$ emissions figure: [F317registration from 1st October 1999 to IP completion day]

(1) This section applies to a car first registered on or after 1st October 1999 **[**F318but before IP completion day**]** if it is so registered on the basis of—

(a) an EC certificate of conformity (see section 171(1)), or

(b) a UK approval certificate (see section 171(1)),

which specifies a $CO_2$ emissions figure in terms of grams per kilometre driven.

(2) The car's $CO_2$ emissions figure is that specified figure unless more than one figure is specified, in which case the car's $CO_2$ emissions figure is the figure specified as the $CO_2$ emissions (combined) figure.

**[**F319(2A) For the purpose of determining the car's $CO_2$ emissions figure **[**F320in a case where the car is first registered before 6 April 2020**]**, ignore any WLTP (worldwide harmonised **[**F321light**]** vehicles test procedures) values specified in **[**F322the EC certificate of conformity or UK approval certificate**]**.**]**

**[**F323(2B) For the purpose of determining the car's $CO_2$ emissions figure in a case where the car is first registered on or after 6 April 2020, ignore any values specified in the EC certificate of conformity or UK approval certificate that are not WLTP (worldwide harmonised light vehicle test procedures) values.**]**

(3) **[**F324Subsection (2)**]** is subject to—

(a) section 137 (bi-fuel cars **[**F325: registration from 1st January 2000 to IP completion day**]**), and

(b) section 138 (automatic car for a disabled employee).

**Textual Amendments**

**F317** Words in s. 136 heading substituted (24.2.2022) by Finance Act 2022 (c. 3), **Sch. 18 para. 4(1)(a)**

**F318** Words in s. 136(1) inserted (24.2.2022) by Finance Act 2022 (c. 3), **Sch. 18 para. 4(1)(b)**

**F319** S. 136(2A) inserted (with effect in accordance with s. 48(12) of the amending Act) by Finance Act 2018 (c. 3), **s. 48(9)(a)**

**F320** Words in s. 136(2A) inserted (6.4.2020 with effect for the tax year 2020-21 and subsequent tax years) by Finance Act 2020 (c. 14), **s. 8(2)(a)(i)**(5)

**F321** Word in s. 136(2A) substituted (6.4.2020 with effect for the tax year 2020-21 and subsequent tax years) by Finance Act 2020 (c. 14), **s. 8(2)(a)(ii)**(5)

**F322** Words in s. 136(2A) substituted (6.4.2020 with effect for the tax year 2020-21 and subsequent tax years) by Finance Act 2020 (c. 14), **s. 8(2)(a)(iii)**(5)

**F323** S. 136(2B) inserted (6.4.2020 with effect for the tax year 2020-21 and subsequent tax years) by Finance Act 2020 (c. 14), **s. 8(2)(b)**(5)

**F324** Words in s. 136(3) substituted (with effect in accordance with s. 48(12) of the amending Act) by Finance Act 2018 (c. 3), **s. 48(9)(b)**

**F325** Words in s. 136(3) inserted (24.2.2022) by Finance Act 2022 (c. 3), **Sch. 18 para. 4(1)(c)**

## [F326136ACar with a $CO_2$ emissions figure: registration on or after IP completion day

(1) This section applies to a car first registered on or after IP completion day if it is so registered on the basis of a qualifying emissions certificate.

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(2) The car's $CO_2$ emissions figure is the figure specified in the qualifying emissions certificate unless more than one figure is specified, in which case the car's $CO_2$ emissions figure is the figure specified as the $CO_2$ emissions (combined) figure.

(3) For the purpose of determining the car's $CO_2$ emissions figure ignore any values specified in the qualifying emissions certificate that are not WLTP (worldwide harmonised light vehicles test procedures) values.

(4) Subsection (2) is subject to—

(a) section 137A (bi-fuel cars registered after IP completion day), and

(b) section 138 (automatic car for a disabled employee).

**[** Subsection (2) is also subject to section 138A (certain cars with a $CO_2$ emissions figure [F327](5) and an electric range figure).**]]**

**Textual Amendments**

**F326** S. 136A inserted (24.2.2022) by Finance Act 2022 (c. 3), **Sch. 18 para. 4(2)**

**F327** S. 136A(5) inserted (with effect in accordance with s. 19(4) of the amending Act) by Finance Act 2026 (c. 11), **s. 19(2)**(4) (with s. 19(5)-(9))

## 137 Car with a $CO_2$ emissions figure: bi-fuel cars [F328: registration from 1st January 2000 to IP completion day]

(1) This section applies to a car first registered on or after 1st January 2000 **[**[F329]but before IP completion day**]** if it is so registered on the basis of—

(a) an EC certificate of conformity (see section 171(1)), or

(b) a UK approval certificate (see section 171(1)),

which specifies separate $CO_2$ emissions figures in terms of grams per kilometre driven for different fuels.

(2) The car's $CO_2$ emissions figure is—

(a) the lowest figure specified, or

(b) if there is more than one figure specified in relation to each fuel, the lowest $CO_2$ emissions (combined) figure specified.

**[**[F330](2A) For the purpose of determining the car's $CO_2$ emissions figure **[**[F331]in a case where the car is first registered before 6 April 2020**]**, ignore any WLTP (worldwide harmonised **[**[F332]light**]** vehicles test procedures) values specified in **[**[F333]the EC certificate of conformity or UK approval certificate**].]**

**[**[F334](2B) For the purpose of determining the car's $CO_2$ emissions figure in a case where the car is first registered on or after 6 April 2020, ignore any values specified in the EC certificate of conformity or UK approval certificate that are not WLTP (worldwide harmonised light vehicle test procedures) values.**]**

(3) **[**[F335]Subsection (2)**]** is subject to section 138 (automatic car for a disabled employee).

**Textual Amendments**

**F328** Words in s. 137 heading inserted (24.2.2022) by Finance Act 2022 (c. 3), **Sch. 18 para. 5(1)(a)**

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F329** Words in s. 137(1) inserted (24.2.2022) by Finance Act 2022 (c. 3), **Sch. 18 para. 5(1)(b)**
**F330** S. 137(2A) inserted (with effect in accordance with s. 48(12) of the amending Act) by Finance Act 2018 (c. 3), **s. 48(10)(a)**
**F331** Words in s. 137(2A) inserted (6.4.2020 with effect for the tax year 2020-21 and subsequent tax years) by Finance Act 2020 (c. 14), **s. 8(3)(a)(i)**(5)
**F332** Word in s. 137(2A) substituted (6.4.2020 with effect for the tax year 2020-21 and subsequent tax years) by Finance Act 2020 (c. 14), **s. 8(3)(a)(ii)**(5)
**F333** Words in s. 137(2A) substituted (6.4.2020 with effect for the tax year 2020-21 and subsequent tax years) by Finance Act 2020 (c. 14), **s. 8(3)(a)(iii)**(5)
**F334** S. 137(2B) inserted (6.4.2020 with effect for the tax year 2020-21 and subsequent tax years) by Finance Act 2020 (c. 14), **s. 8(3)(b)**(5)
**F335** Words in s. 137(3) substituted (with effect in accordance with s. 48(12) of the amending Act) by Finance Act 2018 (c. 3), **s. 48(10)(b)**

### [F336 137A Car with a $CO_2$ emissions figure: bi-fuel cars registered on or after IP completion day

(1) This section applies to a car first registered on or after IP completion day if it is so registered on the basis of a qualifying emissions certificate which specifies separate $CO_2$ emissions figures in terms of grams per kilometre driven for different fuels.

(2) The car's $CO_2$ emissions figure is—

(a) the lowest figure specified, or

(b) if there is more than one figure specified in relation to each fuel, the lowest $CO_2$ emissions (combined) figure specified.

(3) For the purpose of determining the car's $CO_2$ emissions figure ignore any values specified in the qualifying emissions certificate that are not WLTP (worldwide harmonised light vehicles test procedures) values.

(4) Subsection (2) is subject to section 138 (automatic car for a disabled employee).]

**Textual Amendments**
**F336** S. 137A inserted (24.2.2022) by Finance Act 2022 (c. 3), **Sch. 18 para. 5(2)**

### 138 Car with a $CO_2$ emissions figure: automatic car for a disabled employee

(1) This section applies where—

(a) a car with a $CO_2$ emissions figure has automatic transmission ("the automatic car"),

(b) at any time in the year when the automatic car is available to the employee ("E"), E holds a disabled person's badge, and

(c) by reason of E's disability, E must, in the event of wanting to drive a car, drive a car which has automatic transmission.

(2) If, under sections 135 to 137, the automatic car's $CO_2$ emissions figure is more than it would have been if the automatic car had been an equivalent manual car, the $CO_2$ emissions figure for the automatic car is to be the $CO_2$ emissions figure for an equivalent manual car.

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(3) In subsection (2) "an equivalent manual car" means a car which—

(a) is first registered at or about the same time as the automatic car, and

(b) does not have automatic transmission, but otherwise is the closest variant available of the make and model of the automatic car.

(4) For the purposes of this section a car has automatic transmission if—

(a) the driver of the car is not provided with any means by which the driver may vary the gear ratio between the engine and the road wheels independently of the accelerator and the brakes, or

(b) the driver is provided with such means, but they do not include—

(i) a clutch pedal, or

(ii) a lever which the driver may operate manually.

(5) For the purposes of this section a car is available to an employee at a particular time if it is then made available, by reason of the employment and without any transfer of the property in it, to the employee.

### [F337138ACertain cars with a $CO_2$ emissions figure and an electric range figure

(1) This section applies to a car if—

(a) the car was first registered under VERA 1994 on or after 1 January 2025 and before 6 April 2028,

(b) the car's $CO_2$ emissions figure (as determined under section 136A) is 51 or more,

(c) the $CO_2$ emissions figure or (as the case may be) the $CO_2$ emissions (combined) figure specified in the car's qualifying emissions certificate was calculated in accordance with an emission standard other than the Euro 6d-ISC-FCM emission standard or the Euro 6e emission standard, and

(d) the car's electric range figure is 1 or more.

(2) For the purposes of this Chapter, the car is to be treated as having a $CO_2$ emissions figure of 1.

(3) In this section—

"electric range figure" is the number of miles which is the equivalent of the number of kilometres specified in an EC certificate of conformity, an EC type-approval certificate or a UK approval certificate on the basis of which a car is registered, as being the maximum distance for which the car can be driven in electric mode without recharging the battery;

"Euro 6d-ISC-FCM emission standard" and "Euro 6e emission standard" have the same meaning as in Schedule 3A to the Vehicle Emissions Trading Schemes Order 2023 (alternative specific emissions of $CO_2$: OVC hybrid electric vehicles) (S.I. 2023/1394) (see paragraph 1 of that Schedule).

(4) For the purposes of this section, in determining the electric range figure for a car, ignore any values specified in an EC certificate of conformity, an EC type-approval certificate or a UK approval certificate that are not WLTP (worldwide harmonised light vehicle test procedures) values.**]**

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**Textual Amendments**

**F337** S. 138A inserted (with effect in accordance with s. 19(4) of the amending Act) by Finance Act 2026 (c. 11), **s. 19(3)**(4) (with s. 19(5)-(9))

## [F338 139 Cars with a $CO_2$ emissions figure: the appropriate percentage

(1) [F339 The appropriate percentage for a year for a car with a $CO_2$ emissions figure of less than 75 is determined in accordance with the following table.

| *[F340 Car* | *Appropriate percentage* |
|---|---|
| Car with $CO_2$ emissions figure of 0 | 4% |
| Car with $CO_2$ emissions figure of 1–50 | *As follows* |
| *Car with electric range figure of 130 or more* | 4% |
| *Car with electric range figure of 70–129* | 7% |
| *Car with electric range figure of 40–69* | 10% |
| *Car with electric range figure of 30–39* | 14% |
| *Car with electric range figure of less than 30* | 16% |
| Car with $CO_2$ emissions figure of 51–54 | 17% |
| Car with $CO_2$ emissions figure of 55–59 | 18% |
| Car with $CO_2$ emissions figure of 60–64 | 19% |
| Car with $CO_2$ emissions figure of 65–69 | 20% |
| Car with $CO_2$ emissions figure of 70–74 | 21%] |

[F341 (2) For the purposes of subsection (1) and the table—

(a) if a $CO_2$ emissions figure is not a whole number, round it down to the nearest whole number, and

(b) if an electric range figure is not a whole number, round it up to the nearest whole number.]

(3) The appropriate percentage for a year for a car with a $CO_2$ emissions figure of 75 or more is whichever is the lesser of—

(a) [F342 21%] plus one percentage point for each 5 grams per kilometre driven by which the $CO_2$ emissions figure exceeds 75, and

(b) 37%.

(4) For the purposes of subsection (3), if a $CO_2$ emissions figure is not a multiple of 5, round it down to the nearest multiple of 5.

(5) In this section, an "electric range figure" is the number of miles which is the equivalent of the number of kilometres specified in an EC certificate of conformity, an EC type-approval certificate or a UK approval certificate on the basis of which a car is

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registered, as being the maximum distance for which the car can be driven in electric mode without recharging the battery.**]**

**[**F343(5A) For the purpose of determining the electric range figure for a car first registered before 6 April 2020, ignore any WLTP (worldwide harmonised light vehicle test procedures) values specified in an EC certificate of conformity, an EC type-approval certificate or a UK approval certificate.

(5B) For the purpose of determining the electric range figure for a car first registered on or after 6 April 2020, ignore any values specified in an EC certificate of conformity, an EC type-approval certificate or a UK approval certificate that are not WLTP (worldwide harmonised light vehicle test procedures) values.**]**

(7) This section is subject to—

(a) section 141 (diesel cars), and

(b) any regulations made by the Treasury under section 170(4) (power to reduce the appropriate percentage).**]**

**Textual Amendments**

**F338** S. 139 substituted (for tax year 2012-13 and subsequent tax years) by Finance Act 2010 (c. 13), **s. 59(2)(5)**

**F339** S. 139(1)-(5) substituted for s. 139(1)-(6) (for tax year 2020-21 and subsequent tax years) by Finance (No. 2) Act 2017 (c. 32), **s. 2(2)(6)**

**F340** S. 139(1) Table substituted (for the tax year 2026-27) by Finance Act 2023 (c. 1), **s. 11(5)**(6)

**F341** S. 139(2) substituted for the tax year 2020-21 and subsequent tax years) by Finance Act 2020 (c. 14), **s. 8(4)(a)**(5)

**F342** Word in s. 139(3)(a) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2023 (c. 1), **s. 11(3)**(4)

**F343** S. 139(5A)(5B) inserted (for the tax year 2020-21 and subsequent tax years) by Finance Act 2020 (c. 14), **s. 8(4)(b)**(5)

## 140 Car without a $CO_2$ emissions figure: the appropriate percentage

(1) The appropriate percentage for a year for a car without a $CO_2$ emissions figure is determined under this section.

(2) If the car has an internal combustion engine with one or more reciprocating pistons, the appropriate percentage for the year is—

TABLE

| *Cylinder capacity of car in cubic centimetres* | *Appropriate percentage* |
|---|---|
| 1,400 or less | **[**F344 18%**][**F345 20%**][**F346 24%**]** |
| More than 1,400 but not more than 2,000 | **[**F347 29%**][**F348 31%**][**F349 35%**]** |
| More than 2,000 | **[**F350 37%**]** |

For this purpose a car's cylinder capacity is the capacity of its engine as calculated for the purposes of VERA 1994.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) If subsection (2) does not apply, the appropriate percentage for the year is—

**[**[F351]**[**[F352](a) **[**[F353]9%**]****[**[F354]13%**]****[**[F355]16%**]****[**[F356]2%**]** if the car cannot in any circumstances emit CO2 by being driven, and**]**

(b) **[**[F357]37%**]** in any other case.**]**

(3A) . . . . . .

(4) . . . . . .

(5) This section is subject to—

(a) section 141 (diesel cars), and

(b) any regulations made by the Treasury under section 170(4) (power to reduce the appropriate percentage).

**Textual Amendments**

**F344** Word in s. 140(2) substituted (for tax year 2017-18) by Finance Act 2015 (c. 11), **s. 7(5)(a)(7)**

**F345** Word in s. 140(2) substituted (for tax year 2018-19 and subsequent tax year) by Finance Act 2015 (c. 11), **s. 8(5)(a)(7)**

**F346** Word in s. 140(2) Table substituted (for tax year 2020-21 and subsequent tax years) by Finance (No. 2) Act 2017 (c. 32), **s. 2(3)(a)(i)(6)**

**F347** Word in s. 140(2) substituted (for tax year 2017-18) by Finance Act 2015 (c. 11), **s. 7(5)(b)(7)**

**F348** Word in s. 140(2) substituted (for tax year 2018-19 and subsequent tax year) by Finance Act 2015 (c. 11), **s. 8(5)(b)(7)**

**F349** Word in s. 140(2) Table substituted (for tax year 2020-21 and subsequent tax years) by Finance (No. 2) Act 2017 (c. 32), **s. 2(3)(a)(ii)(6)**

**F350** Word in s. 140(2) Table substituted (for tax year 2015-16 and subsequent tax years) by Finance Act 2013 (c. 29), **s. 23(8)(12)**

**F351** S. 140(3)(a)(b) substituted for words (with effect for the tax year 2010-11 and subsequent tax years in accordance with s. 58(18) of the amending Act) by Finance Act 2010 (c. 13), **s. 58(8)**

**F352** S. 140(3)(a) substituted (for tax year 2015-16 and subsequent tax years) by Finance Act 2013 (c. 29), **s. 23(9)(12)**

**F353** Word in s. 140(3)(a) substituted (for tax year 2017-18) by Finance Act 2016 (c. 24), **s. 9(1)(2)**

**F354** Word in s. 140(3)(a) substituted (for the tax year 2018-19) by Finance Act 2016 (c. 24), **s. 9(3)(4)**

**F355** Word in s. 140(3)(a) substituted (for tax year 2019-20 and subsequent tax years) by Finance Act 2016 (c. 24), **s. 8(7)(9)**

**F356** Word in s. 140(3)(a) substituted (for tax year 2020-21 and subsequent tax years) by Finance (No. 2) Act 2017 (c. 32), **s. 2(3)(b)(6)**

**F357** Word in s. 140(3)(b) substituted (for tax year 2015-16 and subsequent tax years) by Finance Act 2013 (c. 29), **s. 23(10)(12)**

## 141 Diesel cars: the appropriate percentage

**[**[F358](1) This section applies to a diesel car first registered on or after 1 January 1998 but before 1 September 2017.

(1A) This section applies to a diesel car first registered on or after 1 September 2017 if it does not meet the Euro 6d emissions standard.**]**

(2) To determine the appropriate percentage for **[**[F359]the**]** car for a year—

*Step 1*

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Determine whether the car is a car with a $CO_2$ emissions figure or a car without a $CO_2$ emissions figure (see section 134).

*Step 2*

Take what would be the appropriate percentage for the car for the year under section 139 or 140 as appropriate.

*Step 3*

The appropriate percentage for the car for the year is whichever is the smaller of—

(a) the figure resulting from the addition of **[**F360 4 percentage points**]** to the figure found under step 2, and

(b) 35%.

**[**F361 (2A) A vehicle meets the Euro 6d emissions standard only if it is first registered on the basis of an EC certificate of conformity which indicates that the exhaust emission level is Euro 6d (and it does not meet that standard if it is first registered on the basis of an EC certificate of conformity which indicates that that level is Euro 6d-TEMP).**]**

(3) In this section "diesel car" means a car which is propelled solely by diesel.

(4) This section is subject to any regulations made by the Treasury under section 170(4) (power to reduce the appropriate percentage).

**Textual Amendments**

**F358** S. 141(1)(1A) substituted for s. 141(1) (for tax year 2018-19 and subsequent tax years) by Finance Act 2018 (c. 3), **s. 9(2)(6)**

**F359** Word in s. 141(2) substituted (for tax year 2018-19 and subsequent tax years) by Finance Act 2018 (c. 3), **s. 9(3)(a)(6)**

**F360** Words in s. 141(2)(a) substituted (for tax year 2018-19 and subsequent tax years) by Finance Act 2018 (c. 3), **s. 9(3)(b)(6)**

**F361** S. 141(2A) inserted (for tax year 2018-19 and subsequent tax years) by Finance Act 2018 (c. 3), **s. 9(4)(6)**

*Cars: appropriate percentage: first registered before 1st January 1998*

### 142 Car first registered before 1st January 1998: the appropriate percentage

(1) The appropriate percentage for a car first registered before 1st January 1998 is determined under this section.

(2) If the car has an internal combustion engine with one or more reciprocating pistons, the appropriate percentage for the year is—

TABLE

| ***Cylinder capacity of car in cubic centimetres*** | ***Appropriate percentage*** |
|---|---|
| 1,400 or less | **[**F362 24%**]** |

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

| | |
|---|---|
| More than 1,400 but not more than 2,000 | **[**F363**]**35%**]** |
| More than 2,000 | **[**F364**]**37%**]** |

For this purpose a car's cylinder capacity is the capacity of its engine as calculated for the purposes of VERA 1994.

(3) If subsection (2) does not apply, the appropriate percentage for the year is **[**F365**]**37%**]**.

(4) . . . . . .

**Textual Amendments**

**F362** Word in s. 142(2) Table substituted (with effect in accordance with s. 2(6) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 2(4)(a)**

**F363** Word in s. 142(2) Table substituted (with effect in accordance with s. 2(6) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 2(4)(b)**

**F364** Word in s. 142(2) Table substituted (with effect in accordance with s. 24(17) of the amending Act) by Finance Act 2014 (c. 26), s. 24(13)(c)

**F365** Word in s. 142(3) substituted (with effect in accordance with s. 24(17) of the amending Act) by Finance Act 2014 (c. 26), **s. 24(14)**

*Cars: unavailability or payments for private use*

### 143 Deduction for periods when car unavailable

**[**F366**]**(A1) This section has effect for the purposes of—

(a) section 121(1) (method of calculating the cash equivalent of the benefit of a car), and

(b) section 121B(1) (optional remuneration arrangements: meaning of "modified cash equivalent").**]**

(1) A deduction is to be made from the amount carried forward from step 6 of section 121(1) **[**F367**]**or (as the case may be) step 4 of section 121B(1)**]** if the car has been unavailable on any day during the tax year in question.

(2) For the purposes of this section a car is unavailable on any day if the day—

(a) falls before the first day on which the car is available to the employee,

(b) falls after the last day on which the car is available to the employee, or

(c) falls within a period of 30 days or more throughout which the car is not available to the employee.

(3) The amount of the deduction is given by the formula—

$$\frac{U}{Y} \times A$$

where—

U is the number of days in the year on which the car is unavailable,

Y is the number of days in that year, and

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A is the amount carried forward from step 6 **[**F368of section 121(1) or (as the case may be) step 4 of section 121B(1)**]** .

(4) This section is subject to section 145 (modification where car temporarily replaced).

**Textual Amendments**

**F366** S. 143(A1) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 28(2)**

**F367** Words in s. 143(1) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 28(3)**

**F368** Words in s. 143(3) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 28(4)**

## 144 Deduction for payments for private use

(1) A deduction is to be made from the provisional sum **[**F369(see subsection (1A))**]** if, as a condition of the car being available for the employee's private use, the employee—

(a) is required in the tax year in question to pay (whether by way of deduction from earnings or otherwise) an amount of money for that use, and

**[**F370(b) pays that amount **[**F371on or before 6 July following**]** that year.**]**

**[**F372(1A) In this section "the provisional sum" means the provisional sum calculated under—

(a) step 7 of section 121(1) (method of calculating the cash equivalent of the benefit of a car), or

(b) step 2 of section 121A(1) (optional remuneration arrangements: method of calculating relevant amount).**]**

(2) If the amount paid **[**F373as mentioned in subsection (1)(b)**]** by the employee in respect of that year is equal to or exceeds the provisional sum, the provisional sum is reduced **[**F374so that—

(a) in a case within subsection (1A)(a), the cash equivalent of the benefit of the car for the year is nil, or

(b) in a case within subsection (1A)(b), the relevant amount for the purposes of section 120A is nil.**]**

(3) **[**F375Where subsection (2) does not apply,**]** the amount paid **[**F376as mentioned in subsection (1)(b) **]** by the employee in respect of the year is deducted from the provisional sum in order to **[**F377give—

(a) in a case within subsection (1A)(a), the cash equivalent of the benefit of the car for the year, or

(b) in a case within subsection (1A)(b), the relevant amount for the purposes of section 120A.**]**

(4) In this section the reference to the car being available for the employee's private use includes a reference to the car being available for the private use of a member of the employee's family or household.

(5) This section is subject to section 145 (modification where car temporarily replaced).

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**Textual Amendments**

**F369** Words in s. 144(1) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 29(2)**

**F370** S. 144(1)(b) substituted (with effect in accordance with s. 25(3) of the amending Act) by Finance Act 2014 (c. 26), **s. 25(1)**

**F371** Words in s. 144(1)(b) substituted (with effect in accordance with s. 1(14) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 1(7)(a)**

**F372** S. 144(1A) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 29(3)**

**F373** Words in s. 144(2) inserted (with effect in accordance with s. 1(14) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 1(7)(b)**

**F374** Words in s. 144(2) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 29(4)**

**F375** Words in s. 144(3) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 29(5)(a)**

**F376** Words in s. 144(3) inserted (with effect in accordance with s. 1(14) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 1(7)(c)**

**F377** Words in s. 144(3) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 29(5)(b)**

## 145 Modification of provisions where car temporarily replaced

(1) This section applies if—

(a) the car normally available to an employee ("the normal car") is not available to the employee for a period of less than 30 days,

(b) another car ("the replacement car") is made available to the employee in order to replace the normal car for the whole or part of that period,

**[**F378(c) the employee is chargeable to tax—

(i) in respect of both the normal car and the replacement car by virtue of section 120, or

(ii) in respect of both the normal car and the replacement car by virtue of section 120A, and".**]**

(d) the replacement car meets condition A or B.

(2) Condition A is met if the replacement car is not materially better than the normal car.

(3) Condition B is met if the replacement car is not made available to the employee under an arrangement of which the main purpose, or one of the main purposes, is to provide the employee with the benefit of a car which is materially better than the normal car.

(4) If this section applies—

(a) section 143 (deduction for periods when car unavailable) applies so that the replacement car is to be treated as unavailable on the days of the period during which it replaces the normal car, and

(b) section 144 (deduction for payments for private use) applies as if the replacement had not been made and the replacement car were a continuation of the normal car.

(5) A replacement car is regarded as materially better than the normal car if—

(a) it is materially better in quality, or

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(b) when calculating the cash equivalent of the benefit of the replacement car, the interim sum calculated under **[**F379step 3**]** of section 121(1) is materially higher than the interim sum calculated in relation to the normal car.

**[**F380(6) Where this section applies by virtue of subsection (1)(c)(ii), the condition in subsection (5)(b) is to be taken to be met if it would be met on the assumption that the cash equivalent of the benefit of the cars in question is to be calculated under section 121(1).**]**

**Textual Amendments**

**F378** S. 145(1)(c) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 30(2)**

**F379** Words in s. 145(5) substituted (with effect in accordance with Sch. 28 para. 10(2) of the amending Act) by Finance Act 2009 (c. 10), **Sch. 28 para. 3**

**F380** S. 145(6) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 30(3)**

*Cars: special cases*

## 146 Cars that run on road fuel gas

(1) This section applies **[**F381for the purposes of sections 121 and 121B**]** if the car—

(a) has been manufactured so as to be capable of running on road fuel gas, and

(b) is not a car to which section 137 (different $CO_2$ emissions figure for bi-fuel cars) applies.

(2) The price of the car found under step 1 of section 121(1) **[**F382or (as the case may be) step 1 of section 121B(1)**]** is to be reduced by so much of that price as it is reasonable to attribute to the car being manufactured in such a way as to be capable of running on road fuel gas rather than in such a way as to be capable of running only on petrol.

**Textual Amendments**

**F381** Words in s. 146(1) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 31(2)**

**F382** Words in s. 146(2) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 31(3)**

## 147 Classic cars: 15 years of age or more

(1) This section applies in calculating the cash equivalent of the benefit of a car for a tax year if—

(a) the age of the car at the end of the year is 15 years or more,

(b) the market value of the car for the year is £15,000 or more, and

(c) that market value exceeds the **[**F383interim sum calculated under**]** step 3 of section 121(1).

(2) For the **[**F384interim sum calculated under**]** step 3 substitute the market value of the car for the tax year in question less any deductions under subsection (6).

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) The market value of a car for a tax year is the price which the car might reasonably have been expected to fetch on a sale in the open market on—

(a) the last day of that year, or

(b) the last day in that year on which the car is available to the employee if that is earlier.

(4) It is assumed that any qualifying accessories available with the car on that day are included in the sale.

(5) Subsection (6) applies if the employee contributes a capital sum to expenditure on the provision of—

(a) the car, or

(b) any qualifying accessory which is taken into account in determining the market value of the car.

(6) A deduction is to be made from the market value of the car—

(a) for the tax year in which the contribution is made, and

(b) for all subsequent years in which the employee is chargeable to tax in respect of the car by virtue of section 120.

(7) The amount of the deduction allowed in any tax year is the lesser of—

(a) the total of the capital sums contributed by the employee in that year and any earlier years to expenditure on the provision of—

(i) the car, or

(ii) any qualifying accessory which is taken into account in determining the market value of the car for the tax year in question, and

(b) £5,000.

**Textual Amendments**

**F383** Words in s. 147(1) substituted (with effect in accordance with Sch. 28 para. 10(2) of the amending Act) by Finance Act 2009 (c. 10), **Sch. 28 para. 4**

**F384** Words in s. 147(2) substituted (with effect in accordance with Sch. 28 para. 10(2) of the amending Act) by Finance Act 2009 (c. 10), **Sch. 28 para. 4**

## [F385 147A Classic cars: optional remuneration arrangements

(1) This section applies in calculating the relevant amount in respect of a car for a tax year for the purposes of section 120A (benefit of car treated as earnings: optional remuneration arrangements) if—

(a) the age of the car at the end of the year is 15 years or more,

(b) the market value of the car for the year is £15,000 or more, and

(c) that market value exceeds the specified amount (see subsection (4)).

(2) In calculating the modified cash equivalent of the benefit of the car, for the interim sum calculated under step 2 of section 121B(1) substitute the market value of the car for the tax year in question.

(3) Section 132A (capital contributions by employee: optional remuneration arrangements) has effect as if—

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(a) in subsection (1)(b) the reference to calculating under section 121B the modified cash equivalent of the benefit of the car were to determining the market value of the car, and

(b) in subsection (5)(a)(ii) the reference to calculating under section 121B the modified cash equivalent of the benefit of the car for the tax year in question were to determining the market value of the car for the tax year in question.

(4) The "specified amount" is found as follows.

*Step 1* Find what would be the interim sum under step 2 of section 121B(1) (if subsection (2) of this section did not have effect).

*Step 2* (Assuming for this purpose that the reference in section 132(2) to step 2 of section 121(1) includes a reference to step 1 of this subsection) make any deduction under section 132 for capital contributions made by the employee to the cost of the car or accessories.

The resulting amount is the specified amount.

(5) The market value of a car for a tax year is to be determined in accordance with section 147(3) and (4).**]**

**Textual Amendments**

**F385** S. 147A inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 32**

*Cars: reduction where shared car*

### 148 Reduction of cash equivalent where car is shared

(1) This section applies **[**F386for the purposes of sections 121 and 121B**]** if in a tax year a car—

(a) is available to more than one employee concurrently,

(b) is so made available by the same employer, and

(c) is available concurrently for each employee's private use,

and two or more of those employees are chargeable to tax in respect of the car in that year by virtue of **[**F387sections 120 and 120A**]** .

**[**F388(2) The amount to be treated as earnings in respect of the benefit of the car is to be calculated separately for each of those employees for that tax year (whether under section 120 or section 120A).**]**

**[**F389(2A) **[**F390In the case of an employee chargeable to tax in respect of the car by virtue of section 120**]** The provisional sum calculated under step 7 in section 121(1) is to be reduced on a just and reasonable basis before making any deduction under step 8.**]**

**[**F391(2B) In the case of an employee chargeable to tax in respect of the car by virtue of section 120A, the modified cash equivalent (as determined under section 121B(1)) is to be reduced on a just and reasonable basis.**]**

(3) . . . . . .

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) In this section the reference to the car being available for each employee's private use includes a reference to the car being available for the private use of a member of the employee's family or household.

**Textual Amendments**

**F386** Words in s. 148(1) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 33(2)(a)**

**F387** Words in s. 148(1) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 33(2)(b)**

**F388** S. 148(2) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 33(3)**

**F389** S. 148(2A) inserted (1.3.2012) by The Enactment of Extra-Statutory Concessions Order 2012 (S.I. 2012/266), arts. 1, **3(3)(b)**

**F390** Words in s. 148(2A) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 33(4)**

**F391** S. 148(2B) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 33(5)**

*Car fuel: benefit treated as earnings*

## 149 Benefit of car fuel treated as earnings

(1) If in a tax year—

(a) fuel is provided for a car by reason of an employee's employment, and

(b) that person is chargeable to tax in respect of the car by virtue of section 120 **[**F392or 120A**]**,

the cash equivalent of the benefit of the fuel is to be treated as earnings from the employment for that year.

(2) The cash equivalent of the benefit of the fuel is calculated in accordance with sections 150 to 153.

(3) Fuel is to be treated as provided for a car, in addition to any other way in which it may be provided, if—

(a) any liability in respect of the provision of fuel for the car is discharged,

(b) a non-cash voucher or a credit-token is used to obtain fuel for the car,

(c) a non-cash voucher or a credit-token is used to obtain money which is spent on fuel for the car, or

(d) any sum is paid in respect of expenses incurred in providing fuel for the car.

(4) References in this section to fuel do not include any facility or means for supplying electrical energy **[**F393or any energy for a car which cannot in any circumstances emit $CO_2$ by being driven**]**.

**Textual Amendments**

**F392** Words in s. 149(1)(b) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 34**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F393** Words in s. 149(4) substituted (with effect for the tax year 2010-11 and subsequent tax years in accordance with s. 58(18) of the amending Act) by Finance Act 2010 (c. 13), **s. 58(11)**

### [F394 149A Benefit of car fuel treated as earnings: optional remuneration arrangements

(1) This section applies if—

(a) fuel is provided for a car in a tax year by reason of an employee's employment,

(b) the employee is chargeable to tax in respect of the car in the tax year by virtue of section 120 or 120A, and

(c) the fuel is provided pursuant to optional remuneration arrangements.

(2) If the condition in subsection (3) is met—

(a) the amount foregone with respect to the benefit of the fuel (see section 69B) is to be treated as earnings from the employment for the tax year, and

(b) section 149(1) does not apply.

(3) The condition mentioned in subsection (2) is that the amount foregone with respect to the benefit of the fuel is greater than the cash equivalent of the benefit of the fuel.

(4) For the purposes of subsection (3), assume that the cash equivalent of the benefit of the fuel is zero if the condition in subsection (5) is met.

(5) The condition mentioned in subsection (4) is that the benefit of the fuel would be exempt from income tax but for section 228A (exclusion of certain exemptions).

(6) References in this section to fuel do not include any facility or means for supplying electrical energy or any energy for a car which cannot in any circumstances emit $CO_2$ by being driven.

(7) Where it is necessary for the purposes of subsections (2)(a) and (3) to apportion an amount of earnings to the benefit of the fuel in the tax year, the apportionment is to be made on a just and reasonable basis.

In this subsection "earnings" is to be interpreted in accordance with section 69B(5).]

**Textual Amendments**

**F394** S. 149A inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 35**

### 150 Car fuel: calculating the cash equivalent

(1) The cash equivalent of the benefit of the fuel is the appropriate percentage of [F395 £29,200].

(2) The "appropriate percentage" means the appropriate percentage determined in accordance with sections 133 to 142 for the purpose of calculating the cash equivalent of the benefit of the car for which the fuel is provided.

(3) But the cash equivalent may be—

(a) nil where either of the conditions in section 151 is met;

(b) proportionately reduced under section 152;

(c) reduced under section 153.

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F395** Sum in s. 150(1) substituted (with application to the tax year 2026-27 and subsequent tax years) by The Van Benefit and Car and Van Fuel Benefit Order 2025 (S.I. 2025/1254), arts. 1(2), **2(2)**

## 151 Car fuel: nil cash equivalent

(1) The cash equivalent of the benefit of the fuel is nil if condition A or B is met.

(2) Condition A is met if ...—

(a) **[**F396in the tax year in question,**]** the employee is required to make good to the person providing the fuel the whole of the expense incurred by that person in connection with the provision of the fuel for the employee's private use, and

(b) the employee does make good that expense **[**F397on or before 6 July following that tax year**]** .

(3) Condition B is met if in the tax year in question the fuel is made available only for business travel (see section 171(1)).

**Textual Amendments**

**F396** Words in s. 151(2)(a) inserted (with effect in accordance with s. 1(14) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 1(8)(b)**

**F397** Words in s. 151(2)(b) inserted (with effect in accordance with s. 1(14) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 1(8)(c)**

## 152 Car fuel: proportionate reduction of cash equivalent

(1) The cash equivalent of the benefit of the fuel is to be proportionately reduced if for any part of the tax year in question the car for which the fuel is provided is unavailable (within the meaning of section 143 (deduction for periods when car unavailable)).

(2) The cash equivalent of the benefit of the fuel is also to be proportionately reduced if ...—

(a) **[**F398for any part of the tax year in question,**]** the facility for the provision of fuel as mentioned in section 149(1) is not available,

(b) **[**F399for any part of the tax year in question,**]** the fuel is made available only for business travel (see section 171(1)), or

(c) the employee**[**F400—

(i) for any part of the tax year in question,**]** is required to make good to the person providing the fuel the whole of the expense incurred by that person in connection with the provision of the fuel for the employee's private use **[**F401, and

(ii) the employee does make good that expense on or before 6 July following that tax year**]**

(3) The fact that any of the conditions specified in subsection (2) is met for part of a tax year is to be disregarded if there is a time later in that year when none of those conditions is met.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) Where the cash equivalent is to be proportionately reduced under subsection (1) or (2) (or under both those subsections), the reduced amount is given by the formula—

$$CE \times \frac{Y-D}{Y}$$

where—

CE is the amount of the cash equivalent before any reduction,

Y is the number of days in the tax year in question, and

D is the total number of days in that year on which either the car is unavailable or one or more of the conditions in subsection (2) is met.

**Textual Amendments**

**F398** Words in s. 152(2)(a) inserted (with effect in accordance with s. 1(14) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 1(9)(b)**

**F399** Words in s. 152(2)(b) inserted (with effect in accordance with s. 1(14) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 1(9)(c)**

**F400** S. 152(2)(c)(i) inserted (with effect in accordance with s. 1(14) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 1(9)(d)(i)**

**F401** Words in s. 152(2)(c) substituted (with effect in accordance with s. 1(14) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 1(9)(d)(ii)**

## 153 Car fuel: reduction of cash equivalent

If a reduction of the cash equivalent of the benefit of the car for which the fuel is provided is made under section 148 (reduction of cash equivalent where car is shared), a corresponding reduction is to be made in relation to the cash equivalent of the benefit of the fuel.

*Vans: benefit treated as earnings*

## 154 Benefit of van treated as earnings

(1) **[**F402If this Chapter applies to a van in relation to a particular tax year, the cash equivalent of the benefit of the van is to be treated as earnings from the employment for that year.**]**

**[**F403(2) In such a case (including a case where the cash equivalent of the benefit of the van is nil) the employee is referred to in this Chapter as being chargeable to tax in respect of the van for that year.

(3) Any reference in this Act to a case where the cash equivalent of the benefit of a van is treated as the employee's earnings for a year by virtue of this section includes a case where the cash equivalent is nil.**]**

**[**F404(4) This section is subject to section 154A.**]**

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F402** s. 154 renumbered as s. 154(1) (with effect in accordance with s. 7(9) of the amending Act) by Finance Act 2016 (c. 24), **s. 7(7)(a)**

**F403** S. 154(2)(3) inserted (with effect in accordance with s. 7(9) of the amending Act) by Finance Act 2016 (c. 24), **s. 7(7)(b)**

**F404** S. 154(4) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 36**

## [F405 154A Benefit of van treated as earnings: optional remuneration arrangements

(1) Where this Chapter applies to a van in relation to a particular tax year and the conditions in subsection (2) are met—

(a) the relevant amount is to be treated as earnings from the employment for that tax year, and

(b) section 154(1) does not apply.

In such a case (including a case where the relevant amount is nil) the employee is referred to in this Chapter as being chargeable to tax in respect of the van in the tax year.

(2) The conditions are that—

(a) the van is made available to the employee or member of the employee's household pursuant to optional remuneration arrangements, and

(b) **[**F406 the total foregone amount in connection with the van**]** is greater than the modified cash equivalent of the benefit of the van.

(3) To find the relevant amount for the purposes of this section take the following steps—

***[***F407 *Step 1* Take the total foregone amount in connection with the van for the tax year.**]**

*Step 2* Make any deduction under section 158A in respect of payments by the employee for the private use of the van.

The result is the "relevant amount".

(4) In subsection (2) the reference to the "modified cash equivalent" is to the amount which would be the cash equivalent of the benefit of the van (after any reductions under section 156 or 157) if this Chapter had effect the following modifications—

(a) omit paragraph (c) of section 155(8);

(b) omit section 158;

(c) in section 159(2)(b), for "155, 157 and 158" substitute " 155 and 157 ".

(5) For the purposes of subsection (2) assume that the modified cash equivalent of the benefit of the van is zero if the condition in subsection (6) is met.

(6) The condition is that the benefit of the van would be exempt from income tax but for section 228A (exclusion of certain exemptions).

(7) Where it is necessary for the purposes of subsection (2)(b) and step 1 of subsection (3) to apportion an amount of earnings to **[**F408 a benefit mentioned in subsection (8)(a) or (b)**]** in the tax year, the apportionment is to be made on a just and reasonable basis.

In this subsection "earnings" is to be interpreted in accordance with section 69B(5).

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**[** In this section the total foregone amount in connection with the van for a tax year is [F409](8) the total of—

(a) the amount foregone (see section 69B) with respect to the benefit of the van for that year, and

(b) the amount foregone (see section 69B) with respect to each other benefit that—

(i) is connected with the van,

(ii) is provided in that year for the employee, or a member of the employee's household, pursuant to optional remuneration arrangements, and

(iii) is neither the provision of a driver nor the provision of fuel.**]]**

**Textual Amendments**

**F405** S. 154A inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 37**

**F406** Words in s. 154A(2)(b) substituted (with effect in accordance with s. 7(7) of the amending Act) by Finance Act 2019 (c. 1), **s. 7(5)(a)**

**F407** Words in s. 154A(3) substituted (with effect in accordance with s. 7(7) of the amending Act) by Finance Act 2019 (c. 1), **s. 7(5)(b)**

**F408** Words in s. 154A(7) substituted (with effect in accordance with s. 7(7) of the amending Act) by Finance Act 2019 (c. 1), **s. 7(5)(c)**

**F409** S. 154A(8) inserted (with effect in accordance with s. 7(7) of the amending Act) by Finance Act 2019 (c. 1), **s. 7(5)(d)**

## **[**[F410]**155 Cash equivalent of the benefit of a van**

**[**[F411](1) The cash equivalent of the benefit of a van for a tax year is calculated as follows.

(1A) If the restricted private use condition is met in relation to the van for the tax year, the cash equivalent is nil.

(1B) If that condition is not met in relation to the van for the tax year—

(a) if the van cannot in any circumstances emit $CO_2$ by being driven and the tax year is any of the tax years 2015-16 to **[**[F412]2020-21**]**, the cash equivalent is the appropriate percentage of **[**[F413]£3,500**]**...

**[**[F414](aa) if the van cannot in any circumstances emit $CO_2$ by being driven and the tax year is 2021-22 or a subsequent tax year, the cash equivalent is nil, and**]**

(b) in any other case, the cash equivalent is **[**[F415]£4,170**]**.

(1C) The appropriate percentage for the purposes of subsection (1B)(a) is—

(a) 20% for the tax year 2015-16,

**[**[F416](b) 20% for the tax year 2016-17;

(c) 60% for the tax year 2017-18,

(d) 80% for the tax year 2018-19, and

(e) 90% for the tax year 2019-20.

(f) 80% for the tax year 2020-21;

(g) . . . . . .**]]**

(4) The restricted private use condition is met in relation to a van for a tax year if—

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(a) the commuter use requirement is satisfied throughout the year (or the part of the year on which it is available to the employee) or the extent to which it is not satisfied during that period is insignificant, and

(b) the business travel requirement is satisfied throughout the year (or the part of the year on which it is available to the employee).

(5) The commuter use requirement is satisfied at any time if—

(a) the terms on which the van is available to the employee at the time prohibit its private use otherwise than for the purposes of ordinary commuting or travel between two places that is for practical purposes substantially ordinary commuting, and

(b) neither the employee nor a member of the employee's family or household makes private use of the van at the time otherwise than for those purposes.

(6) In subsection (5) "ordinary commuting" has the same meaning as in section 338 (travel for necessary attendance) (see subsection (3) of that section).

(7) The business travel requirement is satisfied at a time if the van is available to the employee at the time mainly for use for the purposes of the employee's business travel (see section 171(1)).

(8) The cash equivalent of the van may be reduced—

(a) under section 156 for any periods when the van is unavailable,

(b) under section 157 where the van is shared, and

(c) under section 158 in respect of payments by the employee for the private use of the van.**]**

**Textual Amendments**

**F410** Ss. 155-164 substituted for ss. 155-166 (with effect in accordance with s. 80(2) of the amending Act) by Finance Act 2004 (c. 12), **Sch. 14 para. 5**

**F411** S. 155(1)-(1C) substituted for s. 155(1)(2) (with effect in accordance with s. 10(8) of the amending Act) by Finance Act 2015 (c. 11), **s. 10(2)**

**F412** Word in s. 155(1B)(a) substituted (10.6.2021) by Finance Act 2021 (c. 26), **s. 23(2)(a)**

**F413** Sum in s. 155(1B)(a) substituted (with application in accordance with art. 1(2) of the amending S.I.) by The Van Benefit and Car and Van Fuel Benefit Order 2021 (S.I. 2021/248), arts. 1(2), **3**

**F414** S. 155(1B)(aa) inserted (10.6.2021) by Finance Act 2021 (c. 26), **s. 23(2)(c)**

**F415** Sum in s. 155(1B)(b) substituted (with application to the tax year 2026-27 and subsequent tax years) by The Van Benefit and Car and Van Fuel Benefit Order 2025 (S.I. 2025/1254), arts. 1(2), **2(3)**

**F416** S. 155(1C)(b)-(g) substituted for s. 155(1C)(b)-(e) (with effect in accordance with s. 11(4) of the amending Act) by Finance Act 2016 (c. 24), **s. 11(3)**

### *[F410 Vans: reductions of cash equivalent*

### 156 Meaning of "shared van"

(1) The cash equivalent of the benefit of a van for a tax year under section **[**F417155**]** is to be reduced if the van has been unavailable on any day during the year.

(2) For the purposes of this section a van is unavailable on any day if the day—

(a) falls before the first day on which the van is available to the employee,

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(b) falls after the last day on which the van is available to the employee, or

(c) falls within a period of 30 days or more throughout which the van is not available to the employee.

(3) The amount of the reduction is given by the formula—

$$\frac{U}{Y} \times \mathrm{CE}$$

where—

U is the number of days in the year on which the van is unavailable,

Y is the number of days in the year, and

CE is the amount of the cash equivalent before any reduction.**]**

**Textual Amendments**

**F417** Word in s. 156(1) substituted (with effect in accordance with s. 10(8) of the amending Act) by Finance Act 2015 (c. 11), **s. 10(3)**

*[F410Reduction of cash equivalent where van is shared*

### 157 Reduction of cash equivalent where van is shared

(1) This section applies if in a tax year a van—

(a) is available to more than one employee concurrently,

(b) is so made available by the same employer, and

(c) is available concurrently for each employee's private use.

(2) The cash equivalent of the benefit of the van to each of those employees for that year—

(a) is to be calculated separately under sections 155 and 156, and

(b) is then to be reduced on a just and reasonable basis.

(3) . . . . . .

(4) In this section the reference to the van being available for each employee's private use includes a reference to the van being available for the private use of a member of the employee's family or household.**]**

*[F410Reduction for payments for private use*

### 158 Reduction for payments for private use

(1) The cash equivalent of the benefit of a van for a tax year under section **[**F418155**]** (after any reduction under sections 156 and 157) is to be reduced if, as a condition of the van being available for the employee's private use, the employee—

(a) is required in that year to pay (whether by way of deduction from earnings or otherwise) an amount of money for that use, and

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**[**F419(b) pays that amount **[**F420on or before 6 July following**]** that year.**]**

(2) If the amount paid **[**F421as mentioned in subsection (1)(b)**]** by the employee in respect of that year is equal to or exceeds that cash equivalent, it is reduced to nil.

(3) In any other case that cash equivalent is reduced by the amount paid **[**F422as mentioned in subsection (1)(b)**]** by the employee.

(4) In this section the reference to the van being available for the employee's private use includes a reference to the van being available for the private use of a member of the employee's family or household.

**Textual Amendments**

**F418** Word in s. 158(1) substituted (with effect in accordance with s. 10(8) of the amending Act) by Finance Act 2015 (c. 11), **s. 10(4)**

**F419** S. 158(1)(b) substituted (with effect in accordance with s. 25(3) of the amending Act) by Finance Act 2014 (c. 26), **s. 25(2)**

**F420** Words in s. 158(1)(b) substituted (with effect in accordance with s. 1(14) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 1(10)(a)**

**F421** Words in s. 158(2) inserted (with effect in accordance with s. 1(14) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 1(10)(b)**

**F422** Words in s. 158(3) inserted (with effect in accordance with s. 1(14) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 1(10)(c)**

## **[**F423158A Van provided pursuant to optional remuneration arrangements: private use

(1) In calculating the relevant amount under section 154A in relation to a van and a tax year, a deduction is to be made under step 2 of subsection (3) of that section if, as a condition of the van being available for the employee's private use, the employee—

(a) is required in that year to pay (whether by way of deduction from earnings or otherwise) an amount of money for that use, and

(b) pays that amount on or before 6 July following that year.

(2) The amount of the deduction is—

(a) the amount paid as mentioned in subsection (1)(b) by the employee in respect of the year, or

(b) if less, the amount that would reduce the relevant amount to nil.

(3) In this section the reference to the van being available for the employee's private use includes a reference to the van being available for the private use of a member of the employee's family or household.**]]**

**Textual Amendments**

**F423** S. 158A inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 38**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*[F410 Modification of provisions where van temporarily replaced*

### 159 Modification of provisions where van temporarily replaced

(1) This section applies if—

(a) the van normally available to an employee ("the normal van") is not available to the employee for a period of less than 30 days,

(b) another van ("the replacement van") is made available to the employee in order to replace the normal van for the whole or part of that period, and

(c) the employee is chargeable to tax in respect of both the normal van and the replacement van by virtue of section 154.

(2) If this section applies—

(a) section 156 applies so that the replacement van is to be treated as unavailable on the days during the period on which it replaces the normal van, and

(b) sections 155, 157 and 158 apply as if the replacement van were the normal van.**]**

*[F410 Van fuel: benefit treated as earnings*

### 160 Benefit of van fuel treated as earnings

(1) If in a tax year—

(a) fuel is provided for a van by reason of an employee's employment,

(b) that person is chargeable to tax in respect of the van by virtue of section 154 **[**F424 or 154A**]** , and

(c) the cash equivalent of the van for that year is that under **[**F425 section 155(1B)(b)**]**,

the cash equivalent of the benefit of the fuel is to be treated as earnings from the employment for that year.

(2) The cash equivalent of the benefit of the fuel is calculated in accordance with sections 161 to 164.

(3) Fuel is to be treated as provided for a van, in addition to any other way in which it may be provided, if—

(a) any liability in respect of the provision of fuel for the van is discharged,

(b) a non-cash voucher or a credit-token is used to obtain fuel for the van,

(c) a non-cash voucher or a credit-token is used to obtain money which is spent on fuel for the van, or

(d) any sum is paid in respect of expenses incurred in providing fuel for the van.

(4) . . . . . .

**[**F426 (5) This section is subject to section 160A.**]]**

**Textual Amendments**

**F424** Words in s. 160(1)(b) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 39(2)**

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F425** Words in s. 160(1)(c) substituted (with effect in accordance with s. 10(8) of the amending Act) by Finance Act 2015 (c. 11), **s. 10(5)**

**F426** S. 160(5) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 39(3)**

## [F427160ABenefit of van fuel treated as earnings: optional remuneration arrangements

(1) This section applies if—

(a) fuel is provided for a van in a tax year by reason of an employee's employment,

(b) the benefit of the fuel is provided pursuant to optional remuneration arrangements, and

(c) the employee is chargeable to tax in respect of the van in the tax year by virtue of section 154 or 154A.

(2) If the condition in subsection (3) is met—

(a) the amount foregone with respect to the benefit of the fuel (see section 69B) is to be treated as earnings from the employment for that year, and

(b) section 160(1) does not apply.

(3) The condition mentioned in subsection (2) is that the amount foregone with respect to the benefit of the fuel is greater than the cash equivalent of the benefit of the fuel.

(4) For the purposes of subsection (3), assume that the cash equivalent of the benefit of the fuel is zero if the condition mentioned in subsection (5) is met.

(5) The condition mentioned in subsection (4) is that the benefit of the fuel would be exempt from income tax but for section 228A (exclusion of certain exemptions).

(6) Where it is necessary for the purposes of subsections (2)(a) and (3) to apply an amount of earnings to the benefit of the fuel in the tax year, the apportionment is to be made on a just and reasonable basis.

In this subsection "earnings" is to be interpreted in accordance with section 69B(5).**]**

**Textual Amendments**

**F427** S. 160A inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 40**

## [F410161 Van fuel: the cash equivalent

The cash equivalent of the benefit of the fuel is—

(a) where the tax year is the tax year 2005-06 or 2006-07, nil, and

(b) where the tax year is a later tax year, **[**F428£798**].]**

**Textual Amendments**

**F428** Sum in s. 161(b) substituted (with application to the tax year 2026-27 and subsequent tax years) by The Van Benefit and Car and Van Fuel Benefit Order 2025 (S.I. 2025/1254), arts. 1(2), **2(4)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### [F410 162 Van fuel: nil cash equivalent

(1) The cash equivalent of the benefit of the fuel is nil if condition A or B is met.

(2) Condition A is met if ...—

(a) **[**F429in the tax year in question,**]** the employee is required to make good to the person providing the fuel the whole of the expense incurred by that person in connection with the provision of the fuel for the employee's private use, and

(b) the employee does make good that expense **[**F430on or before 6 July following that tax year**]** .

(3) Condition B is met if in the tax year in question the fuel is made available only for business travel (see section 171(1)).**]**

**Textual Amendments**

**F429** Words in s. 162(2)(a) inserted (with effect in accordance with s. 1(14) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 1(11)(b)**

**F430** Words in s. 162(2)(b) inserted (with effect in accordance with s. 1(14) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 1(11)(c)**

### [F410 163 Van fuel: proportionate reduction of cash equivalent

(1) The cash equivalent of the benefit of the fuel is to be proportionately reduced if for any part of the tax year in question the van for which the fuel is provided is unavailable (within the meaning of section 156 (reduction for periods when van unavailable)).

(2) But if section 159 (van temporarily replaced) applies—

(a) section 160 applies as if the replacement van were the normal van, and

(b) for the purposes of subsection (1) the replacement van is to be treated as unavailable on the days during the period on which it replaces the normal van.

(3) The cash equivalent of the benefit of the fuel is also to be proportionately reduced if ...—

(a) **[**F431for any part of the tax year in question,**]** the facility for the provision of fuel as mentioned in section 160 (1) is not available,

(b) **[**F432for any part of the tax year in question,**]** the fuel is made available only for business travel (see section 171(1)), or

(c) the employee**[**F433—

(i) for any part of the tax year in question,is required to make good to the person providing the fuel the whole of the expense incurred by that person in connection with the provision of the fuel for the employee's private use**][**F434, and

(ii) the employee does make good that expense on or before 6 July following that tax year**]**

(4) The fact that any of the conditions specified in subsection (3) is met for part of a tax year is to be disregarded if there is a time later in that year when none of those conditions is met.

(5) Where the cash equivalent is to be proportionately reduced under subsection (1) or (3) (or under both those subsections), the reduced amount is given by the formula—

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$$CE \times \frac{Y - D}{Y}$$

where—

CE is the amount of the cash equivalent before any reduction,

Y is the number of days in the tax year in question, and

D is the total number of days in the tax year on which either the van is unavailable or one or more of the conditions in subsection (3) is met.**]**

**Textual Amendments**

**F431** Words in s. 163(3)(a) inserted (with effect in accordance with s. 1(14) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 1(12)(b)**

**F432** Words in s. 163(3)(b) inserted (with effect in accordance with s. 1(14) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 1(12)(c)**

**F433** S. 163(3)(c)(i) inserted (with effect in accordance with s. 1(14) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 1(12)(d)(i)**

**F434** S. 163(3)(c)(ii) substituted for words (with effect in accordance with s. 1(14) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 1(12)(d)(ii)**

### [F410 164 Van fuel: reduction of cash equivalent

If a reduction of the cash equivalent of the benefit of the van for which the fuel is provided is made under section 157 (reduction of cash equivalent where van is shared), a corresponding reduction is to be made in relation to the cash equivalent of the benefit of the fuel.**]**

*Cars and vans: exceptions*

### 167 Pooled cars

(1) This section applies to a car in relation to a particular tax year if for that year the car has been included in a car pool for the use of the employees of one or more employers.

(2) For that tax year the car—

(a) is to be treated under section 114(1) (cars to which this Chapter applies) as not having been available for the private use of any of the employees concerned, and

(b) is not to be treated in relation to the employees concerned as an employment-related benefit within the meaning of Chapter 10 of this Part (taxable benefits: residual liability to charge) (see section 201).

(3) In relation to a particular tax year, a car is included in a car pool for the use of the employees of one or more employers if in that year—

(a) the car was made available to, and actually used by, more than one of those employees,

(b) the car was made available, in the case of each of those employees, by reason of the employee's employment,

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(c) the car was not ordinarily used by one of those employees to the exclusion of the others,

(d) in the case of each of those employees, any private use of the car made by the employee was merely incidental to the employee's other use of the car in that year, and

(e) the car was not normally kept overnight on or in the vicinity of any residential premises where any of the employees was residing, except while being kept overnight on premises occupied by the person making the car available to them.

### 168 Pooled vans

(1) This section applies to a van in relation to a particular tax year if for that year the van has been included in a van pool for the use of the employees of one or more employers.

(2) For that tax year the van—

(a) is to be treated under section 114(1) (vans to which this Chapter applies) as not having been available for the private use of any of the employees concerned, and

(b) is not to be treated in relation to the employees concerned as an employment-related benefit within the meaning of Chapter 10 of this Part (taxable benefits: residual liability to charge) (see section 201).

(3) In relation to a particular tax year, a van is included in a van pool for the use of the employees of one or more employers if in that year—

(a) the van was made available to, and actually used by, more than one of those employees,

(b) the van was made available, in the case of each of those employees, by reason of the employee's employment,

(c) the van was not ordinarily used by one of those employees to the exclusion of the others,

(d) in the case of each of those employees, any private use of the van made by the employee was merely incidental to the employee's other use of the van in that year, and

(e) the van was not normally kept overnight on or in the vicinity of any residential premises where any of the employees was residing, except while being kept overnight on premises occupied by the person making the van available to them.

### 169 Car available to more than one member of family or household employed by same employer

(1) This section applies where—

(a) an employee ("E") and a member of the employee's family or household ("M") are employed by the same employer, and

(b) as a result of a car being made available to M in a tax year, E would (apart from this section) be chargeable to tax in respect of the car in that year by virtue of section 120.

(2) The cash equivalent of the benefit of the car and of any fuel provided for the car by reason of E's employment is not to be treated as E's earnings for that year if—

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(a) M is chargeable to tax in respect of the car in that year by virtue of section 120, or

**[**F435(b) M's employment is lower-paid employment as a minister of religion.**]**

(3) . . . . . .

(4) . . . . . .

**Textual Amendments**

**F435** S. 169(2)(b) substituted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 1 para. 9(2)**

### [F436169AVan available to more than one member of family or household employed by same employer

(1) This section applies where—

(a) an employee ("E") and a member of the employee's family or household ("M") are employed by the same employer, and

(b) as a result of a van being made available to M in a tax year, E would (apart from this section) be chargeable to tax in respect of the van in that year by virtue of section 154.

(2) The cash equivalent of the benefit of the van and of any fuel provided for the van by reason of E's employment is not to be treated as E's earnings for that year if—

(a) M is chargeable to tax in respect of the van in that year by virtue of section 154, or

**[**F437(b) M's employment is lower-paid employment as a minister of religion.**]**

(3) . . . . . .

(4) . . . . . .**]**

**Textual Amendments**

**F436** S. 169A inserted (with effect in accordance with s. 80(2) of the amending Act) by Finance Act 2004 (c. 12), **Sch. 14 para. 6**

**F437** S. 169A(2)(b) substituted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 1 para. 10(2)**

*Orders*

### 170 Orders etc. relating to this Chapter

(1) The Treasury may by order substitute a greater amount for that for the time being specified in—

(a) . . . . . .

(b) section 126(3)(d) (car: minimum price of later accessory),

(c) section 132(3)(b) (car: maximum contributions deduction),

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**[**F438(ca) section 132A(5)(b) (corresponding provision with respect to optional remuneration arrangements),**]**

(d) section 147(1)(b) (classic car: minimum value), ...

(e) section 147(7)(b) (classic car: maximum contributions deduction) **[**F439, or

(f) section 147A(1)(b) (classic car: minimum value: optional remuneration arrangements).**]**

**[**F440(1A) The Treasury may by order substitute a different amount for the amount for the time being specified in—

(a) section 155(1A) (cash equivalent where van subject only to restricted private use by employee),

(b) section 155(1B)(a) (cash equivalent for zero-emission van **[**F441in tax years 2015-16 to 2020-21**]**), ...

**[**F442(ba) section 155(1B)(aa) (cash equivalent for zero-emissions vans in tax year 2021-22 and subsequent tax years), and**]**

(c) section 155(1B)(b) (cash equivalent in other cases).**]**

(2) An order under subsection (1) **[**F443or (1A)**]** must specify the tax years to which it applies.

(2A) . . . . . .

(3) . . . . . .

(4) The Treasury may by regulations provide for the value of the appropriate percentage as determined under sections 139 to 141 to be reduced—

(a) by such amount,

(b) in such circumstances, and

(c) subject to such conditions,

as may be prescribed in the regulations.

(5) The Treasury may by order substitute a different amount for that specified in section 150(1) (car fuel: cash equivalent) **[**F444or section 161(b) (van fuel: cash equivalent)**]**.

(6) An order under subsection (5) must specify the tax years to which it applies, being tax years beginning after that in which it is made.

**Textual Amendments**

**F438** S. 170(1)(ca) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 41(a)**

**F439** S. 170(1)(f) and word inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 41(c)**

**F440** S. 170(1A) substituted (for tax year 2015-16 and subsequent tax years) by Finance Act 2015 (c. 11), **s. 10(6)(8)**

**F441** Words in s. 170(1A)(b) inserted (10.6.2021) by Finance Act 2021 (c. 26), **s. 23(4)(a)**

**F442** S. 170(1A)(ba) inserted (10.6.2021) by Finance Act 2021 (c. 26), **s. 23(4)(c)**

**F443** Words in s. 170(2) inserted (with effect for the year 2005-06 and subsequent years of assessment in accordance with s. 80(2) of the amending Act) by Finance Act 2004 (c. 12), **Sch. 14 para. 7(3)**

**F444** Words in s. 170(5) inserted (with effect for the year 2005-06 and subsequent years of assessment in accordance with s. 80(2) of the amending Act) by Finance Act 2004 (c. 12), **Sch. 14 para. 7(4)**

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Supplementary*

## 171 Minor definitions: general

(1) In this Chapter—

"business travel", in relation to any employee, means travelling the expenses of which, if incurred and paid by the employee, would (if Chapter 2 of Part 4 did not apply) be deductible under sections 337 to 342, section 353 or under Chapter 5 of Part 5 (other than section 377);

"diesel" means any diesel fuel within the definition in Article 2 of Directive 98/70/EC of the European Parliament and of the Council;

**[**[F445]"EC certificate of conformity" means a certificate of conformity within the meaning of—

(a) Council Directive 70/156/EEC,

(b) Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007, or

(c) Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles;**]**

**[**[F446]"EC type-approval certificate" means—

(a) a type-approval certificate issued under any provision of the law of a Member State implementing Council Directive 70/156/EEC,

(b) an EC type-approval certificate within the meaning of Council Directive 2007/46/EC, or

(c) an EU type-approval certificate within the meaning of Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles;**]**

**[**[F447]"qualifying emissions certificate" has the same meaning as in CAA 2001 (see section 268C(1) of that Act);**]**

"relevant taxes" means any car tax, any value added tax, any customs or excise duty and any tax chargeable as if it were a customs duty;

"road fuel gas" means any substance which is gaseous at a temperature of 15°C and under a pressure of 1013.25 millibars, and which is for use as fuel in road vehicles;

**[**[F448]"UK approval certificate" means—

(a) a certificate issued under—

(i) section 58(1) or (4) of the Road Traffic Act 1988, or

(ii) Article 31A(4) or (5) of the Road Traffic (Northern Ireland) Order 1981 (S.I. 1981/154 (N.I. 1)), or

(b) any other certificate or document issued in the United Kingdom on the basis of which a vehicle is first registered, other than an EC certificate of conformity or an EC type-approval certificate.**]**

(2) In this Chapter references to the date of first registration in relation to a car ... are to the date on which the vehicle was first registered under VERA 1994 or under corresponding legislation of any country or territory.

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(3) In this Chapter references to the age of a car ... at any time are to the interval between the date of first registration of the vehicle and that time.

(4) In this Chapter "disabled person's badge" means a badge—

(a) which is issued to a disabled person under section 21 of the Chronically Sick and Disabled Persons Act 1970 (c. 44) or section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978 (c. 53), or has effect as if it had been issued under one of those provisions, and

(b) which is not required to be returned to the issuing authority under or by virtue of the provision referred to in paragraph (a).

**Textual Amendments**

**F445** Words in s. 171(1) substituted (1.9.2020) by The Road Vehicles (Approval) Regulations 2020 (S.I. 2020/818), reg. 1(b), **Sch. 6 para. 4(2)** (with Sch. 4 paras. 16, 17)

**F446** Words in s. 171(1) substituted (1.9.2020) by The Road Vehicles (Approval) Regulations 2020 (S.I. 2020/818), reg. 1(b), **Sch. 6 para. 4(3)** (with Sch. 4 paras. 16, 17)

**F447** Words in s. 171(1) inserted (24.2.2022) by Finance Act 2022 (c. 3), **Sch. 18 para. 6(2)**

**F448** Words in s. 171(1) substituted (with effect in accordance with Sch. 18 para. 6(4) of the amending Act) by Finance Act 2022 (c. 3), **Sch. 18 para. 6(3)**

## 172 Minor definitions: equipment to enable a disabled person to use a car

(1) In section 125(2)(c) "equipment to enable a disabled person to use a car" means equipment—

(a) which is designed solely for use by a chronically sick or disabled person, or

(b) which is made available for use with the car because it enables a disabled employee to use the car in spite of the disability.

(2) In this section—

"disabled employee" means an employee who, at the time when the car is first made available to the employee, holds a disabled person's badge, and

"the disability" means the disability entitling the disabled employee to hold the disabled person's badge.

# CHAPTER 7

TAXABLE BENEFITS: LOANS

**Modifications etc. (not altering text)**

**C7** Pt. 3 Ch. 7 extended (with modifications) (with effect in accordance with s. 97(3) of the amending Act) by Finance Act 2006 (c. 25), **s. 97(1)**(2)

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Introduction*

## 173 Loans to which this Chapter applies

(1) This Chapter applies to a loan if it is an employment-related loan.

**[**F449(1A) Where this Chapter applies to a loan—

(a) the loan is a benefit for the purposes of this Chapter (and accordingly it is immaterial whether the terms of the loan constitute a fair bargain), and

(b) sections 175 to 183 **[**F450make provision about amounts which, in the case of a taxable cheap loan, are to be treated as earnings in certain circumstances**]** .**]**

(2) In this Chapter—

(a) "loan" includes any form of credit, and

(b) references to making a loan (and related expressions) include arranging, guaranteeing or in any way facilitating a loan.

(3) Sections 288 and 289 make provision for exemption and relief for certain bridging loans connected with employment moves.

**Textual Amendments**

**F449** S. 173(1A) inserted (with effect in accordance with s. 7(9) of the amending Act) by Finance Act 2016 (c. 24), **s. 7(8)**

**F450** Words in s. 173(1A)(b) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 42**

## **[**F451173AAlternative finance arrangements

(1) For the purposes of this Chapter a reference to a loan includes a reference to arrangements—

(a) to which section 564C of ITA 2007 or section 503 of CTA 2009 (purchase and resale arrangements) applies (or would apply assuming one of the parties were a financial institution), or

(b) to which section 564D of ITA 2007 or section 504 of CTA 2009 (diminishing shared ownership arrangements) applies (or would apply on that assumption).

(2) In the application of this Chapter as a result of this section, a reference to interest is to be treated as including alternative finance return (or anything that would be such return on that assumption).

(3) In the application of this Chapter as a result of this section, a reference to the amount outstanding is to be taken—

(a) in the case of arrangements within subsection (1)(a), as a reference to the purchase price minus such part of the aggregate payments made as does not represent alternative finance return (or anything that would be such return on that assumption),

(b) in the case of arrangements to which section 564D of ITA 2007 or section 504 of CTA 2009 applies, as a reference to the amount of the **[**F452first owner's**]** original beneficial interest minus such part of the aggregate payments made as does not represent alternative finance return, and

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(c) in the case of arrangements to which section 564D of ITA 2007 or section 504 of CTA 2009 would apply assuming one of the parties were a **[**F453first owner**]**, as a reference to the amount of that party's original beneficial interest minus such part of the aggregate payments made as does not represent anything that would be alternative finance return on that assumption.

(4) In this section—

"alternative finance return" has the meaning given in sections 564I to 564L of ITA 2007 or sections 511 to 513 of CTA 2009, ...

"financial institution" has the meaning given in section 564B of ITA 2007 or section 502 of CTA 2009**[**F454, and

"first owner" is to be construed in accordance with section 564D of ITA 2007 or section 504 of CTA 2009.**]**

(5) This section does not apply to arrangements entered into before 22 March 2006.**]**

**Textual Amendments**

**F451** S. 173A inserted (with effect in accordance with s. 381(1) of the amending Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), s. 381(1), **Sch. 2 para. 49** (with Sch. 9 paras. 1-9, 22)

**F452** Words in s. 173A(3)(b) substituted (24.5.2022) by The Alternative Finance (Income Tax, Capital Gains Tax and Corporation Tax) Order 2022 (S.I. 2022/572), arts. 1(2), **8(3)(a)** (with art. 1(3))

**F453** Words in s. 173A(3)(c) substituted (24.5.2022) by The Alternative Finance (Income Tax, Capital Gains Tax and Corporation Tax) Order 2022 (S.I. 2022/572), arts. 1(2), **8(3)(b)** (with art. 1(3))

**F454** Words in s. 173A(4) inserted (24.5.2022) by The Alternative Finance (Income Tax, Capital Gains Tax and Corporation Tax) Order 2022 (S.I. 2022/572), arts. 1(2), **8(3)(c)(ii)** (with art. 1(3))

## 174 Employment-related loans

(1) For the purposes of this Chapter an employment-related loan is a loan—

(a) made to an employee or a relative of an employee, and

(b) of a class described in subsection (2).

(2) For the purposes of this Chapter the classes of employment-related loan are—

*A*

A loan made by the employee's employer.

*B*

A loan made by a company or partnership over which the employee's employer had control.

*C*

A loan made by a company or partnership by which the employer (being a company or partnership) was controlled.

*D*

A loan made by a company or partnership which was controlled by a person by whom the employer (being a company or partnership) was controlled.

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*E*

A loan made by a person having a material interest in—

(a) a close company which was the employer, had control over the employer or was controlled by the employer, or

(b) a company or partnership controlling that close company.

(3) In this section—

"employee" includes a prospective employee, and

"employer" includes a prospective employer.

(4) References in this section to a loan being made by a person extend to a person who—

(a) assumes the rights and liabilities of the person who originally made the loan, or

(b) arranges, guarantees or in any way facilitates the continuation of a loan already in existence.

(5) A loan is not an employment-related loan if—

(a) it is made by an individual in the normal course of the individual's domestic, family or personal relationships, or

(b) it is made to a relative of the employee and the employee derives no benefit from it.

(6) For the purposes of this section a person ("X") is a relative of another ("Y") if X is—

(a) Y's spouse **[**F455or civil partner**]** ,

(b) a parent, child or remoter relation in the direct line either of Y or of Y's spouse **[**F455or civil partner**]** ,

(c) a brother or sister of Y or of Y's spouse **[**F455or civil partner**]** , or

(d) the spouse **[**F455or civil partner**]** of a person falling within paragraph (b) or (c).

**Textual Amendments**

**F455** Words in s. 174(6) inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **141**

*Benefit of taxable cheap loan treated as earnings*

## 175 Benefit of taxable cheap loan treated as earnings

**[**F456(A1) This section applies where an employment-related loan is a taxable cheap loan in relation to a tax year.

(1) The cash equivalent of the benefit of the loan is to be treated as earnings from the employee's employment for the tax year.

(1A) If the benefit of the loan is provided pursuant to optional remuneration arrangements and the condition in subsection (1B) is met—

(a) subsection (1) does not apply, and

(b) the relevant amount (see section 175A) is to be treated as earnings from the employee's employment for the tax year.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(1B) The condition is that the amount foregone with respect to the benefit of the loan for the tax year (see section 69B) is greater than the modified cash equivalent of the benefit of the loan for the tax year (see section 175A).**]**

(2) For the purposes of this Chapter an employment-related loan is a "taxable cheap loan" in relation to a particular tax year if—

(a) there is a period consisting of the whole or part of that year during which the loan is outstanding and the employee holds the employment,

(b) no interest is paid on it for that year, or the amount of interest paid on it for that year is less than the interest that would have been payable at the official rate, and

(c) none of the exceptions in sections 176 to 179 apply.

(3) The cash equivalent of the benefit of an employment-related loan for a tax year is the difference between—

(a) the amount of interest that would have been payable on the loan for that year at the official rate, and

(b) the amount of interest (if any) actually paid on the loan for that year.

(4) If there are two or more employment-related loans, this section applies to each separately.

(5) This section is subject to—

section 180 (threshold for benefit of loan to be treated as earnings);

section 186 (replacement loans).

**Textual Amendments**

**F456** S. 175(A1)-(1B) substituted for s. 175(1) (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 43**

### [F457 175A Optional remuneration arrangements: "relevant amount" and "modified cash equivalent"

(1) In section 175(1A) "the relevant amount", in relation to a loan the benefit of which is provided pursuant to optional remuneration arrangements, means the difference between—

(a) the amount foregone (see section 69B) with respect to the benefit of the loan, and

(b) the amount of interest (if any) actually paid on the loan for the tax year.

(2) For the purposes of section 175 the "modified cash equivalent" of the benefit of an employment-related loan for a tax year is the amount which would be the cash equivalent if section 175(3) had effect with the following modifications—

(a) in the opening words, omit "the difference between";

(b) omit paragraph (b) and the "and" before it.

(3) But the modified cash equivalent of the benefit of the loan is to be taken to be zero if the condition in subsection (4) is met.

(4) The condition is that the benefit of the loan for the tax year would be exempt from income tax but for section 228A (exclusion of certain exemptions).

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) For the purpose of calculating the modified cash equivalent of the benefit of an employment-related loan, assume that section 186(2) (replacement loans: aggregation) and section 187(3) (aggregation of loans by close company to a director) do not have effect.

(6) Where it is necessary for the purposes of section 175(1B) and subsection (1) of this section to apportion an amount of earnings to the benefit of the loan for the tax year, the apportionment is to be made on a just and reasonable basis.

In this subsection "earnings" is to be interpreted in accordance with section 69B(5).**]**

**Textual Amendments**

**F457** S. 175A inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 44(1)**

## 176 Exception for loans on ordinary commercial terms

(1) A loan on ordinary commercial terms is not a taxable cheap loan.

(2) In this section a "loan on ordinary commercial terms" means a loan—

(a) made by a person ("the lender") in the ordinary course of a business carried on by the lender which includes—

(i) the lending of money, or

(ii) the supplying of goods or services on credit, and

(b) in relation to which condition A, B or C is met.

(3) Condition A is met if—

(a) at the time the loan was made comparable loans were available to all those who might be expected to avail themselves of the services provided by the lender in the course of the lender's business,

(b) a substantial proportion of the loans (consisting of the loan in question and the comparable loans) made by the lender at or about the time the loan in question was made were made to members of the public,

(c) the loan in question is held on the same terms as comparable loans generally made by the lender to members of the public at or about the time the loan in question was made, and

(d) where those terms differ from the terms applicable immediately after the loan in question was first made, they were imposed in the ordinary course of the lender's business.

(4) For the purposes of condition A a loan is comparable to another loan if it is made for the same or similar purposes and on the same terms and conditions.

(5) Condition B is met if—

(a) the loan has been varied before 6th April 2000,

(b) a substantial proportion of the relevant loans were made to members of the public,

(c) the loan in question is held on the same terms as relevant loans generally made by the lender to members of the public at or about the relevant time, and

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(d) where those terms differ from the terms applicable immediately after the relevant time, they were imposed in the ordinary course of the lender's business.

(6) Condition C is met if—

(a) the loan has been varied on or after 6th April 2000,

(b) a substantial proportion of the relevant loans were made to members of the public,

(c) at the relevant time members of the public who had loans from the lender for similar purposes had a right to vary their loans on the same terms and conditions as applied in relation to the variation of the loan in question,

(d) the loan in question as varied is held on the same terms as any existing loans so varied, and

(e) where those terms differ from the terms applicable immediately after the relevant time, they were imposed in the ordinary course of the lender's business.

(7) For the purposes of condition B and C—

(a) the "relevant time" is the time of the variation of the loan in question, and

(b) the "relevant loans" are—

(i) the loan in question,

(ii) any existing loans which were varied at or about the relevant time so as to be held on the same terms as the loan in question after it was varied, and

(iii) any new loans which were made by the lender at or about that time and are held on those terms.

(8) No account is to be taken of amounts which are incurred on fees, commission or other incidental expenses by the person to whom a loan is made for the purpose of obtaining the loan—

(a) in determining for the purposes of condition A whether loans made by a lender before 1st June 1994 are made or held on the same terms or conditions, or

(b) in determining for the purposes of condition B or C whether rights to vary loans are exercisable on the same terms and conditions or loans are held on the same terms.

(9) No account is to be taken of amounts which are incurred on penalties, interest or similar amounts by the person to whom a loan is made as a result of varying the loan in determining for the purposes of condition B or C whether rights to vary loans are exercisable on the same terms and conditions or loans are held on the same terms.

(10) For the purposes of this section a "member of the public" means a member of the public at large with whom the lender deals at arm's length.

### 177 Exceptions for loans at fixed rate of interest

(1) A fixed rate loan made on or after 6th April 1978 is not a taxable cheap loan by reason only of an increase in the official rate of interest since the year in which the loan was made if the condition in subsection (2) is met.

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(2) The condition in this subsection is met if the amount of interest paid on the loan for the tax year in which it was made was equal to or greater than the interest that would have been payable at the official rate for that year.

(3) A fixed rate loan made before 6th April 1978 is not a taxable cheap loan if the condition in subsection (4) is met.

(4) The condition in this subsection is met if the rate of interest for the loan is equal to or greater than the rate which could have been expected to apply to a loan made—

(a) at the same time as the loan in question,

(b) on the same terms (other than as to the rate of interest), and

(c) between persons not connected with each other dealing at arm's length.

(5) In this section a "fixed rate loan" means a loan—

(a) made for a fixed period which cannot be changed, and

(b) made at a fixed rate of interest which cannot be changed during that period.

## 178 Exception for loans where interest qualifies for tax relief

A loan is not a taxable cheap loan in relation to a particular tax year if, assuming interest is paid on the loan for that year (whether or not it is in fact paid), the whole of that interest—

(a) is eligible for relief under section 353 of ICTA**[**F458or section 383 of ITA 2007 (relief for interest payments)**]**,

(b) would be eligible for relief under **[**F459section 353 of ICTA**]** but for the fact that it is a payment of relevant loan interest to which section 369 of ICTA applies (mortgage interest payable under deduction of tax),

(c) is deductible in computing the amount of the profits to be charged **[**F460to tax**]** in respect of a trade, profession or vocation carried on **[**F461wholly or partly in the United Kingdom**]** by the person to whom the loan is made, or

(d) is deductible in computing the amount of the profits to be charged **[**F462to tax in respect of a UK property business **[**F463(within the meaning of Chapter 2 of Part 3 of ITTOIA 2005 or Chapter 2 of Part 4 of CTA 2009)**]]** carried on by that person.

**Textual Amendments**

**F458** Words in s. 178(a) substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 431(a)** (with Sch. 2)

**F459** Words in s. 178(b) substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 431(b)** (with Sch. 2)

**F460** Words in s. 178(c) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 587(a)(i)** (with Sch. 2)

**F461** Words in s. 178(c) inserted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 587(a)(ii)** (with Sch. 2)

**F462** Words in s. 178(d) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 587(b)** (with Sch. 2)

**F463** Words in s. 178(d) substituted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), **Sch. 1 para. 550** (with Sch. 2 Pts. 1, 2)

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## 179 Exception for certain advances for necessary expenses

(1) An advance by an employer to an employee for the purpose of paying for—

(a) necessary expenses, or

(b) incidental overnight expenses,

is not a taxable cheap loan in relation to a particular tax year if the following conditions are met.

(2) The conditions are—

(a) that at all times in the tax year in question the amount outstanding on such advances made by the employer to the employee does not exceed £1,000,

(b) that the advance is spent within 6 months after the date on which it is made, and

(c) that the employee accounts to the employer at regular intervals for the expenditure of the amount advanced.

(3) If, on an application made by the employer, **[**F464an officer of Revenue and Customs is**]** satisfied that there is good reason to do so in the case of a particular advance, **[**F465the officer**]** may authorise that either or both of the following limits are increased in relation to that advance—

(a) the sum of money specified in subsection (2)(a);

(b) the time limit specified in subsection (2)(b).

(4) An application under subsection (3)—

(a) must be in writing, and

(b) must contain such particulars and be supported by such evidence as **[**F154an officer of Revenue and Customs**]** may require.

(5) In this section "necessary expenses" are expenses (including travel expenses) which—

(a) the employee is obliged to incur and pay as holder of the employment, and

(b) are necessarily incurred in the performance of the duties of the employment.

(6) In this section "incidental overnight expenses" are expenses which—

(a) are incidental to the employee's absence from the place where the employee normally lives,

(b) relate to a continuous period of such absence in relation to which the overnight stay conditions are met, and

(c) would not be deductible under Part 5 if the employee incurred and paid them and Chapter 2 of Part 4 (mileage allowances and passenger payments) did not apply.

(7) In subsection (6)(b) "the overnight stay conditions" has the same meaning as in section 240 (exemption for incidental overnight expenses) (see section 240(4)).

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F464** Words in s. 179(3) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 109**; S.I. 2005/1126, art. 2(2)(h)

**F465** Words in s. 179(3) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 103(1)(e)**; S.I. 2005/1126, art. 2(2)(h)

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## 180 Threshold for benefit of loan to be treated as earnings

(1) **[**F466Section 175 does not have effect in relation to an employee and a tax year—**]**

(a) if the normal **[**F467£10,000**]** threshold is not exceeded, or

(b) where the loan is a non-qualifying loan and that threshold is exceeded, if the **[**F467£10,000**]** threshold for non-qualifying loans is not exceeded.

(2) The normal **[**F468£10,000**]** threshold is not exceeded if at all times in the year the amount outstanding on the loan (or, if two or more employment-related loans which are taxable cheap loans are outstanding in the year, the aggregate of the amount outstanding on them) does not exceed **[**F468£10,000**]**.

(3) The **[**F468£10,000**]** threshold for non-qualifying loans is not exceeded if at all times in the year the amount outstanding on the loan (or if two or more employment-related loans which are non-qualifying loans are outstanding in the year, the aggregate of the amounts outstanding on them) does not exceed **[**F468£10,000**]**.

(4) In this section a "non-qualifying loan" means a taxable cheap loan which is not a qualifying loan.

(5) For the purposes of this section a loan is a "qualifying loan" in relation to a particular tax year if, assuming interest is paid on the loan for that year (whether or not it is in fact paid), the whole or part of that interest—

(a) is eligible for relief under section 353 of ICTA **[**F469or section 383 of ITA 2007 (relief for interest payments)**]**,

(b) would be eligible for relief under **[**F470section 353 of ICTA**]** but for the fact that it is a payment of relevant loan interest to which section 369 of ICTA applies (mortgage interest payable under deduction of tax),

(c) is deductible in computing the amount of the profits to be charged **[**F471to tax**]** in respect of a trade, profession or vocation carried on **[**F472wholly or partly in the United Kingdom**]** by the person to whom the loan is made, or

(d) is deductible in computing the amount of the profits to be charged **[**F473to tax in respect of a UK property business **[**F474(within the meaning of Chapter 2 of Part 3 of ITTOIA 2005 or Chapter 2 of Part 4 of CTA 2009)**]]** carried on by that person.

**Textual Amendments**

**F466** Words in s. 180(1) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 45**

**F467** Word in s. 180(1)(a)(b) substituted (with effect in accordance with s. 22(2) of the amending Act) by Finance Act 2014 (c. 26), **s. 22(1)**

**F468** Word in s. 180(2)(3) substituted (with effect in accordance with s. 22(2) of the amending Act) by Finance Act 2014 (c. 26), **s. 22(1)**

**F469** Words in s. 180(5)(a) substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 432(a)** (with Sch. 2)

**F470** Words in s. 180(5)(b) substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 432(b)** (with Sch. 2)

**F471** Words in s. 180(5)(c) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 588(a)(i)** (with Sch. 2)

**F472** Words in s. 180(5)(c) inserted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 588(a)(ii)** (with Sch. 2)

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**F473** Words in s. 180(5)(d) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 588(b)** (with Sch. 2)

**F474** Words in s. 180(5)(d) substituted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), **Sch. 1 para. 551** (with Sch. 2 Pts. 1, 2)

*Calculation of amount of interest at official rate*

## 181 The official rate of interest

(1) "The official rate of interest" for the purposes of this Chapter means the rate applicable under section 178 of FA 1989 (general power of Treasury to specify rates of interest).

(2) Regulations under that section may make different provision in relation to a loan if—

(a) it was made in the currency of a country or territory outside the United Kingdom, and

(b) the employee normally lives in that country or territory, and has actually lived there at some time in the period of 6 years ending with the tax year in question.

(3) Subsection (2) does not affect the general power under section 178(3) of FA 1989 to make different provision for different purposes.

## 182 Normal method of calculation: averaging

The normal method of calculating for the purposes of this Chapter the amount of interest that would be payable on a loan for a tax year at the official rate is as follows.
*Step 1*

Calculate the average amount of the loan outstanding during the tax year—

1. Find the maximum amount of the loan outstanding on 5th April preceding the tax year or, if the loan was made in the tax year, on the date it was made.

2. Find the maximum amount outstanding on 5th April of the tax year or, if the loan was discharged in the tax year, on the date of discharge.

3. Add these amounts together and divide the result by 2.

*Step 2*

If the official rate of interest changed during the period in the tax year when the loan was outstanding, calculate the average official rate of interest for that period as follows—

1. Multiply each official rate of interest in force during the period by the number of days when it is in force.

2. Add these products together.

3. Divide the result by the number of days in the period.

*Step 3*

Calculate the amount of interest that would be payable on the loan for the tax year at the official rate as follows—

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$$A \times I \times \frac{M}{12}$$

where—

A is the average amount of the loan outstanding during the tax year obtained from step 1,

I is the official rate of interest in force during the period in the tax year when the loan was outstanding or, if the official rate changed, the average official rate of interest obtained from step 2, and

M is the number of whole months during which the loan was outstanding in the year.

For this purpose a month begins on the sixth day of the calendar month.

### 183 Alternative method of calculation

(1) The alternative method of calculating for the purposes of this Chapter the amount of interest that would be payable on a loan for a tax year at the official rate applies for a tax year—

(a) if **[**F154an officer of Revenue and Customs**]** so **[**F475requires**]** , by notice to the employee, or

(b) if the employee so elects, by notice to **[**F154an officer of Revenue and Customs**]** .

(2) Notice may be given on or before the first anniversary of the normal self-assessment filing date for the tax year in relation to which the question arises whether the loan is a taxable cheap loan.

(3) The alternative method is as follows—

*Step 1*

Find for each day in the tax year in question the maximum amount of the loan outstanding on that day and multiply it by the official rate of interest in force on that day.

*Step 2*

Add together each of the amounts obtained under step 1.

*Step 3*

Divide the result by the number of days in the tax year.

(4) Where in any tax year the cash equivalent of the benefit of the same taxable cheap loan is to be treated as earnings of two or more employees then, for the purposes of determining the cash equivalent of the benefit of the loan, the alternative method applies if—

(a) the notice under subsection (1)(a) is given to all those employees, or

(b) the notice under subsection (1)(b) is given by all those employees.

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**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F475** Word in s. 183(1)(a) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 110**; S.I. 2005/1126, art. 2(2)(h)

*Supplementary provisions relating to taxable cheap loans*

## 184 Interest treated as paid

(1) This section applies where **[**F476—

(a) the cash equivalent of the benefit of a taxable cheap loan is treated as earnings from an employee's employment for a tax year under section 175(1), or

(b) the relevant amount in respect of the benefit of a taxable cheap loan is treated as earnings from an employee's employment for a tax year under section 175(1A).**]**

(2) The employee is to be treated for the purposes of the Tax Acts as having paid interest on the loan in that year equal to the cash equivalent.

(3) But the employee is not to be treated as having paid that interest for the purposes of this Chapter or of any of **[**F477the following Chapters of this Part—

Chapter 3 (taxable benefits: expenses payments);

Chapter 6 (taxable benefits: cars, vans and related benefits);

Chapter 10 (taxable benefits: residual liability to charge).**]**

(4) The interest is to be treated—

(a) as accruing during the period in the tax year during which the employee holds the employment and the loan is outstanding, and

(b) as paid by the employee at the end of the period.

(5) The interest is not to be treated—

(a) as income of the person making the loan, or

(b) as relevant loan interest to which section 369 of ICTA applies (mortgage interest payable under deduction of tax).

**Textual Amendments**

**F476** Words in s. 184(1) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 46**

**F477** Words in s. 184(3) substituted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 1 para. 11**

## 185 Apportionment of cash equivalent in case of joint loan etc.

Where in any tax year the cash equivalent of the benefit of the same taxable cheap loan is to be treated as earnings of two or more employees—

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(a) the cash equivalent of the benefit of the loan (determined in accordance with the provisions of this Chapter) is to be apportioned between them in a just and reasonable manner, and

(b) the portion allocated to each employee is to be treated as the cash equivalent of the benefit of the loan so far as that employee is concerned.

### 186 Replacement loans

(1) This section applies where an employment-related loan ("the original loan") is replaced, directly or indirectly, by—

(a) a further employment-related loan, or

(b) a loan which is not an employment-related loan but which in turn is, in the same tax year or within 40 days after the end of the tax year, replaced, directly or indirectly, by a further employment-related loan.

(2) In such a case, for the purposes of calculating the cash equivalent of the benefit of the original loan under section 175(3), section 182 (normal method of calculating interest at the official rate) applies as if the replacement loan, or each of the replacement loans, were the same loan as the original loan.

(3) Where section 182 is applied as modified by subsection (2) then for the purposes of section 175(3)(b) the amount of interest actually paid on the loan for the tax year in question is the total of—

(a) the amount of interest actually paid on the original loan for that year, and

(b) the amount of interest actually paid on the replacement loan or on each of the replacement loans for that year.

(4) In this section a "further employment-related loan" means a loan which is an employment-related loan made in relation to—

(a) the same or other employment with the person who is the employer in relation to the original loan, or

(b) employment with a person who is connected with that employer.

### 187 Aggregation of loans by close company to director

(1) This section applies where, in relation to any tax year, there are employment-related loans between the same lender and borrower which are aggregable with each other.

(2) The lender may elect for aggregation to apply for that tax year in the case of the borrower.

(3) The effect of the election is that all the aggregable loans are to be treated as a single loan for the purposes of—

section 175 (benefit of taxable cheap loan treated as earnings),

the provisions of this Chapter relating to the calculation of the cash equivalent of the benefit of a taxable cheap loan, and

section 184 (interest treated as paid).

(4) For this purpose loans are aggregable for any tax year if they are made in the same currency and all the following conditions are met in relation to each of them—

(a) there is a time in the tax year when—

(i) the loan is outstanding,

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(ii) the lender is a close company, and

(iii) the borrower is a director of that company;

(b) at all times in the tax year the rate of interest on the loan is less than the official rate applying at that time;

(c) the loan is not a qualifying loan within the meaning of section 180 (see section 180(5)).

(5) An election under this section must be made by the lender in a notice given—

(a) to **[**F154an officer of Revenue and Customs**]** , and

(b) before 7th July after the end of the tax year to which the election relates.

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

*Loan released or written off*

### 188 Loan released or written off: amount treated as earnings

(1) If—

(a) the whole or part of an employment-related loan is released or written off in a tax year, and

(b) at the time when it is released or written off the employee holds the employment in relation to which the loan is an employment-related loan ("employment E"),

the amount released or written off is to be treated as earnings from the employment for that year.

(2) But if the employment has terminated or become **[**F478lower-paid employment as a minister of religion**]** and there was a time when—

(a) the whole or part of the loan was outstanding,

(b) the employee held the employment, and

(c) it was not **[**F478lower-paid employment as a minister of religion**]**,

subsection (1) applies as if the employment had not terminated or become **[**F478lower-paid employment as a minister of religion**]** .

(3) Where subsection (2) applies, any loan which replaces directly or indirectly the employment-related loan is to be treated as an employment-related loan in relation to employment E if—

(a) it would, if employment E had not terminated or become **[**F479lower-paid employment as a minister of religion**]**, have been an employment-related loan in relation to employment E, and

(b) it is not an employment-related loan in relation to other employment.

(4) This section is subject to section 189 (exception where double charge).

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F478** Words in s. 188(2) substituted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 1 para. 12(2)**

**F479** Words in s. 188(3)(a) substituted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 1 para. 12(3)**

## 189 Exception where double charge

(1) Section 188 (loan released or written off: amount treated as earnings) does not apply if, by virtue of any other provision of the Income Tax Acts, the amount released or written off—

(a) is employment income of the employee, or

(b) is or is treated as income of the employee (or of the employee as a borrower) which is not employment income and upon which that person is liable to pay income tax.

This is subject to subsections (2) and (3).

(2) If, as a result of subsection (1), Chapter 3 of Part 6 (payments and benefits on termination of employment etc.) would be the only provision by virtue of which the amount released or written off would be income of the employee—

(a) section 188 does apply, and

(b) accordingly Chapter 3 of Part 6 does not apply.

(3) If—

(a) an amount is treated as the employee's income under **[**F480section 633 of ITTOIA 2005 (capital sums paid to settlor by trustees of settlement)**]** in respect of a capital sum paid in relation to the release or writing-off of the loan, and

(b) the amount released or written off exceeds the amount so treated as income,

section 188 does apply but only the amount of the excess is to be treated as earnings from the employment for the tax year in question under that section.

**Textual Amendments**

**F480** Words in s. 189(3)(a) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 589** (with Sch. 2)

*General supplementary provisions*

## 190 Exclusion of charge after death of employee

(1) On the employee's death a taxable cheap loan is to be treated—

(a) for the purposes of this Chapter as ceasing to be outstanding, and

(b) for the purposes of section 182 (normal method of calculating interest at the official rate) as being discharged on the date of death.

(2) Section 188 (loan released or written off: amount treated as earnings) does not apply in relation to a release or writing off which takes effect on or after the death of the employee.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### 191 Claim for relief to take account of event after assessment

(1) A claim may be made for relief in the following cases.

(2) The first case is where—

(a) the tax payable by an employee for a tax year in respect of a loan has been decided on the basis that, for the purposes of section 175 (benefit of taxable cheap loan treated as earnings), the whole or part of the interest payable on the loan for that year was not paid, and

(b) it is subsequently paid.

(3) The second case is where—

(a) the tax payable by an employee for a tax year in respect of a loan has been decided on that basis that, for the purposes of section 188 (loan released or written off: amount treated as earnings), the loan has been released or written off in that year, and

(b) the whole or part of the loan is subsequently repaid.

(4) The third case is where—

(a) the tax payable by an employee for a tax year in respect of a loan has been decided on the basis that—

(i) section 288 (limited exemption of certain bridging loans connected with employment moves), and

(ii) section 289 (relief for certain bridging loans not qualifying for exemption under section 288),

will not apply because the condition in section 288(1)(b) (which requires that the limit on the exemption under section 287(1) has not been reached) will not be met, and

(b) that condition is met.

(5) Where a claim is made under this section the tax payable is to be adjusted accordingly.

## [F481]CHAPTER 8

TAXABLE BENEFITS: NOTIONAL LOANS IN RESPECT OF ACQUISITIONS OF SHARES

**Textual Amendments**

**F481** Pt. 3 Ch. 8 repealed (with effect in accordance with Sch. 22 para. 22(2) of the amending Act) by Finance Act 2003 (c. 14), Sch. 22 para. 22(1), **Sch. 43 Pt. 3(4)**

*Introduction*

### 192 Application of this Chapter

. . . . . .

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Acquisition of shares for less than market value*

**193 Notional loan where acquisition for less than market value**

. . . . . .

**194 The amount of the notional loan**

. . . . . .

**195 Discharge of notional loan: amount treated as earnings**

. . . . . .

*Supplementary provisions*

**196 Effects on other income tax charges**

. . . . . .

**197 Minor definitions**

. . . . . .

## [F482]CHAPTER 9

TAXABLE BENEFITS: DISPOSALS OF SHARES FOR MORE THAN MARKET VALUE

**Textual Amendments**

**F482** Pt. 3 Ch. 9 repealed (with effect in accordance with Sch. 22 para. 23(2) of the amending Act) by Finance Act 2003 (c. 14), Sch. 22 para. 23(1), **Sch. 43 Pt. 3(4)**

**198 Shares to which this Chapter applies**

. . . . . .

**199 Disposal for more than market value: amount treated as earnings**

. . . . . .

**200 Minor definitions**

. . . . . .

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

# CHAPTER 10

## TAXABLE BENEFITS: RESIDUAL LIABILITY TO CHARGE

**Modifications etc. (not altering text)**

**C8** Pt. 3 Ch. 10 excluded (with effect in accordance with reg. 1(2) of the amending S.I.) by The Income Tax (Exemption of Minor Benefits) (Coronavirus) Regulations 2020 (S.I. 2020/1293), regs. 1(2), **2** (with reg. 1(2))

*Introduction*

### 201 Employment-related benefits

(1) This Chapter applies to employment-related benefits.

(2) In this Chapter—

"benefit" means a benefit or facility of any kind;

"employment-related benefit" means a benefit, other than an excluded benefit, which is provided in a tax year—

(a) for an employee, or

(b) for a member of an employee's family or household,

by reason of the employment. For the definition of "excluded benefit" see section 202.

(3) A benefit provided by an employer is to be regarded as provided by reason of the employment unless—

(a) the employer is an individual, and

(b) the provision is made in the normal course of the employer's domestic, family or personal relationships.

(4) For the purposes of this Chapter it does not matter whether the employment is held at the time when the benefit is provided so long as it is held at some point in the tax year in which the benefit is provided.

(5) References in this Chapter to an employee accordingly include a prospective or former employee.

### 202 Excluded benefits

(1) A benefit is an "excluded benefit" for the purposes of this Chapter if—

(a) any of Chapters 3 to 9 of the benefits code applies to the benefit,

(b) any of those Chapters would apply to the benefit but for an exception, or

(c) the benefit consists in the right to receive, or the prospect of receiving, sums treated as earnings under section 221 (payments where employee absent because of sickness or disability).

**[**[F483](1A) But a benefit provided to an employee or member of an employee's family or household is to be taken not to be an excluded benefit by virtue of subsection (1)(c) so far as it is provided under optional remuneration arrangements.**]**

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) In this section "exception", in relation to the application of a Chapter of the benefits code to a benefit, means any enactment in the Chapter which provides that the Chapter does not apply to the benefit.

But for this purpose section 86 (transport vouchers under pre-26th March 1982 arrangements) is not an exception.

**Textual Amendments**

**F483** S. 202(1A) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 47**

*Cash equivalent of benefit treated as earnings*

### 203 Cash equivalent of benefit treated as earnings

(1) The cash equivalent of an employment-related benefit is to be treated as earnings from the employment for the tax year in which it is provided.

(2) The cash equivalent of an employment-related benefit is the cost of the benefit less any part of that cost made good by the employee **[**F484, to the persons providing the benefit, on or before 6 July following the tax year in which it is provided**]**.

(3) The cost of an employment-related benefit is determined in accordance with section 204 unless—

(a) section 205 provides that the cost is to be determined in accordance with that section, or

(b) section 206 provides that the cost is to be determined in accordance with that section.

**Textual Amendments**

**F484** Words in s. 203(2) substituted (with effect in accordance with s. 1(14) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 1(13)**

### **[**F485**203A Employment-related benefit provided under optional remuneration arrangements**

(1) Where an employment-related benefit is provided pursuant to optional remuneration arrangements—

(a) the relevant amount is to be treated as earnings from the employment for the tax year in which the benefit is provided, and

(b) section 203(1) does not apply.

(2) To find the relevant amount, first determine which (if any) is the greater of—

(a) the cost of the employment-related benefit, and

(b) the amount foregone with respect to the benefit (see section 69B).

(3) If the cost of the employment-related benefit is greater than or equal to the amount foregone, the "relevant amount" is the cash equivalent (see section 203(2)).

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) Otherwise, the "relevant amount" is—

(a) the amount foregone with respect to the employment-related benefit, less

(b) any part of the cost of the benefit made good by the employee, to the persons providing the benefit, on or before 6 July following the tax year in which it is provided.

(5) For the purposes of subsections (2) and (3), assume that the cost of the employment-related benefit is zero if the condition in subsection (6) is met.

(6) The condition is that the employment-related benefit would be exempt from income tax but for section 228A (exclusion of certain exemptions).

(7) Where it is necessary for the purposes of subsections (2)(b) and (4) to apportion an amount of earnings to the benefit provided in the tax year, the apportionment is to be made on a just and reasonable basis.

In this subsection "earnings" is to be interpreted in accordance with section 69B(5).**]**

**Textual Amendments**

**F485** S. 203A inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 48**

*Determination of the cost of the benefit*

### 204 Cost of the benefit: basic rule

The cost of an employment-related benefit is the expense incurred in or in connection with provision of the benefit (including a proper proportion of any expense relating partly to provision of the benefit and partly to other matters).

### 205 Cost of the benefit: asset made available without transfer

(1) The cost of an employment-related benefit ("the taxable benefit") is determined in accordance with this section if—

**[**F486(a) the benefit consists in an asset being made available for private use, and**]**

(b) there is no transfer of the property in the asset.

**[**F487(1A) In this section and section 205A, "private use" means private use by the employee or a member of the employee's family or household.

(1B) For the purposes of subsection (1) and sections 205A and 205B, an asset made available in a tax year for use by the employee or a member of the employee's family or household is to be treated as made available throughout the year for private use unless—

(a) at all times in the year when it is available for use by the employee or a member of the employee's family or household, the terms under which it is made available prohibit private use, and

(b) no private use is made of it in the year.

(1C) The cost of the taxable benefit is—

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(a) the annual cost of the benefit determined in accordance with subsection (2), less

(b) any amount required to be deducted by section 205A (deduction for periods when asset unavailable for private use).

(1D) In certain cases, the cost of the taxable benefit is calculated under this section in accordance with section 205B (reduction of cost of taxable benefit where asset is shared).**]**

(2) The **[**[F488]annual cost of the**]** benefit is the higher of—

(a) the annual value of the use of the asset, and

(b) the annual amount of the sums, if any, paid by those providing the benefit by way of rent or hire charge for the asset,

together with the amount of any additional expense.

(3) For the purposes of subsection (2), the annual value of the use of an asset is—

(a) in the case of land, its annual rental value;

(b) in any other case, 20% of the market value of the asset at the time when those providing the taxable benefit first applied the asset in the provision of an employment-related benefit (whether or not the person provided with that benefit is also the person provided with the taxable benefit).

If those providing the taxable benefit first applied the asset in the provision of an employment-related benefit before 6th April 1980, paragraph (b) is to be read as if the reference to 20% were a reference to 10%.

(4) In this section "additional expense" means the expense incurred in or in connection with provision of the taxable benefit (including a proper proportion of any expense relating partly to provision of the benefit and partly to other matters), other than—

(a) the expense of acquiring or producing the asset incurred by the person to whom the asset belongs, and

(b) any rent or hire charge payable for the asset by those providing the asset.

**[**[F489](5) Where the asset is an emergency vehicle, the expense of providing fuel for it in a tax year is not an additional expense by virtue of subsection (4) so long as—

(a) the person incurring that expense incurs no expense in that tax year in the provision of fuel for the vehicle which is used for the employee's private travel ("private fuel expense"), or

(b) all private fuel expense that the person does incur in that tax year is made good by the employee on or before 6 July following the tax year.

(6) For the purposes of this section—

"emergency vehicle" has the same meaning as in section 248A;

"fuel" includes electrical energy;

"private travel" means travelling the expenses of which, if incurred and paid by the employee, would not be deductible under Chapter 2 or 5 of Part 5.**]**

**Textual Amendments**

**F486** S. 205(1)(a) substituted (with effect in accordance with s. 8(5) of the amending Act) by Finance Act 2017 (c. 10), **s. 8(2)(a)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F487** S. 205(1A)-(1D) inserted (with effect in accordance with s. 8(5) of the amending Act) by Finance Act 2017 (c. 10), **s. 8(2)(b)**

**F488** Words in s. 205(2) substituted (with effect in accordance with s. 8(5) of the amending Act) by Finance Act 2017 (c. 10), **s. 8(2)(c)**

**F489** S. 205(5)(6) inserted (with effect in accordance with s. 9(5) of the amending Act) by Finance Act 2019 (c. 1), **s. 9(4)**

### [F490 205A Deduction for periods when asset unavailable for private use

(1) A deduction is to be made under section 205(1C)(b) if the asset mentioned in section 205(1) has been unavailable for private use on any day during the tax year concerned.

(2) For the purposes of this section an asset is "unavailable" for private use on any day if—

(a) that day falls before the day on which the asset is first available to the employee,

(b) that day falls after the day on which the asset is last available to the employee,

(c) for more than 12 hours during that day the asset—

(i) is not in a condition fit for use,

(ii) is undergoing repair or maintenance,

(iii) could not lawfully be used,

(iv) is in the possession of a person who has a lien over it and who is not the employer, not a person connected with the employer, not the employee, not a member of the employee's family and not a member of the employee's household, or

(v) is used in a way that is neither use by, nor use at the direction of, the employee or a member of the employee's family or household, or

(d) on that day the employee—

(i) uses the asset in the performance of the duties of the employment, and

(ii) does not use the asset otherwise than in the performance of the duties of the employment.

(3) The amount of the deduction is given by—

$$U \, Y \times A$$

where—

U is the number of days, in the tax year concerned, on which the asset is unavailable for private use,

Y is the number of days in that year, and

A is the annual cost of the benefit of the asset determined under section 205(2).

(4) The reference in subsection (2)(a) to the time when the asset is first available to the employee is to the earliest time when the asset is made available, by reason of the employment and without any transfer of the property in it, for private use.

(5) The reference in subsection (2)(b) to the time when the asset is last available to the employee is to the last time when the asset is made available, by reason of the employment and without any transfer of the property in it, for private use.

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F490** Ss. 205A, 205B inserted (with effect in accordance with s. 8(5) of the amending Act) by Finance Act 2017 (c. 10), **s. 8(3)**

### 205B Reduction of cost of taxable benefit where asset is shared

(1) This section applies where the cost of an employment-related benefit ("the taxable benefit") is to be determined under section 205.

(2) If, for the whole or part of the tax year concerned, the same asset is available for more than one employee's private use at the same time, the total of the amounts which are the cost of the taxable benefit for each of those employees is to be limited to the annual cost of the benefit of the asset determined in accordance with section 205(2).

(3) The cost of the taxable benefit for each employee is determined by taking the amount given by section 205(1C) and then reducing that amount on a just and reasonable basis.

(4) For the purposes of this section, an asset is available for an employee's private use if it is available for private use by the employee or a member of the employee's family or household.**]**

**Textual Amendments**

**F490** Ss. 205A, 205B inserted (with effect in accordance with s. 8(5) of the amending Act) by Finance Act 2017 (c. 10), **s. 8(3)**

### 206 Cost of the benefit: transfer of used or depreciated asset

(1) The cost of an employment-related benefit is determined in accordance with this section if—

(a) the benefit consists in the transfer of an asset, and

(b) the asset has been used, or has depreciated, since the person transferring the asset ("the transferor") acquired or produced it.

(2) The cost of the benefit is the market value of the asset at the time of the transfer.

(3) But the cost of the benefit ("the current benefit") is the higher of the market value of the asset at the time of the transfer and the amount calculated in accordance with subsection (5) if—

(a) the asset is not **[**F491an excluded asset (see subsection (6))**]** ,

(b) the asset has previously been applied in the provision of a relevant employment-related benefit (whether or not the person provided with that benefit is also the transferee), and

(c) the transferor first applied the asset in the provision of an employment-related benefit after 5th April 1980.

(4) In this section "relevant employment-related benefit" means an employment-related benefit the cost of which was to be determined in accordance with section 205.

(5) The amount referred to in subsection (3) is calculated in accordance with the following steps—

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*Step 1*

Determine the tax years in which the asset was applied in the provision of a relevant employment-related benefit (including, if appropriate, the current tax year).

*Step 2*

Determine the cost of the benefit for each of those tax years in accordance with section 205.

*Step 3*

Calculate the total of the amounts determined under step 2.

*Step 4*

Calculate the market value of the asset at the time when the transferor first applied it in the provision of an employment-related benefit.

*Step 5*

Deduct the total calculated under step 3 from the market value calculated under step 4.

The result is the amount referred to in subsection (3).

**[**F492(6) An excluded asset is—

(a) a car (within the meaning of Chapter 6),

(b) computer equipment that has previously been applied as mentioned in subsection (3)(b) in circumstances in which the conditions set out in section 320 were met, or

(c) a cycle or cyclist's safety equipment that has previously been so applied in circumstances in which the conditions set out in section 244 were met.**]**

**Textual Amendments**

**F491** Words in s. 206(3)(a) substituted (with effect in accordance with s. 17(4) of the amending Act) by Finance Act 2005 (c. 7), **s. 17(2)**

**F492** S. 206(6) inserted (with effect in accordance with s. 17(4) of the amending Act) by Finance Act 2005 (c. 7), **s. 17(3)**

*Supplementary provisions*

## 207 Meaning of "annual rental value"

(1) For the purposes of this Chapter the "annual rental value" of land is the rent which might reasonably be expected to be obtained on a letting from year to year if—

(a) the tenant undertook to pay all taxes, rates and charges usually paid by a tenant, and

(b) the landlord undertook to bear the costs of the repairs and insurance and other expenses (if any) necessary for maintaining the land in a state to command the rent.

(2) For the purposes of subsection (1) that rent—

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(a) is to be taken to be the amount that might reasonably be expected to be so obtained in respect of the letting, and

(b) is to be calculated on the basis that the only amounts that may be deducted in respect of services provided by the landlord are amounts in respect of the cost to the landlord of providing any relevant services.

(3) If the land is of a kind that might reasonably be expected to be let on terms under which—

(a) the landlord is to provide any services which are either—

(i) relevant services, or

(ii) the repair, insurance or maintenance of any premises which do not form part of the land but belong to or are occupied by the landlord, and

(b) amounts are payable in respect of the services in addition to the rent,

the rent to be established under subsection (1) in respect of the land is to be increased under subsection (4).

(4) That rent is to include—

(a) where the services are relevant services, so much of the additional amounts as exceeds the cost to the landlord of providing the services;

(b) where the services are within subsection (3)(a)(ii), the whole of the additional amounts.

(5) In this section "relevant service" means a service other than the repair, insurance or maintenance of the land or of any other land.

### 208 Meaning of "market value"

For the purposes of this Chapter the market value of an asset at any time is the price which the asset might reasonably be expected to fetch on a sale in the open market at that time.

### 209 Meaning of "persons providing benefit"

For the purposes of this Chapter the persons providing a benefit are the person or persons at whose cost the benefit is provided.

### 210 Power to exempt minor benefits

(1) The Treasury may make provision by regulations for exempting from the application of this Chapter such minor benefits as may be specified in the regulations.

(2) An exemption conferred by such regulations is conditional on the benefit being made available to the employer's employees generally on similar terms.

*Special rules for scholarships*

### 211 Special rules for scholarships: introduction

(1) Sections 212 to 214 supplement the preceding provisions of this Chapter in the following ways—

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

section 212 provides for certain scholarships provided under arrangements entered into by an employer or a connected person to be regarded as provided by reason of an employment;

section 213 provides that this Chapter does not apply to certain scholarships provided under a trust fund or a scheme;

section 214 provides a different method of determining the cost of an employment-related benefit if it consists in the provision of a scholarship from a trust fund.

(2) Section 215 limits the extent to which **[**[F493]section 776(1) of ITTOIA 2005**]** (exemption for scholarship income) applies to a scholarship whose provision constitutes an employment-related benefit.

(3) In this section and sections 212 to 215 "scholarship" includes a bursary, exhibition or other similar educational endowment.

**Textual Amendments**

**F493** Words in s. 211(2) substituted (with effect in accordance with s. 381(1) of the amending Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), s. 381(1), **Sch. 8 para. 298** (with Sch. 9 paras. 1-9, 22)

### 212 Scholarships provided under arrangements entered into by employer or connected person

(1) A scholarship which is provided for a member of an employee's family or household is to be regarded for the purposes of this Chapter as provided by reason of the employment if it is provided under arrangements entered into by—

(a) the employer, or

(b) a person connected with the employer.

(2) Subsection (1) applies whether or not the arrangements require the employer or the connected person to contribute directly or indirectly to the cost of providing the scholarship.

(3) A scholarship is not to be regarded as provided by reason of an employment by virtue of subsection (1) if—

(a) the employer is an individual, and

(b) the arrangements are made in the normal course of the employer's domestic, family or personal relationships.

(4) This section is without prejudice to section 201(3).

### 213 Exception for certain scholarships under trusts or schemes

(1) This Chapter does not apply to an employment-related benefit consisting in the provision of a scholarship if conditions A, B, C and D are met.

(2) Condition A is that the scholarship would not be regarded as provided by reason of the employment if section 201(3) and section 212 were disregarded.

(3) Condition B is that the holder of the scholarship is a full-time student.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) Condition C is that the scholarship is provided from a trust fund or under a scheme.

(5) Condition D is that, in the tax year in which the scholarship is provided, not more than 25% of the total amount of relevant payments is attributable to scholarships provided by reason of a person's employment.

(6) For the purposes of conditions B and D "full-time student" means a person who is in full-time education at a university, college, school or other educational establishment.

(7) For the purposes of condition D—

"employment" includes any employment within the meaning of the employment income Parts (see section 4), whether or not it is a taxable employment under Part 2;

"relevant payments" means the payments made from the fund or scheme mentioned in condition C in respect of scholarships held by full-time students.

### 214 Scholarships: cost of the benefit

If an employment-related benefit consists in the provision of a scholarship from a trust fund—

(a) section 204 does not apply, and

(b) the cost of the benefit is the total of the payments made from the fund to the person holding the scholarship.

### 215 Limitation of exemption for scholarship income in [F494section 776(1) of ITTOIA 2005]

If an employment-related benefit consists in the provision of a scholarship, **[**F495section 776(1) of ITTOIA 2005**]** (exemption for scholarship income) applies only in relation to the holder of the scholarship.

**Textual Amendments**

**F494** Words in s. 215 heading substituted (with effect in accordance with s. 381(1) of the amending Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), s. 381(1), **Sch. 8 para. 299** (with Sch. 9 paras. 1-9, 22)

**F495** Words in s. 215 substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 590** (with Sch. 2)

## F496CHAPTER 11

TAXABLE BENEFITS: EXCLUSION OF LOWER-PAID EMPLOYMENTS FROM PARTS OF BENEFITS CODE

**Textual Amendments**

**F496** Pt. 3 Ch. 11 omitted (with effect in accordance with s. 13(4) of the amending Act) by virtue of Finance Act 2015 (c. 11), **s. 13(1)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Introduction*

**216 Provisions not applicable to lower-paid employments**

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**219 Extra amounts to be added in connection with a car**

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*Treatment of related employments*

**220 Related employments**

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## CHAPTER 12

## [F497OTHER AMOUNTS] TREATED AS EARNINGS

**Textual Amendments**

**F497** Words in Pt. 3 Ch. 12 heading substituted (1.9.2013) by Finance Act 2013 (c. 29), **Sch. 23 paras. 4(a)**, 38; S.I. 2013/1755, art. 2

*[F498Payments]*

**Textual Amendments**

**F498** S. 221 cross-heading inserted (1.9.2013) by Finance Act 2013 (c. 29), **Sch. 23 paras. 4(b)**, 38; S.I. 2013/1755, art. 2

**221 Payments where employee absent because of sickness or disability**

(1) This section applies if—

(a) an employee is absent from work because of sickness or disability, and

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(b) a qualifying sickness payment is made in respect of the employee's absence from work.

(2) But this section does not apply if the qualifying sickness payment constitutes earnings from the employment by virtue of any other provision.

(3) The qualifying sickness payment is to be treated as earnings from the employment in respect of the period of absence.

(4) If the qualifying sickness payment is made from funds to which the employer and the employer's employees have made contributions, only the amount of the payment which it is just and reasonable to attribute to the employer's contributions is treated as earnings under this section.

(5) In this section "qualifying sickness payment" means a payment which meets conditions A and B.

(6) Condition A is that the payment is made—

(a) to the employee or to a member of the employee's family,

(b) to the order of such a person, or

(c) to the benefit of such a person.

(7) Condition B is that the payment is made—

(a) by reason of the employment, and

(b) as a result of arrangements entered into by the employer.

### 222 Payments by employer on account of tax where deduction not possible

(1) This section applies if—

(a) an employer is treated by virtue of sections 687, **[**F499687A,**]** 689 **[**F500, 689A**]** and 693 to 700 as having made a payment of income of an employee ("the notional payment"),

(b) the employer is required by virtue of section 710(4) to account to **[**F154an officer of Revenue and Customs**]** for an amount of income tax ("the due amount") in respect of the notional payment, and

(c) the employee does not, before the end of the period of **[**F50190 days**][**F502after the end of the tax year in which the relevant date falls**]**, make good the due amount to the employer.

(2) The due amount is to be treated as earnings from the employment for the tax year in which the **[**F503relevant date**]** falls.

(3) In this section "employer", in relation to any provision of sections 687, **[**F504687A,**]** 689, 693 to 700 or 710, means the person taken to be the employer for the purposes of that provision.

It also includes a person who is treated as making a payment of PAYE income by virtue of section 689(2) (payments by person for whom employee works but who is not the employer) **[**F505or section 689A(3) (deemed payments of PAYE income of continental shelf workers by person other than employer)**]** .

**[**F506(4) In this section "the relevant date" means—

(a) if the employer is treated by virtue of any Act as making the notional payment before the date on which the Act is passed, that date, and

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(b) in any other case, the date on which the employer is treated as making the notional payment.**]**

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F499** Word in s. 222(1)(a) inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 10**

**F500** Word in s. 222(1)(a) inserted (6.4.2014) by Finance Act 2014 (c. 26), **s. 21(2)(a)**(10)

**F501** Words in s. 222(1)(c) substituted (with effect in accordance with s. 144(2) of the amending Act) by Finance Act 2003 (c. 14), **s. 144(1)**

**F502** Words in s. 222(1)(c) substituted (with effect in accordance with s. 19(2) of the amending Act) by Finance Act 2014 (c. 26), **s. 19(1)**

**F503** Words in s. 222(2) substituted (with effect in accordance with s. 94(5) of the amending Act) by Finance Act 2006 (c. 25), **s. 94(2)(b)**; S.I. 2007/1081, art. 2

**F504** Word in s. 222(3) inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 10**

**F505** Words in s. 222(3) inserted (6.4.2014) by Finance Act 2014 (c. 26), **s. 21(2)(b)**(10)

**F506** S. 222(4) inserted (with effect in accordance with s. 94(5) of the amending Act) by Finance Act 2006 (c. 25), **s. 94(2)(c)**; S.I. 2007/1081, art. 2

## 223 Payments on account of director's tax other than by the director

(1) This section applies if in a tax year—

(a) a person ("P") makes a payment to another person who is employed as the director of a company,

(b) the payment is of, or on account of, earnings from the director's employment,

(c) PAYE regulations require P to deduct an amount of income tax ("the deductible tax"),

(d) P deducts none, or only some, of the deductible tax, and

(e) either or both of the following occur—

(i) P accounts to **[**F104the Commissioners for Her Majesty's Revenue and Customs**]** for some or all of the deductible tax (whether or not P has actually deducted the amount accounted for);

(ii) one or more persons other than P (apart from the director) account to **[**F104the Commissioners for Her Majesty's Revenue and Customs**]** for some or all of the deductible tax.

(2) For the purposes of this section it does not matter whether the director's employment is held at the time when P makes the payment mentioned in subsection (1)(a) so long as it is held at some point in the tax year in which the payment is made.

(3) References in this section to employment as a director accordingly include prospective or past employment as a director.

(4) The deductible tax accounted for to **[**F104the Commissioners for Her Majesty's Revenue and Customs**]** is to be treated as earnings of the director from the director's employment for the tax year in which it is accounted for.

(5) But if—

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(a) the deductible tax is accounted for after the director's employment has ceased, and

(b) the employment ceased in a tax year before the one in which the deductible tax is accounted for,

the deductible tax is treated as earnings for the tax year in which the director's employment ceased.

(6) The following rules apply to the calculation of the amount to be treated as earnings under this section—

(a) any amount accounted for after the death of the director is to be disregarded;

(b) if P deducts some of the deductible tax, the amount treated as earnings is reduced by the amount deducted;

(c) if the director makes good to P or to another person some or all of the deductible tax which P or the other person accounts for, the amount treated as earnings is reduced by the amount made good.

(7) This section does not apply if the director has no material interest in the company and either—

(a) the director is employed as a full-time working director of the company, or

(b) the company is—

(i) non-profit-making, or

(ii) **[**F507a charitable company**]** .

(8) In this section—

"director" has the same meaning as in the benefits code (see section 67);

"director's employment", in relation to a person who is employed as a director, means that employment;

"full-time working director" has the same meaning as in the benefits code (see section 67);

"material interest" has the same meaning as in the benefits code (see section 68);

"non-profit-making", in relation to a company, means that—

(a) the company does not carry on a trade, and

(b) its functions do not consist wholly or mainly in the holding of investments or other property.

**Textual Amendments**

**F104** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(2)**; S.I. 2005/1126, art. 2(2)(h)

**F507** Words in s. 223(7)(b)(ii) substituted (coming into force for the tax year 2012-13 and subsequent tax years) by Finance Act 2010 (c. 13), **Sch. 6 paras. 17(4)**, 34(2); S.I. 2012/736, art. 13

## 224 Payments to non-approved personal pension arrangements

. . . . . .

## 225 Payments for restrictive undertakings

(1) This section applies where—

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(a) an individual gives a restrictive undertaking in connection with the individual's current, future or past employment, and

(b) a payment is made in respect of—

(i) the giving of the undertaking, or

(ii) the total or partial fulfilment of the undertaking.

(2) It does not matter to whom the payment is made.

(3) The payment is to be treated as earnings from the employment for the tax year in which it is made.

(4) Subsection (3) does not apply if the payment constitutes earnings from the employment by virtue of any other provision.

(5) A payment made after the death of the individual who gave the undertaking is treated for the purposes of this section as having been made immediately before the death.

**[**F508(6) This section only applies where—

(a) if there are general earnings from the employment that are earned in, or otherwise in respect of, the tax year mentioned in subsection (3), subsection (7) applies to any of those general earnings, or

(b) it is reasonable to assume that, if there were such general earnings, subsection (7) would apply to any of those general earnings.

(7) This subsection applies to general earnings if either—

(a) section 15 applies to the general earnings and the general earnings are not—

(i) qualifying foreign general earnings within the meaning of section 41T (qualifying foreign general earnings), or

(ii) general earnings to which section 22 or section 26 would apply if the individual made a claim under section 809B of ITA 2007 (claim for the remittance basis) for the tax year mentioned in section 22(1) or 26(1) (being a tax year before tax year 2025-26), or

(b) section 27 applies to the general earnings.**]**

(8) In this section "restrictive undertaking" means an undertaking which restricts the individual's conduct or activities.

For this purpose it does not matter whether or not the undertaking is legally enforceable or is qualified.

**Textual Amendments**

**F508** S. 225(6)(7) substituted for s. 225(6) (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 1(3)** (with Sch. 8 Pt. 3)

## 226 Valuable consideration given for restrictive undertakings

(1) In a case where—

(a) an individual gives a restrictive undertaking in connection with the individual's current, future or past employment, and

(b) valuable consideration that is not in the form of money is provided in respect of—

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(i) the giving of the undertaking, or

(ii) the total or partial fulfilment of the undertaking,

section 225 applies as it would if a payment of an amount equal to the value of the consideration had been made instead.

(2) For this purpose—

(a) merely assuming an obligation to make over or provide valuable property, rights or advantages is not valuable consideration, but

(b) wholly or partially discharging such an obligation is.

### *[F509 Shares of employee shareholders*

**Textual Amendments**

**F509** Ss. 226A-226D and cross-heading inserted (1.9.2013) by Finance Act 2013 (c. 29), **Sch. 23 paras. 3**, 38; S.I. 2013/1755, art. 2

### 226A Amount treated as earnings

(1) This section applies if shares having a market value of no less than £2000 are acquired by an employee in consideration of an employee shareholder agreement.

(2) An amount **[**F510equal to the market value of the shares**]** is to be treated as earnings from the employment, in respect of the acquisition of the shares, for the tax year in which they are acquired.

But this is subject to subsection (4).

(3) . . . . . .

(4) If the shares are acquired pursuant to an employment-related securities option, subsection (2) does not apply.

(5) If subsection (2) applies, nothing else constitutes earnings under this Part from the employment in respect of the acquisition of the shares.

(6) For the purposes of this section ...—

shares are "acquired" by an employee if the employee becomes beneficially entitled to them (and they are acquired at the time when the employee becomes so entitled);

"employee shareholder agreement" means an agreement by virtue of which an employee is an employee shareholder (see section 205A(1)(a) to (d) of the Employment Rights Act 1996);

"employee shareholder share" means a share acquired by an employee in consideration of an employee shareholder agreement;

"employee" and "employer company", in relation to an employee shareholder agreement, mean the individual and the company which enter into the agreement;

"employment-related securities option" has the same meaning as in Chapter 5 of Part 7 (see section 471(5));

"market value" has the same meaning as it has for the purposes of TCGA 1992 by virtue of Part 8 of that Act; and the market value of shares is their market value on the day on which they are acquired (but see also subsection (7)).

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(7) For the purposes of subsection (1) **[**[F511](but not subsection (2))**]** , the market value of the shares is to be determined ignoring—

(a) any election under section 431 (election for market value of restricted shares to be calculated as if not restricted), and

(b) section 437 (market value of convertible securities to be determined as if not convertible).**]**

**Textual Amendments**

**F510** Words in s. 226A(2) substituted (with effect in accordance with s. 12(5)-(7) of the amending Act) by Finance Act 2017 (c. 10), **s. 12(1)(a)**

**F511** Words in s. 226A(7) inserted (with effect in accordance with s. 12(5)-(7) of the amending Act) by Finance Act 2017 (c. 10), **s. 12(1)(d)**

### 226B Deemed payment for employee shareholder shares

. . . . . .

### 226C Only one payment deemed to be made under associated agreements

. . . . . .

### 226D Shareholder or connected person having material interest in company

. . . . . .

*I*[F512]*Sporting testimonial payments*

**Textual Amendments**

**F512** S. 226E and cross-heading inserted (with effect in accordance with Sch. 2 para. 4(1) of the amending Act) by Finance Act 2016 (c. 24), **Sch. 2 para. 1**

### 226E Sporting testimonial payments

(1) This section applies in relation to an individual who is or has been employed as a professional sportsperson ("S").

(2) In this section "sporting testimonial" means—

(a) a series of relevant events or activities which each have the same controller, or

(b) a single relevant event or activity not forming part of such a series.

(3) An event or activity is (subject to subsection (4)(b)) a relevant event or activity if—

(a) its purpose (or one of its purposes) is to raise money for or for the benefit of S, and

(b) the only or main reason for doing that is to recognise S's service as a professional sportsperson who is or has been employed as such.

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(4) An activity that meets the conditions in subsection (3)(a) and (b) and consists solely of inviting and collecting donations for or for the benefit of S—

(a) is a relevant activity if it is one of a series of relevant events or activities for the purposes of subsection (2)(a), but

(b) is not a relevant activity for the purposes of subsection (2)(b) so long as both conditions in subsection (5) are met while the activity takes place.

(5) The conditions are—

(a) that any person who is responsible (alone or with others) for collecting the donations or who is the controller (or a member of a committee which is the controller) of the activity is not—

(i) S,

(ii) a person who is (or has been) the controller of any other relevant event or activity for or for the benefit of S,

(iii) a person connected with S or a person mentioned in sub-paragraph (ii),

(iv) a person acting for or on behalf of a person mentioned in sub-paragraphs (i) to (iii), and

(b) that the donations collected do not include any sums paid (directly or indirectly) out of money raised by any other relevant event or activity.

(6) A "sporting testimonial payment" is a payment made by (or on behalf of) the controller of a sporting testimonial out of money raised for or for the benefit of S which—

(a) is made to S, to a member of S's family or household, to a prescribed person, to S's order or otherwise for S's benefit, and

(b) does not (apart from this section) constitute earnings from an employment.

(7) A sporting testimonial payment is to be treated as earnings of S from the employment or former employment to which the sporting testimonial is most closely linked.

(8) For the purposes of this section if at any material time S is dead—

(a) anything done for or for the benefit of S's estate is to be regarded as done for or for the benefit of S; and

(b) a payment made to S's personal representatives or to their order is to be treated as a payment to S or to S's order.

(9) In this section—

"controller", in relation to an event or activity which meets the conditions in subsection (3)(a) and (b), means the person who controls the disbursement of any money raised for or for the benefit of S from that event or activity,

"money" includes money's worth and "payment" includes the transfer of money's worth or the provision of any benefit,

"prescribed person" means a person prescribed in regulations made by the Treasury.

(10) Section 993 of ITA 2007 (meaning of "connected" persons) has effect for the purposes of this section.**]**

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# PART 4

EMPLOYMENT INCOME: EXEMPTIONS

**Modifications etc. (not altering text)**
**C9** Pt. 4 modified (10.6.2021) by Finance Act 2021 (c. 26), **s. 26(3)**

## CHAPTER 1

EXEMPTIONS: GENERAL

### 227 Scope of Part 4

(1) This Part contains—

(a) earnings-only exemptions, and

(b) employment income exemptions.

(2) In this Act "earnings-only exemption" means an exemption from income tax which—

(a) prevents liability to tax arising in respect of earnings, either by virtue of one or more particular provisions (such as a Chapter of the benefits code) or at all, and

(b) does not prevent liability to tax arising in respect of other employment income.

(3) In this Act "employment income exemption" means an exemption from income tax which prevents liability to tax arising in respect of employment income of any kind at all.

(4) The following provisions in Part 7 also confer exemption from liability to income tax in respect of earnings—

**[**F513(za) section 418(1A) (acquisition of, and chargeable events occurring in relation to, employment-related securities options);**]**

**[**F514(a) section 425 (restricted securities: no charge in respect of acquisition in certain circumstances),

(b) section 475 (no charge in respect of acquisition of securities option),**]**

(c) sections 489 to 493 and sections 496 to 499 (... share incentive plans),

(d) . . . . . .

(e) section 519 (... SAYE option schemes: no charge in respect of exercise of option),

(f) . . . . . .

(g) section 524 (... CSOP schemes: no charge in respect of exercise of option),

(h) . . . . . .

(i) section 542 (priority share allocations: exemption where offer made to public and employees), and

(j) section 544 (priority share allocations: exemption where different offers made to public and employees).

**[**F515(5) In relation to the interaction between this Part and Part 7A, see section 554P(1).**]**

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**Textual Amendments**

**F513** S. 227(4)(za) inserted (6.4.2016) by Finance Act 2016 (c. 24), **s. 17(3)**(4)

**F514** S. 227(4)(a)(b) substituted (with effect in accordance with Sch. 22 para. 25(4) of the amending Act, and otherwise 1.9.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 25(2)**; S.I. 2003/1997, art. 2

**F515** S. 227(5) inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 11**

## 228 Effect of exemptions on liability under provisions outside Part 2

(1) The exemptions conferred by the provisions specified in subsection (2) prevent liability to income tax arising under any enactment, but the other exemptions in this Part only affect liability to income tax under Part 2 of this Act.

(2) The provisions referred to in subsection (1) are—

(a) section 245 (travelling and subsistence during public transport strikes),

(b) section 248 (transport home: late night working and failure of car-sharing arrangements),

(c) section 264 (annual parties and functions),

(d) Chapter 8 of this Part (exemptions for special kinds of employees) except for sections **[**F516290, 290C to**]** 291 **[**F517and 306A**]** ,

**[**F518(da) section 308B (independent advice in respect of conversions and transfers of pension scheme benefits),**]**

**[**F519(db) section 308C (provision of pensions advice),**]**

(e) section 323 (long service awards),

(f) section 324 (small gifts from third parties), and

(g) section 326 (expenses incidental to transfer of a kind not normally met by transferor).

**Textual Amendments**

**F516** Words in s. 228(2)(d) substituted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 1 para. 13**

**F517** Words in s. 228(2)(d) inserted (with effect in accordance with s. 14(4) of the amending Act) by Finance Act 2015 (c. 11), **s. 14(3)**

**F518** S. 228(2)(da) inserted (with effect in accordance with s. 54(3) of the amending Act) by Pension Schemes Act 2015 (c. 8), **ss. 54(2)**, 89(3)(b) (with s. 87)

**F519** S. 228(2)(db) inserted (with effect in accordance with s. 3(5) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 3(2)**

## **[**F520228AGeneral exclusion from exemptions: optional remuneration arrangements

(1) A relevant exemption does not apply (whether to prevent liability to income tax from arising or to reduce liability to income tax) in respect of a benefit or facility so far as the benefit or facility is provided pursuant to optional remuneration arrangements.

(2) For the purposes of subsection (1) it does not matter whether the relevant exemption would (apart from that subsection) have effect as an employment income exemption or an earnings-only exemption.

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(3) For the purposes of this section an exemption conferred by this Part is a "relevant exemption" unless it is—

(a) a special case exemption (see subsection (4)), or

(b) an excluded exemption (see subsection (5)).

(4) "Special case exemption" means an exemption conferred by any of the following provisions—

(a) section 289A (exemption for paid or reimbursed expenses);

(b) section 289D (exemption for other benefits);

(c) section 308B (independent advice in respect of conversions and transfers of pension scheme benefits);

(d) section 312A (limited exemption for qualifying bonus payments);

(e) section 317 (subsidised meals);

(f) section 320C (recommended medical treatment);

(g) section 323A (trivial benefits provided by employers).

(5) "Excluded exemption" means an exemption conferred by any of the following provisions—

(a) section 239 (payments and benefits connected with taxable cars and vans and exempt heavy goods vehicles);

(b) section 244 (cycles and cyclist's safety equipment);

(c) section 266(2)(c) (non-cash voucher regarding entitlement to exemption within section 244);

(d) section 270A (limited exemption for qualifying childcare vouchers);

(e) section 307 (death or retirement provision), so far as relating to provision made for retirement benefits;

(f) section 308 (exemption of contribution to registered pension scheme);

(g) section 308A (exemption of contributions to overseas pension scheme);

(h) section 308C (provision of pensions advice);

(i) section 309 (limited exemptions for statutory redundancy payments);

(j) section 310 (counselling and other outplacement services);

(k) section 311 (retraining courses);

(l) section 318 (childcare: exemption for employer-provided care);

(m) section 318A (childcare: limited exemption for other care).

(6) In subsection (5) "retirement benefit" has the meaning that would be given by subsection (2) of section 307 if "or death" were omitted in both places where it occurs in that subsection.

(7) In this section "benefit or facility" includes anything which constitutes employment income or in respect of which employment income is treated as arising to the employee (regardless of its form and the manner of providing it).

(8) In this section "optional remuneration arrangements" has the same meaning as in the benefits code (see section 69A).

(9) The Treasury may by order amend subsections (4) and (5) by adding or removing an exemption conferred by Part 4.**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F520** S. 228A inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 49**

## CHAPTER 2

EXEMPTIONS: MILEAGE ALLOWANCES AND PASSENGER PAYMENTS

*Mileage allowances*

### 229 Mileage allowance payments

(1) No liability to income tax arises in respect of approved mileage allowance payments for a vehicle to which this Chapter applies (see section 235).

(2) Mileage allowance payments are amounts, other than passenger payments (see section 233), paid to an employee for expenses related to the employee's use of such a vehicle for business travel (see **[**F521sections 235A and 236(1))**]**.

(3) Mileage allowance payments are approved if, or to the extent that, for a tax year, the total amount of all such payments made to the employee for the kind of vehicle in question does not exceed the approved amount for such payments applicable to that kind of vehicle (see section 230).

(4) Subsection (1) does not apply if—

(a) the employee is a passenger in the vehicle, or

(b) the vehicle is a company vehicle (see section 236(2)).

**Textual Amendments**

**F521** Words in s. 229(2) substituted (with effect in accordance with s. 29(7) of the amending Act) by Finance (No. 2) Act 2015 (c. 33), **s. 29(2)**

### 230 The approved amount for mileage allowance payments

(1) The approved amount for mileage allowance payments that is applicable to a kind of vehicle is—

$$M \times R$$

where—

M is the number of miles of business travel by the employee (other than as a passenger) using that kind of vehicle in the tax year in question;

R is the rate applicable to that kind of vehicle.

(2) The rates applicable are as follows—

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TABLE

| ***Kind of vehicle*** | ***Rate per mile*** |
|---|---|
| Car or van | **[**F522**]**55p**]** for the first 10,000 miles |
| | 25p after that |
| Motor cycle | 24p |
| Cycle | 20p |

(3) The reference in subsection (2) to "the first 10,000 miles" is to the total number of miles of business travel in relation to the employment, or any associated employment, by car or van in the tax year in question.

(4) One employment is associated with another if—

(a) the employer is the same;

(b) the employers are partnerships or bodies and an individual or another partnership or body has control over both of them; or

(c) the employers are associated companies within the meaning **[**F523given by section 449 of CTA 2010**]**.

(5) In subsection (4)(b)—

(a) "control", in relation to a body corporate or partnership, has the meaning given by **[**F524section 995 of ITA 2007**]** (in accordance with section 719 of this Act), and

(b) the definition of "control" in that section of that Act applies (with the necessary modifications) in relation to an unincorporated association as it applies in relation to a body corporate.

(6) The Treasury may by regulations amend subsection (2) so as to alter the rates or rate bands.

**Textual Amendments**

**F522** Sum in s. 230(2) substituted (with effect for the tax year 2026-27 and subsequent tax years) by Taxation (Energy and Vehicles) Act 2026 (c. 26), **s. 2(1)(a)(3)**

**F523** Words in s. 230(4)(c) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 384** (with Sch. 2)

**F524** Words in s. 230(5)(a) substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 433** (with Sch. 2)

## 231 Mileage allowance relief

(1) An employee is entitled to mileage allowance relief for a tax year—

(a) if the employee uses a vehicle to which this Chapter applies for business travel, and

(b) the total amount of all mileage allowance payments, if any, made to the employee for the kind of vehicle in question for the tax year is less than the approved amount for such payments applicable to that kind of vehicle.

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(2) The amount of mileage allowance relief to which an employee is entitled for a tax year is the difference between—

(a) the total amount of all mileage allowance payments, if any, made to the employee for the kind of vehicle in question, and

(b) the approved amount for such payments applicable to that kind of vehicle.

(3) Subsection (1) does not apply if—

(a) the employee is a passenger in the vehicle, or

(b) the vehicle is a company vehicle.

### 232 Giving effect to mileage allowance relief

(1) A deduction is allowed for mileage allowance relief to which an employee is entitled for a tax year.

(2) If any of the employee's earnings—

(a) are taxable earnings in the tax year in which the employee receives them, and

(b) are not also taxable earnings in that year that fall within subsection (3),

the relief is allowed as a deduction from those earnings in calculating net taxable earnings in the year.

(3) If any of the employee's earnings are taxable earnings in the tax year in which the employee remits them to the United Kingdom, there may be deducted from those earnings the amount of any mileage allowance relief—

(a) for that tax year, and

(b) for any earlier tax year in which the employee was resident in the United Kingdom,

which, on the assumptions mentioned in subsection (4), would have been deductible under subsection (2).

(4) The assumptions are—

(a) that subsection (2)(b) does not apply, and

(b) where applicable, that the earnings constitute taxable earnings in the tax year in which the employee receives them.

(5) Subsection (3) applies only to the extent that the mileage allowance relief cannot be deducted under subsection (2).

(6) A deduction shall not be made twice, whether under subsection (2) or (3), in respect of the same mileage allowance relief.

**[**[F525](6A) If the earnings from which a deduction allowed under this section is deductible include earnings that are "excluded" within the meaning of section 15(1A)—

(a) the amount of the deduction allowed is a proportion of the amount that would be allowed under this section if the tax year were not a split year, and

(b) that proportion is equal to the proportion that the part of the earnings that is not "excluded" bears to the total earnings.**]**

(7) In this section "taxable earnings" or "net taxable earnings" means taxable earnings or net taxable earnings from the employment for the purposes of Part 2.

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**Textual Amendments**

**F525** S. 232(6A) inserted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 63**

*Passenger payments*

## 233 Passenger payments

(1) No liability to income tax arises in respect of approved passenger payments made to an employee for the use of a car or van (whether or not it is a company vehicle) if—

(a) the employee receives mileage allowance payments for the use of the car or van, and

(b) the cash equivalent of the benefit of the car or van is treated as earnings from the employment by virtue of section 120 or 154 (cars and vans as benefits).

This is subject to subsection (2).

(2) The condition in subsection (1)(b) needs to be met only if the car or van is made available to the employee by reason of the employment.

(3) Passenger payments are amounts paid to an employee because, while using a car or van for business travel, the employee carries in it one or more passengers who are also employees for whom the travel is business travel.

(4) Passenger payments are approved if, or to the extent that, for a tax year, the total amount of all such payments made to the employee does not exceed the approved amount for such payments (see section 234).

(5) Section 117 (when cars and vans are made available by reason of employment) applies for the purposes of subsection (2).

## 234 The approved amount for passenger payments

(1) The approved amount for passenger payments is—

$$M \times R$$

where—

M is the number of miles of business travel by the employee by car or van—

(a) for which the employee carries in the tax year in question one or more passengers who are also employees for whom the travel is business travel, and

(b) in respect of which passenger payments are made;

R is a rate of 5p per mile.

(2) If the employee carries for all or part of the tax year two or more passengers who are also employees for whom the travel is business travel, the approved amount for passenger payments is the total of the amounts calculated separately under subsection (1) in respect of each of those passengers.

(3) The Treasury may by regulations amend subsection (1) so as to alter the rate.

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Supplementary*

### 235 Vehicles to which this Chapter applies

(1) This Chapter applies to cars, vans, motor cycles and cycles.

(2) "Car" means a mechanically propelled road vehicle which is not—

(a) a goods vehicle,

(b) a motor cycle, or

(c) a vehicle of a type not commonly used as a private vehicle and unsuitable to be so used.

(3) "Van" means a mechanically propelled road vehicle which—

(a) is a goods vehicle, and

(b) has a design weight not exceeding 3,500 kilograms,

and which is not a motor cycle.

(4) "Motor cycle" has the meaning given by section 185(1) of the Road Traffic Act 1988 (c. 52).

(5) "Cycle" has the meaning given by section 192(1) of that Act.

(6) In this section—

"design weight" means the weight which a vehicle is designed or adapted not to exceed when in normal use and travelling on a road laden;

"goods vehicle" means a vehicle of a construction primarily suited for the conveyance of goods or burden of any description.

### [F526 235A Journeys made by members of local authorities etc

(1) Subject to subsections (2) and (3), a qualifying journey made by a member of a relevant authority is to be treated as business travel for the purposes of this Chapter if a qualifying payment is made by the authority—

(a) to the member for expenses related to the member's use for the journey of a vehicle to which this Chapter applies, or

(b) to another member of the authority for carrying the member as a passenger on the journey in a car or van.

(2) A qualifying journey is not to be treated as business travel—

(a) for the purposes of section 231, or

(b) when calculating for the purposes of that section the mileage allowance payments paid to the member in respect of the journey and the approved amount for such payments.

(3) If a journey made by a member of a relevant authority is a qualifying journey and a qualifying payment is made to the member for carrying a passenger on the journey, the member's journey is not to be treated as business travel in respect of that passenger for the purposes of sections 233 and 234 unless the passenger is also a member of the authority.

(4) A journey made by a member of a relevant authority is a "qualifying journey" for the purposes of this section if—

(a) it is a journey between the member's home and permanent workplace, and

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(b) the member's home is situated in the area of the authority, or no more than 20 miles outside the boundary of the area.

(5) In this section "permanent workplace" has the same meaning as in Part 5 (see section 339).

(6) The Treasury may by regulations—

(a) provide for bodies specified in the regulations (which must be local authorities or bodies that have similar or related functions or purposes) to be relevant authorities for the purposes of this section,

(b) provide for references in this section to a member of a relevant authority to be read as references to a member of a description prescribed in the regulations, and

(c) define what is meant by "qualifying payment" for the purposes of this section.

(7) The regulations may contain transitional provision and savings.**]**

**Textual Amendments**

**F526** S. 235A inserted (with effect in accordance with s. 29(7) of the amending Act) by Finance (No. 2) Act 2015 (c. 33), **s. 29(3)**

## 236 Interpretation of this Chapter

(1) In this Chapter—

"business travel" means travelling the expenses of which, if incurred and paid by the employee in question, would (if this Chapter did not apply) be deductible under sections 337 to 342;

"mileage allowance payments" has the meaning given by section 229(2);

"passenger payments" has the meaning given by section 233(3).

**[**F527(1A) For journeys that are treated as business travel for the purposes of certain provisions of this Chapter, see section 235A (journeys made by members of local authorities etc).**]**

(2) For the purposes of this Chapter a vehicle is a "company vehicle" in a tax year if in that year—

(a) the vehicle is made available to the employee by reason of the employment and is not available for the employee's private use, or

(b) **[**F528an amount in respect of**]** the benefit of the vehicle is to be treated as the employee's earnings for the tax year by virtue of—

(i) section 120 **[**F529or 120A**]** (benefit of car treated as earnings),

(ii) section 154 **[**F530or 154A**]** (benefit of van treated as earnings), or

(iii) section 203 **[**F531or 203A**]** (residual liability to charge: benefit treated as earnings), or

(c) in the case of a car or van, **[**F532an amount in respect of**]** the benefit of the car or van would be required to be so treated if sections 167 and 168 (exceptions for pooled cars and vans) **[**F533and section 248A (emergency vehicles)**]** did not apply, or

(d) in the case of a cycle, the cash equivalent of the benefit of the cycle would be required to be treated as the employee's earnings for the tax year

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under Chapter 10 of Part 3 (taxable benefits: residual liability to charge) if section 244(1) (exception for cycles made available) did not apply.

(3) Sections 117 and 118 (when cars and vans are made available by reason of employment and are made available for private use) apply for the purposes of subsection (2).

**Textual Amendments**

**F527** S. 236(1A) inserted (with effect in accordance with s. 29(7) of the amending Act) by Finance (No. 2) Act 2015 (c. 33), **s. 29(4)**

**F528** Words in s. 236(2)(b) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 52(1)(a)**

**F529** Words in s. 236(2)(b)(i) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 52(1)(b)**

**F530** Words in s. 236(2)(b)(ii) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 52(1)(c)**

**F531** Words in s. 236(2)(b)(iii) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 52(1)(d)**

**F532** Words in s. 236(2)(c) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 52(2)**

**F533** Words in s. 236(2)(c) inserted (with effect in accordance with s. 81(3) of the amending Act) by Finance Act 2004 (c. 12), **s. 81(2)**

## CHAPTER 3

EXEMPTIONS: OTHER TRANSPORT, TRAVEL AND SUBSISTENCE

### 237 Parking provision and expenses

(1) **[**F534No liability to income tax arises**]** in respect of the provision of workplace parking for an employee.

(2) No liability to income tax arises by virtue of the payment or reimbursement of expenses incurred in connection with the provision for or the use by an employee of workplace parking.

(3) In this section "workplace parking" means—

(a) a **[**F535parking space for a car or van**]**,

(b) a motor cycle parking space, or

(c) facilities for parking a cycle other than a motor cycle,

at or near the employee's workplace.

**Textual Amendments**

**F534** Words in s. 237(1) substituted (with effect in accordance with s. 16(7) of the amending Act) by Finance Act 2005 (c. 7), **s. 16(2)**

**F535** Words in s. 237(3)(a) substituted (with effect in accordance with s. 80(2) of the amending Act) by Finance Act 2004 (c. 12), **Sch. 14 para. 8**

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### [F536 237A Vehicle-battery charging

(1) No liability to income tax arises in respect of the provision, at or near an employee's workplace, of facilities for charging a battery of a vehicle used by the employee (including a vehicle used by the employee as a passenger).

(2) Subsection (1) applies only if the facilities are made available generally to the employer's employees at that workplace.

(3) In this section—

"facilities"—

(a) includes electricity, but

(b) does not include workplace parking,

"taxable", in relation to a car or van, has the meaning given by section 239(6),

"vehicle" means a vehicle—

(a) to which Chapter 2 applies (see section 235), and

(b) which is neither a taxable car nor a taxable van, and

"workplace parking" has the meaning given by section 237(3).**]**

**Textual Amendments**

**F536** S. 237A inserted (with effect in accordance with s. 8(2) of the amending Act) by Finance Act 2019 (c. 1), **s. 8(1)**

### 238 Modest private use of heavy goods vehicles

(1) No liability to income tax arises where a heavy goods vehicle is made available to an employee for the employee's private use if conditions A and B are met.

(2) Condition A is that there is no transfer of the property in the vehicle to the employee.

(3) Condition B is that the employee's use of the vehicle in the tax year is not wholly or mainly private use.

(4) In this section—

"heavy goods vehicle" means a mechanically propelled road vehicle which—

(a) is of a construction primarily suited for the conveyance of goods or burden of any kind, and

(b) is designed or adapted to have a maximum weight exceeding 3,500 kilograms when in normal use and travelling on a road laden, and

"private use" means use other than for travel which the employee is necessarily obliged to do in the performance of the duties of the employment.

### 239 Payments and benefits connected with taxable cars and vans and exempt heavy goods vehicles

(1) No liability to income tax arises in respect of the discharge of any liability of an employee in connection with a taxable car or van or an exempt heavy goods vehicle.

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(2) No liability to income tax arises in respect of a payment to an employee in respect of expenses incurred by the employee in connection with a taxable car or van or an exempt heavy goods vehicle.

(3) Subsections (1) and (2) do not apply to liability arising by virtue of **[**F537section 120A (optional remuneration arrangements: benefit of a car),**]** section 149 **[**F538or 149A**]** (benefit of car fuel treated as earnings) **[**F539, section 154A (optional remuneration arrangements: benefit of a van)**][**F540or section 160 **[**F541or 160A**]** (benefit of van fuel treated as earnings).**]**

(4) No liability to income tax arises by virtue of Chapter 10 of Part 3 (taxable benefits: residual liability to charge) in respect of a benefit connected with a taxable car or van or an exempt heavy goods vehicle.

(5) Subsection (4) does not apply to the provision of a driver.

(6) For the purposes of this section a car or van is "taxable" if under Chapter 6 of Part 3 **[**F542an amount (whether the cash equivalent or the relevant amount) in respect of**]** the benefit of it is to be treated as the employee's earnings for the tax year.

(7) For the purposes of this section—

(a) "heavy goods vehicle" has the same meaning as in section 238(4) (modest private use of heavy goods vehicles), and

(b) a heavy goods vehicle is "exempt" if it is made available in the tax year to the employee in such circumstances that section 238 applies.

(8) For the purposes of subsections (1) and (2), a heavy goods vehicle is also "exempt" if it is so made available in such circumstances that section 238 would apply if the employee were not in **[**F543lower-paid employment as a minister of religion (see section 290D)**]**.

(9) . . . . . .

**Textual Amendments**

**F537** Words in s. 239(3) inserted (with effect in accordance with s. 7(7) of the amending Act) by Finance Act 2019 (c. 1), **s. 7(6)(a)**

**F538** Words in s. 239(3) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 53(2)(a)**

**F539** Words in s. 239(3) inserted (with effect in accordance with s. 7(7) of the amending Act) by Finance Act 2019 (c. 1), **s. 7(6)(b)**

**F540** Words in s. 239(3) inserted (21.7.2008) by Finance Act 2008 (c. 9), **s. 48(1)**

**F541** Words in s. 239(3) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 53(2)(b)**

**F542** Words in s. 239(6) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 53(3)**

**F543** Words in s. 239(8) substituted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 1 para. 14(2)**

## 240 Incidental overnight expenses and benefits

(1) No liability to income tax arises in respect of a sum if or to the extent that it is paid wholly and exclusively for the purpose of paying or reimbursing expenses which—

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(a) are incidental to the employee's absence from the place where the employee normally lives,

(b) relate to a continuous period of such absence in relation to which the overnight stay conditions are met (a "qualifying period"), and

(c) would not be deductible under Part 5 if the employee incurred and paid them and Chapter 2 of this Part (mileage allowances and passenger payments) did not apply.

(2) No liability to income tax arises by virtue of Chapter 10 of Part 3 (taxable benefits: residual liability to charge) in respect of a benefit provided for an employee if—

(a) its provision is incidental to such an absence during a qualifying period, and

(b) no amount would be deductible in respect of it under Part 5.

(3) Subsections (1) and (2) are subject to section 241 (incidental overnight expenses and benefits: overall exemption limit).

(4) The overnight stay conditions are that—

(a) the employee is obliged to stay away from the place where the employee normally lives throughout the period,

(b) the period includes at least one overnight stay away from that place, and

(c) each such overnight stay during the period is at a place the expenses of travelling to which meet condition A or B.

(5) Condition A is that the expenses are deductible under Part 5 (otherwise than under any of the excepted foreign travel provisions) or would be if the employee incurred and paid them and Chapter 2 of this Part did not apply.

(6) Condition B is that the expenses are within section 250 or 255 (exemption of work-related and individual learning account training provision) or would be if the employer paid or reimbursed them.

(7) In this section "excepted foreign travel provisions" means—

(a) section 371 (travel costs and expenses where duties performed abroad: visiting spouse's **[**F544civil partner's**]** or child's travel),

(b) section 374 (non-domiciled employee's spouse's **[**F545civil partner's**]** or child's travel costs and expenses where duties performed in UK), and

(c) section 376 (foreign accommodation and subsistence costs and expenses (overseas employments)).

**Textual Amendments**

**F544** Words in s. 240(7)(a) inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **143**

**F545** Words in s. 240(7)(b) inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **143**

## 241 Incidental overnight expenses and benefits: overall exemption limit

(1) Section 240(1) and (2) do not apply if the exemption provisions total in respect of the qualifying period in question exceeds the permitted amount.

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(2) In this section "the exemption provisions total", in respect of a period, means the aggregate of—

(a) the amounts that would be exempted under section 240(1) and (2) in respect of the period, apart from this section, and

(b) the amounts that would be exempted under section 268 (exemption of vouchers and tokens for incidental overnight expenses) in respect of the period, apart from the condition in section 268(5).

(3) In this section "the permitted amount", in respect of a period, means the aggregate of the following amounts—

(a) £5 for each night during the period spent wholly in the United Kingdom, and

(b) £10 for each night during the period spent wholly or partly outside the United Kingdom.

### [F546241ATravel by unpaid directors of not-for-profit companies

(1) No liability to income tax arises in respect of a sum if or to the extent that it is paid wholly and exclusively for the purpose of paying or reimbursing travel expenses in respect of which conditions A to C are met.

(2) Condition A is that—

(a) the employee is obliged to incur the expenses as holder of the employment, and

(b) the expenses are attributable to the employee's necessary attendance at any place in the performance of the duties of the employment.

(3) Condition B is that the employment is employment as a director of a not-for-profit company.

(4) Condition C is that the employment is one from which the employee receives no employment income other than sums to which Chapter 3 of Part 3 applies (expenses payments).

(5) In this section—

(a) "director" has the same meaning as in the benefits code (see section 67), and

(b) "not-for-profit company" means a company that does not carry on activities for the purpose of making profits for distribution to its members or others.

**Textual Amendments**

**F546** Ss. 241A, 241B inserted (with effect in accordance with art. 4 of the amending S.I.) by The Enactment of Extra-Statutory Concessions Order 2014 (S.I. 2014/211), arts. 1, **2(1)**

### 241B Travel where directorship held as part of trade or profession

(1) No liability to income tax arises in respect of a sum if or to the extent that it is paid wholly and exclusively for the purpose of paying or reimbursing travel expenses in respect of which conditions A to D are met.

(2) Condition A is that the employee is obliged to incur the expenses as holder of the employment.

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(3) Condition B is that the employment is employment as a director of a company.

(4) Condition C is that the employee carries on a trade, profession or vocation (alone or in partnership).

(5) Condition D is that, in calculating the profits of that trade, profession or vocation for income tax purposes, a deduction is allowed under ITTOIA 2005 for the expenses, but no such deduction is to be made.

(6) In this section "director" has the same meaning as in the benefits code (see section 67).**]**

**Textual Amendments**

**F546** Ss. 241A, 241B inserted (with effect in accordance with art. 4 of the amending S.I.) by The Enactment of Extra-Statutory Concessions Order 2014 (S.I. 2014/211), arts. 1, **2(1)**

## 242 Works transport services

(1) No liability to income tax arises in respect of the provision for employees of a works transport service if—

(a) the service is available generally to employees of the employer (or each employer) concerned,

(b) the main use of the service is for qualifying journeys by those employees, and

(c) the service—

(i) is used only by the employees for whom it is provided or their children, or

(ii) is substantially used only by those employees or children.

(2) In this section—

"children" includes stepchildren and illegitimate children but does not include children aged 18 or over, and

"works transport service" means a service which is provided by means of a bus or a minibus for conveying employees of one or more employers on qualifying journeys.

(3) For the purposes of this section—

(a) "bus" means a road passenger vehicle which has a seating capacity of 12 or more, and

(b) "minibus" means a vehicle constructed or adapted for the carriage of passengers which has a seating capacity of 9, 10 or 11.

(4) But a vehicle which falls within the definition in subsection (3)(b) is not a minibus for the purposes of this section if—

(a) it has one or more disqualified seats, and

(b) excluding the disqualified seats, it has a seating capacity of 8 or less.

(5) For the purposes of subsections (3) and (4) the seating capacity of a vehicle is determined in the same way as for the purposes of Part 3 of Schedule 1 to VERA 1994 (vehicle excise duty on buses).

This applies whether or not the vehicle is a bus within the meaning of that Part of that Schedule.

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(6) For the purposes of subsection (4) a seat is disqualified if relevant construction and use requirements are not met in relation to it.

In this subsection "construction and use requirements" has the same meaning as in Part 2 of the Road Traffic Act 1988 (c. 52) or, in Northern Ireland, Part III of the Road Traffic (Northern Ireland) Order 1995 (S.I. 1995/2994 (N.I. 18)).

### 243 Support for public bus services

(1) No liability to income tax arises in respect of the provision of financial or other support for a public transport road service if—

(a) in the case of a local bus service, conditions A and B are met, or

(b) in any other case, conditions A to C are met.

(2) Condition A is that the service is used by employees of one or more employers for qualifying journeys.

(3) Condition B is that the service is available generally to employees of the employer (or each employer) concerned.

(4) Condition C is that the terms on which the service is available to the employees of the employer (or each employer) concerned are not more favourable than those available to other passengers.

(5) In this section—

"local bus service" means a local service (as defined in section 2 of the Transport Act 1985 (c. 67)), and

"public transport road service" means a public passenger transport service provided by means of a road vehicle.

### 244 Cycles and cyclist's safety equipment

(1) **[**[F547]No liability to income tax arises**]** in respect of the provision for an employee of a cycle or cyclist's safety equipment if conditions A to C are met.

(2) Condition A is that there is no transfer of the property in the cycle or equipment in question.

(3) Condition B is that the employee uses the cycle or equipment in question mainly for qualifying journeys.

(4) Condition C is that cycles are available generally to employees of the employer concerned or, as the case may be, cyclist's safety equipment is so available to them.

(5) In this section "cycle" has the meaning given by section 192(1) of the Road Traffic Act 1988 (c. 52), and "cyclist" has a corresponding meaning.

**Textual Amendments**

**F547** Words in s. 244(1) substituted (with effect in accordance with s. 16(7) of the amending Act) by Finance Act 2005 (c. 7), **s. 16(3)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### 245 Travelling and subsistence during public transport strikes

(1) No liability to income tax arises in respect of the following benefits and payments where a strike or other industrial action disrupts a public transport service normally used by an employee.

(2) They are—

(a) the provision for the employee of overnight accommodation at or near the employee's permanent workplace,

(b) a payment to the employee in respect of expenses incurred by the employee in connection with such accommodation,

(c) the provision for the employee of transport for the purpose of ordinary commuting or travel between any two places that is for practical purposes substantially ordinary commuting, and

(d) a payment to the employee in respect of expenses incurred on such transport.

### 246 Transport between work and home for disabled employees: general

(1) No liability to income tax arises in respect of—

(a) the provision of transport for a disabled employee, or

(b) the payment or reimbursement of expenses incurred on such transport,

if the condition in subsection (2) is met.

(2) The condition is that the transport is provided or the expenses are incurred for the purpose of ordinary commuting or travel between any two places that is for practical purposes substantially ordinary commuting.

(3) Subsection (1) does not apply in a case where a car is made available to a disabled employee (but see section 247).

(4) In this section "disabled employee" means an employee who has a physical or mental impairment with a substantial and long-term adverse effect on the employee's ability to carry out normal day to day activities.

### 247 Provision of cars for disabled employees

(1) This section applies where a car is made available to a disabled employee without any transfer of the property in it.

(2) No liability to income tax arises by virtue of Chapter 6 or 10 of Part 3 (taxable benefits: cars, vans etc. and residual liability to charge) in respect of the benefit if conditions A to C are met.

(3) No liability to income tax arises in respect of—

(a) the provision of fuel for the car, or

(b) the payment or reimbursement of expenses incurred in connection with it,

if conditions A to C are met.

(4) Condition A is that the car has been adapted for the employee's special needs or, in the case of an employee who because of disability can only drive a car that has automatic transmission, it is such a car.

(5) Condition B is that the car is made available on terms prohibiting its use otherwise than for—

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(a) the employee's business travel, or

(b) transport for the employee for the purpose of—

(i) ordinary commuting or travel between any two places that is for practical purposes substantially ordinary commuting, or

(ii) travel to a place the expenses of travelling to which would be within one of the training exemption provisions if the employer paid them.

(6) Condition C is that in the tax year the car is only used in accordance with those terms.

(7) In this section—

"business travel" has the same meaning as in Chapter 6 of Part 3 (taxable benefits: cars, vans and related benefits) (see section 171(1)),

"disabled employee" has the same meaning as in section 246 (see subsection (4)), and

"the training exemption provisions" means—

section 250 (exemption of work-related training provision),

section 255 (exemption for contributions to individual learning account training), and

section 311 (retraining courses).

(8) Section 138(4) (when a car has automatic transmission) applies for the purposes of this section as it applies for the purposes of section 138.

### 248 Transport home: late night working and failure of car-sharing arrangements

(1) No liability to income tax arises in respect of the provision of transport or the payment or reimbursement of expenses incurred on transport if—

(a) the transport is for a journey from the employee's workplace to the employee's home,

(b) the late working conditions or the car-sharing failure conditions are met, and

(c) the number of previous occasions in the tax year on which the provision of transport within this section or the payment or reimbursement of expenses within this section has occurred is lower than 60.

(2) The late working conditions are that—

(a) the journey is made on an occasion when the employee is required to work later than usual and until at least 9 p.m.,

(b) such occasions occur irregularly,

(c) by the time when the employee ceases work—

(i) public transport has ceased to be available for the journey, or

(ii) it would not be reasonable to expect the employee to use it, and

(d) the transport is by taxi or similar private road transport.

(3) The car-sharing failure conditions are that—

(a) the employee regularly travels to work in a car with one or more other employees of the employee's employer under arrangements for the sharing of the car with them, and

(b) the journey is made on an occasion when the employee is unable to use the car because of unforeseen and exceptional circumstances.

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## [F548 248A Emergency vehicles

(1) This section applies where—

(a) an emergency vehicle is made available to a person employed in an emergency service [F549 mainly for use for the person's business travel] ,

(b) the terms on which it is made available prohibit its private use otherwise than when the person is on call or ... commuting, and

(c) the person does not make private use of it otherwise than in such circumstances.

(2) No liability to income tax arises by virtue of Chapter 6 or 10 of Part 3 (taxable benefits: cars, vans etc. and residual liability to charge) in respect of the benefit.

(3) "Emergency vehicle" means a vehicle which is used to respond to emergencies and which either—

(a) has fixed to it a lamp designed to emit a flashing light for use in emergencies, or

(b) would have such a lamp fixed to it but for the fact that (if it did) a special threat to the personal physical security of those using it would arise by reason of it being apparent that they were employed in an emergency service.

(4) The following are "employed in an emergency service"—

(a) constables and other persons employed for police purposes,

(b) persons employed for the purposes of a fire, or fire and rescue, service, and

(c) persons employed in the provision of ambulance or paramedic services.

(5) The Treasury may by order amend subsection (4).

(6) "Private use", in relation to a person, means any use other than for the person's business travel; and "business travel" has the same meaning as in Chapter 6 of Part 3 (see section 171(1)).

(7) A person to whom an emergency vehicle is made available is on call when liable, as part of normal duties, to be called on to use the emergency vehicle to respond to emergencies.

(8) A person to whom an emergency vehicle is made available is ... commuting when the person—

(a) is using [F550 the vehicle] for ordinary commuting or for travel between two places that is for practical purposes substantially ordinary commuting, and

(b)] . . . . . .

**Textual Amendments**

**F548** S. 248A inserted (with effect in accordance with s. 81(3) of the amending Act) by Finance Act 2004 (c. 12), **s. 81(1)**

**F549** Words in s. 248A(1)(a) substituted (with effect in accordance with s. 9(5) of the amending Act) by Finance Act 2019 (c. 1), **s. 9(2)(a)**

**F550** Words in s. 248A(8)(a) substituted (with effect in accordance with s. 9(5) of the amending Act) by Finance Act 2019 (c. 1), **s. 9(3)(b)**

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### 249 Interpretation of this Chapter

In this Chapter—

"car" and "van" have the same meaning as in Chapter 6 of Part 3 (taxable benefits: cars, vans and related benefits) (see section 115), except that for the purposes of sections 246 and 247 (transport for the disabled) any adaptation of a car for the employee's special needs is to be disregarded,

"ordinary commuting" has the same meaning as in section 338 (travel for necessary attendance) (see subsection (3)),

"qualifying journey", in relation to an employee, means the whole or part of a journey—

(a) between the employee's home and workplace,

(b) between one workplace and another,

in connection with the performance of the duties of the employment, and

"workplace" and "permanent workplace" have the meaning given by section 339.

## CHAPTER 4

EXEMPTIONS: EDUCATION AND TRAINING

*Work-related training*

### 250 Exemption of work-related training provision

(1) No liability to income tax arises by virtue of—

(a) the provision for an employee of work-related training or any benefit incidental to such training, or

(b) the payment or reimbursement to or in respect of an employee of—

(i) the cost of work-related training or of any benefit incidental to such training, or

(ii) any costs of a kind specified in subsection (2) in respect of such training.

(2) The costs are—

(a) costs which are incidental to the employee undertaking the training,

(b) expenses incurred in connection with an examination or other assessment of what the employee has gained from the training, and

(c) the cost of obtaining any qualification, registration or award to which the employee becomes or may become entitled as a result of the training or such an examination or other assessment.

### 251 Meaning of "work-related training"

(1) In this Chapter "work-related training", in relation to an employee, means a training course or other activity designed to impart, instil, improve or reinforce any knowledge, skills or personal qualities which—

(a) are likely to prove useful to the employee when performing the duties of the employment or a related employment, or

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(b) will qualify or better qualify the employee—

(i) to perform those duties, or

(ii) to participate in any charitable or voluntary activities that are available to be performed in association with the employment or a related employment.

(2) For this purpose "related employment", in relation to an employee, means another employment with the same employer, or with a person connected with the employer, which the employee—

(a) is to hold,

(b) has a serious opportunity of holding, or

(c) can realistically expect to have a serious opportunity of holding in due course.

### 252 Exception for non-deductible travel expenses

(1) Where travel or subsistence is provided or the costs of travel or subsistence are paid or reimbursed, section 250 does not apply except to the extent that the travel meets condition A or B or the subsistence meets condition B.

(2) Condition A is that, on the assumptions in subsection (4), mileage allowance relief under Chapter 2 of this Part would be available for the travel if no mileage allowance payments had been made.

(3) Condition B is that, on those assumptions, the expenses of the travel or subsistence would be deductible under Part 5.

(4) The assumptions are—

(a) that the employee undertook the training as one of the duties of the employment, and

(b) that the employee incurred and paid the expenses.

(5) In this section—

"mileage allowance payments" has the meaning given by section 229(2), and

"subsistence" includes food, drink and temporary living accommodation.

### 253 Exception where provision for excluded purposes

(1) Section 250 does not apply if or to the extent that the facilities or other benefits that are provided or the costs of which are paid or reimbursed are provided to the employee for one or more of the following purposes.

(2) They are—

(a) enabling the employee to enjoy the facilities or benefits for entertainment or recreational purposes which are unconnected,

(b) providing the employee with an unconnected inducement to remain in or accept an employment with the employer or a person connected with the employer, and

(c) rewarding the employee for performing duties of the employment or performing them in a particular way.

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(3) In subsection (2)(a) the reference to enjoying facilities or benefits for entertainment or recreational purposes includes a reference to enjoying them in the course of a leisure activity.

(4) In subsection (2)(a) and (b) "unconnected" means unconnected with imparting, instilling, improving or reinforcing knowledge, skills or personal qualities within section 251(1).

### 254 Exception where unrelated assets are provided

(1) Section 250 does not apply if the benefit that is provided or the cost of which is paid or reimbursed is, or is the use of, an asset that is not a training-related asset.

(2) "Training-related asset", in relation to work-related training provided to an employee, means—

(a) an asset provided for use only—

(i) in the course of the training, or

(ii) in the course of the training and in the performance of the duties of the employee's employment,

(b) training materials provided in the course of the training, or

(c) something made by the employee in the course of the training or incorporated into something so made.

(3) For this purpose, "training materials" includes stationery, books or other written material, audio or video tapes, compact disks or floppy disks.

## *F551 Persons leaving local authority care*

**Textual Amendments**

**F551** S. 254A and cross-heading inserted (6.4.2020 with effect in relation to the tax year 2020-21 and subsequent tax years) by Finance Act 2020 (c. 14), **s. 11**

### 254A Apprenticeship bursaries paid to persons leaving local authority care

(1) No liability to income tax arises in respect of a care leaver's apprenticeship bursary payment.

(2) A care leaver's apprenticeship bursary payment is a payment—

(a) payable out of the public revenue,

(b) to a care leaver (see subsection (3)),

(c) made in connection with the person's employment as an apprentice (see subsection (4)), and

(d) in respect of which any conditions specified in regulations made by the Treasury are met.

(3) A person is a care leaver if they are a person—

(a) who is, or was, a child looked after—

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(i) by a local authority in England within the meaning of section 22 of the Children Act 1989 (general duty of local authority in relation to children looked after by them);

(ii) by a local authority in Wales within the meaning of the Social Services and Well-being (Wales) Act 2014 (anaw 4) (see section 74 of that Act (child or young person looked after by a local authority));

(iii) by a local authority in Scotland within the meaning of Chapter 1 of Part 2 of the Children (Scotland) Act 1995 (see section 17(6) of that Act (duty of local authority to child looked after by them));

(iv) by an authority in Northern Ireland within the meaning of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)) (see Article 25 of that Order (children looked after by an authority: interpretation)), and

(b) in respect of whom any other conditions specified in regulations made by the Treasury are met.

(4) "Apprentice" has the meaning specified in regulations made by the Treasury.

(5) Regulations under this section—

(a) may make provision framed by reference to a scheme (however described or named), or document, as it has effect from time to time,

(b) may make different provision for different purposes,

(c) may make different provision for different areas, and

(d) may make retrospective provision.**]**

*Individual learning account training*

### 255 Exemption for contributions to individual learning account training

(1) No liability to income tax in respect of income from a current or former employment arises by virtue of—

(a) the provision to a person within subsection (2) ("the employee") of individual learning account training that is given by a person who is not the employee's employer or former employer,

(b) any payment to the person giving the training in respect of the cost of that provision,

(c) the provision to the employee of any benefit incidental to such training, or

(d) the payment or reimbursement of any costs in respect of such training of a kind specified in subsection (3).

(2) A person is within this subsection if the person either—

(a) holds an account that qualifies under section 104 of the Learning and Skills Act 2000 (c. 21), or

(b) is a party to arrangements that qualify under section 105 or 106 of that Act or section 2 of the Education and Training (Scotland) Act 2000 (asp. 8).

(3) The costs are—

(a) costs which are incidental to the employee undertaking the training,

(b) expenses incurred in connection with an examination or other assessment of what the employee has gained from the training, and

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(c) the cost of obtaining any qualification, registration or award to which the employee becomes or may become entitled as a result of the training or such an examination or other assessment.

### 256 Meaning of "individual learning account training"

In this Chapter "individual learning account training" means training or education of a kind that qualifies for grants authorised by—

(a) regulations under section 108 or 109 of the Learning and Skills Act 2000 (c. 21), or

(b) regulations under section 1 of the Education and Training (Scotland) Act 2000.

### 257 Exception for non-deductible travel expenses

(1) Where travel or subsistence is provided or the costs of travel or subsistence are paid or reimbursed, section 255 does not apply except to the extent that the travel meets condition A or B or the subsistence meets condition B.

(2) Condition A is that, on the assumptions in subsection (4), mileage allowance relief under Chapter 2 of this Part would be available for the travel if no mileage allowance payments had been made.

(3) Condition B is that, on those assumptions, the expenses of the travel or subsistence would be deductible under Part 5.

(4) The assumptions are—

(a) that the employee undertook the training as one of the duties of the employment, and

(b) that the employee incurred and paid the expenses.

(5) In this section—

"mileage allowance payments" has the meaning given by section 229(2), and

"subsistence" includes food, drink and temporary living accommodation.

### 258 Exception where provision for excluded purposes

(1) Section 255 does not apply if or to the extent that the facilities or other benefits that are provided or made available, or the costs of which are paid or reimbursed, are provided or made available for either or both of the following purposes.

(2) They are—

(a) enabling the employee or former employee to enjoy the facilities or benefits for entertainment or recreational purposes, and

(b) rewarding the employee or former employee for performing duties of the employment or former employment or performing them in a particular way.

(3) In subsection (2)(a) the reference to enjoying facilities or benefits for entertainment or recreational purposes includes a reference to enjoying them in the course of a leisure activity.

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### 259 Exception where unrelated assets are provided

(1) Section 255 does not apply if the benefit that is provided, or the use of which is provided, or the cost of which is paid or reimbursed is an asset that is not a training-related asset.

(2) "Training-related asset", in relation to individual learning account training provided to an employee or former employee, means—

(a) an asset provided—

(i) for use only in the course of the training, or

(ii) for use in the course of the training and in the performance of the duties of the employee's employment, but not to any significant extent for any other use, or

(b) training materials provided in the course of the training, or

(c) something made by the employee or former employee in the course of the training or incorporated into something so made.

(3) For this purpose "training materials" includes stationery, books or other written material, audio or video tapes, compact disks or floppy disks.

### 260 Exception where training not generally available to staff

(1) Section 255(1) only applies if any expenditure involved in making the provision, the payment or the reimbursement is incurred in giving effect to existing arrangements providing—

(a) for the person incurring it to contribute to costs arising from the undertaking of individual learning account training by the employer's employees or former employees, and

(b) for such contributions to be generally available, on similar terms, to the employer's employees at that time.

(2) In subsection (1) "existing arrangements" means arrangements in place when the agreement to incur the expenditure was made.

(3) The Treasury may by regulations make provision specifying the persons or other entities under whom Crown servants are to be treated for the purposes of this section as holding employment.

(4) Such regulations may—

(a) treat a description of Crown servants (or two or more such descriptions taken together) as an entity for the purposes of the regulations, and

(b) make different provision for different descriptions of Crown servants.

(5) In this section "Crown servant" means a person holding an employment under the Crown.

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## CHAPTER 5

EXEMPTIONS: RECREATIONAL BENEFITS

*Recreational facilities*

### 261 Exemption of recreational benefits

(1) No liability to income tax arises in respect of the provision to an employee or a member of an employee's family or household of benefits within subsection (2).

(2) The benefits are—

(a) sporting or other recreational facilities which meet conditions A to C, and

(b) a right or opportunity to make use of such facilities.

This is subject to section 262.

(3) Condition A is that the facilities are available generally to the employees of the employer in question.

(4) Condition B is that they are not available to members of the public generally.

(5) Condition C is that they are used wholly or mainly by persons whose right or opportunity to use them is employment-related (whether or not by reference to the same employer).

(6) A person's right or opportunity to use facilities is "employment-related" if and only if—

(a) it derives from the person being—

(i) an employee or former employee, or

(ii) a member or former member of the family or household of an employee or former employee,

of a particular employer, and

(b) the facilities are provided so as to be available generally to that employer's employees.

### 262 Benefits not exempted by section 261

(1) Section 261 (exemption of recreational benefits) does not apply to the following benefits—

(a) an interest in or the use of any of the following—

(i) a mechanically propelled vehicle,

(ii) holiday or other overnight accommodation, or

(iii) facilities which include, or are provided in association with, a right or opportunity to make use of holiday or overnight accommodation,

(b) facilities provided on domestic premises, or

(c) a right or opportunity to make use of facilities within paragraph (a) or (b).

(2) In this section—

"domestic premises" means—

(a) premises used wholly or mainly as a private dwelling, or

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(b) land or other premises belonging to, or enjoyed with, premises so used, and

"vehicle" includes a ship, boat or other vessel, an aircraft and a hovercraft.

### 263 Power to alter benefits to which section 261 applies

The Treasury may by regulations provide that section 261—

(a) does not apply to a benefit specified in the regulations,

(b) applies to a benefit so specified only where such conditions as the regulations specify are met in relation to the terms on which, and the persons to whom, it is provided, or

(c) applies in such cases as are so specified to—

(i) facilities that do not meet the conditions in section 261(3) to (5), or

(ii) a benefit within section 262.

*Annual parties and functions*

### 264 Annual parties and functions

(1) This section applies to an annual party or similar annual function provided for an employer's employees and available to them generally or available generally to those at a particular location.

(2) Where in the tax year only one annual party or similar annual function to which this section applies is provided for the employer's employees, or the employees in question, no liability to income tax arises in respect of its provision if the cost per head of the party or function does not exceed **[**[F552]£150**]**.

(3) Where in the tax year two or more such parties or functions are so provided, no liability to income tax arises in respect of the provision of one or more of them ("the exempt party or parties") if the cost per head of the exempt party or parties does not exceed **[**[F553]£150**]** or **[**[F553]£150**]** in aggregate.

(4) For the purposes of this section, the cost per head of a party or function is the total cost of providing—

(a) the party or function, and

(b) any transport or accommodation incidentally provided for persons attending it (whether or not they are the employer's employees),

divided by the number of those persons.

(5) That total cost includes any value added tax on the expenses incurred in providing the party, function, transport or accommodation.

**Textual Amendments**

**F552** Word in s. 264(2) substituted (13.6.2003) by The Income Tax (Exemption of Minor Benefits) (Increase in Sums of Money) Order 2003 (S.I. 2003/1361), arts. 1(1), **2**

**F553** Word in s. 264(3) substituted (13.6.2003) by The Income Tax (Exemption of Minor Benefits) (Increase in Sums of Money) Order 2003 (S.I. 2003/1361), arts. 1(1), **2**

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Entertainment*

### 265 Third party entertainment

(1) No liability to income tax arises in respect of the provision of entertainment for an employee or a member of the employee's family or household if conditions A to C are met.

(2) Condition A is that the person providing the entertainment is not the employer or a person connected with the employer.

(3) Condition B is that neither the employer nor a person connected with the employer has directly or indirectly procured its provision.

(4) Condition C is that it is not provided—

(a) in recognition of particular services performed by the employee in the course of the employment, or

(b) in anticipation of particular services to be so performed.

(5) In this section "entertainment" includes hospitality of any kind.

## CHAPTER 6

EXEMPTIONS: NON-CASH VOUCHERS AND CREDIT-TOKENS

*General exemptions: use for exempt benefits*

### 266 Exemption of non-cash vouchers for exempt benefits

(1) No liability to income tax arises by virtue of Chapter 4 of Part 3 (taxable benefits: vouchers and credit-tokens) in respect of a non-cash voucher if or to the extent that the voucher is used to obtain anything the direct provision of which would fall within—

(a) section 237(1) (parking provision),

(b) section 246 (transport between home and work for disabled employees: general),

(c) section 247 (provision of cars for disabled employees),

(d) section 248 (transport home: late night working and failure of car-sharing arrangements), ...

(e) section 265 (third party entertainment)**[**F554, or

(f) section 320C (recommended medical treatment);**]**

(2) No liability to income tax arises by virtue of Chapter 4 of Part 3 (taxable benefits: vouchers and credit-tokens) in respect of a non-cash voucher if the voucher evidences the employee's entitlement to use anything the direct provision of which would fall within—

(a) section 242 (works transport services),

(b) section 243 (support for public bus services), ...

(c) section 244 (cycles and cyclist's safety equipment), **[**F555or

(d) section 319 (mobile telephones).**]**

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(3) No liability to income tax arises by virtue of Chapter 4 of Part 3 (taxable benefits: vouchers and credit-tokens) in respect of a non-cash voucher if the voucher can only be used to obtain anything the direct provision of which would fall within—

(a) section 245 (travelling and subsistence during public transport strikes),

(b) section 261 (exemption of recreational benefits),

(c) section 264 (annual parties and functions),

(d) section 296 (armed forces' leave travel facilities), ...

(e) section 317 (subsidised meals) **[**F556, ...

(f) section 320A (eye tests and special corrective appliances)**]**[F557...

(g) section 320B (health screening and medical check-ups)**]**[F558, or

(h) section 320D (flu vaccinations).**]**

(4) No liability to income tax arises by virtue of Chapter 4 of Part 3 (taxable benefits: vouchers and credit-tokens) in respect of a non-cash voucher if the voucher evidences the employee's entitlement to a benefit in respect of which no charge arises by virtue of Chapter 10 of Part 3 (taxable benefits: residual liability to charge) because of regulations under section 210 (power to exempt minor benefits).

(5) For the purposes of this section direct provision is taken to fall within a section if it would do so if the employee were not in **[**F559lower-paid employment as a minister of religion**]**.

**Textual Amendments**

**F554** S. 266(1)(f) and word inserted (1.1.2015) by Finance Act 2014 (c. 26), **s. 12(3)**(4); S.I. 2014/3226, art. 2

**F555** S. 266(2)(d) and word inserted (with effect for the year 2006-07 and subsequent years of assessment in accordance with s. 60(4) of the amending Act) by Finance Act 2006 (c. 25), **s. 60(1)**

**F556** S. 266(3)(f) and word inserted (with effect for the year 2006-07 and subsequent years of assessment in accordance with s. 62(5) of the amending Act) by Finance Act 2006 (c. 25), **s. 62(3)**

**F557** S. 266(3)(g) and word inserted (with effect in accordance with s. 55(5) of the amending Act) by Finance Act 2009 (c. 10), **s. 55(2)**

**F558** S. 266(3)(h) and word inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), **s. 20(5)(b)**(7)

**F559** Words in s. 266(5) substituted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 1 para. 15**

## 267 Exemption of credit-tokens used for exempt benefits

(1) No liability to income tax arises by virtue of Chapter 4 of Part 3 (taxable benefits: vouchers and credit-tokens) in respect of a credit-token if or to the extent that the token is used to obtain anything the direct provision of which—

(a) would fall within one of the provisions specified in subsection (2), or

(b) would do so if the employee were not in **[**F560lower-paid employment as a minister of religion**]**.

(2) Those provisions are—

(a) section 237(1) (parking provision),

(b) section 245 (travelling and subsistence during public transport strikes),

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(c) section 246 (transport between home and work for disabled employees: general),

(d) section 247 (provision of cars for disabled employees),

(e) section 248 (transport home: late night working and failure of car-sharing arrangements), ...

(f) section 265 (third party entertainment).

**[**F561(g) section 319 (mobile telephones).**]** , ...

**[**F562(h) section 320A (eye tests and special corrective appliances)**][**F563...

(i) section 320B (health screening and medical check-ups)**][**F564, and

(j) section 320D (flu vaccinations).**]**

**Textual Amendments**

**F560** Words in s. 267(1)(b) substituted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 1 para. 16**

**F561** S. 267(2)(g) inserted (with effect for the year 2006-07 and subsequent years of assessment in accordance with s. 60(4) of the amending Act) by Finance Act 2006 (c. 25), **s. 60(2)**

**F562** S. 267(2)(h) and word inserted (with effect for the year 2006-07 and subsequent years of assessment in accordance with s. 62(5) of the amending Act) by Finance Act 2006 (c. 25), **s. 62(4)**

**F563** S. 267(2)(i) and word inserted (with effect in accordance with s. 55(5) of the amending Act) by Finance Act 2009 (c. 10), **s. 55(3)**

**F564** S. 267(2)(j) and word inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), **s. 20(6)(b)(7)**

*Exemptions for particular non-cash vouchers and credit-tokens*

## 268 Exemption of vouchers and tokens for incidental overnight expenses

(1) No liability to income tax arises by virtue of Chapter 4 of Part 3 (taxable benefits: vouchers and credit-tokens) in respect of a non-cash voucher or a credit-token if or to the extent that the voucher or token is used by an employee to obtain goods, services or money if conditions A to C are met.

(2) In the case of goods or services, condition A is that—

(a) obtaining them is incidental to the employee's absence from the place where the employee normally lives, and

(b) that absence is for a continuous period in relation to which the overnight stay conditions are met ("the qualifying period").

(3) In the case of money, condition A is that—

(a) it is obtained for the purpose of obtaining goods or services, and

(b) obtaining them is incidental to such an absence during such a period.

(4) Condition B is that an amount would not be deductible under section 362 or 363 (deductions where non-cash voucher or credit-token provided) in respect of the cost of obtaining the goods or services.

(5) Condition C is that the exemption provisions total in respect of the qualifying period does not exceed the permitted amount.

(6) In this section—

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"the overnight stay conditions" has the same meaning as in section 240 (exemption of incidental overnight expenses and benefits) (see section 240(4)), and

"the exemption provisions total" and "the permitted amount" have the same meaning as in section 241 (incidental overnight expenses and benefits: overall exemption limit) (see section 241(2) and (3)).

### 269 Exemption where benefits or money obtained in connection with taxable car or van or exempt heavy goods vehicle

(1) No liability to income tax arises by virtue of Chapter 4 of Part 3 (taxable benefits: vouchers and credit-tokens) in respect of a non-cash voucher or a credit-token if or to the extent that the voucher or token is used by the employee or a member of the employee's family for obtaining—

(a) goods or services in connection with a taxable car or van or an exempt heavy goods vehicle, or

(b) money which is spent on such goods or services.

(2) Subsection (1) applies where the goods in question are fuel for a car, **[**[F565]or van, but see section 149(3) or section 160(3)**]** (by virtue of which such use of a voucher or token is treated as the provision of the fuel for the purposes of section 149 (benefit of car fuel treated as earnings) **[**[F566]or section 160 (benefit of van fuel treated as earnings)**]**).

(3) For the purposes of this section—

(a) "car" and "van" have the meaning given by section 115, and

(b) a car or van is "taxable" if the cash equivalent of the benefit of it is treated as the employee's earnings for the tax year in which the voucher or token is used under Chapter 6 of Part 3 (taxable benefits: cars, vans and related benefits).

(4) For the purposes of this section—

(a) "heavy goods vehicle" has the same meaning as in section 238 (modest private use of heavy goods vehicles), and

(b) a heavy goods vehicle is "exempt" if it is made available in the tax year to the employee in such circumstances that section 238 applies or would apply if the employee were not in **[**[F567]lower-paid employment as a minister of religion**]**.

**Textual Amendments**

**F565** Words in s. 269(2) substituted (21.7.2008) by Finance Act 2008 (c. 9), **s. 48(2)(a)**

**F566** Words in s. 269(2) inserted (21.7.2008) by Finance Act 2008 (c. 9), **s. 48(2)(b)**

**F567** Words in s. 269(4)(b) substituted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 1 para. 17**

### 270 Exemption for small gifts of vouchers and tokens from third parties

(1) No liability to income tax arises by virtue of Chapter 4 of Part 3 (taxable benefits: vouchers and credit-tokens) in respect of a non-cash voucher or a credit-token if conditions A to C are met.

(2) Condition A is that the voucher or token is provided as a gift.

(3) Condition B is that it is only capable of being used to obtain goods.

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(4) Condition C is that it meets conditions A to C and E in section 324 (general exemption of small gifts from third parties).

### [F568270ALimited exemption for qualifying childcare vouchers

(1) If qualifying childcare vouchers are provided for an **[**F569eligible**]****[**F570employee—

(a) no liability to income tax arises by virtue of section 62 (general definition of earnings), and

(b) liability to income tax by virtue of Chapter 4 of Part 3 (taxable benefits: vouchers and credit tokens) arises only in respect of so much of the cash equivalent of the benefit as exceeds the exempt amount.**]**

**[**F571For the meaning of "eligible employee", see section 270AA.**]**

(2) A "qualifying childcare voucher" means a non-cash voucher in relation to which Conditions A to **[**F572D**]** are met.

(3) Condition A is that the voucher is provided to enable an employee to obtain care for a child who—

(a) is a child or stepchild of the employee and is maintained (wholly or partly) at the employee's expense, or

(b) is resident with the employee and is a person in respect of whom the employee has parental responsibility.

(4) Condition B is that the voucher can only be used to obtain qualifying child care.

(5) Condition C is that the vouchers are provided under a scheme that is open—

(a) to the employer's **[**F573eligible**]** employees generally, or

(b) generally to those at a particular location.

F574(5A) **[** Where the scheme under which the vouchers are provided involves—

(a) relevant salary sacrifice arrangements, or

(b) relevant flexible remuneration arrangements,

Condition C is not prevented from being met by reason only that the scheme is not open to relevant low-paid employees.

(5B) In subsection (5A)—

"relevant salary sacrifice arrangements" means arrangements (whenever made) under which the employees for whom the vouchers are provided give up the right to receive an amount of general earnings or specific employment income in return for the provision of the vouchers;

"relevant flexible remuneration arrangements" means arrangements (whenever made) under which the employees for whom the vouchers are provided agree with the employer that they are to be provided with the vouchers rather than receive some other description of employment income;

"relevant low-paid employees" means any of the employer's employees who are remunerated by the employer at a rate such that, if the relevant salary sacrifice arrangements or relevant flexible remuneration arrangements applied to them, the rate at which they would then be so remunerated would be likely to be lower than the national minimum wage.**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**[** Condition D is that the employer has, at the required time, made an estimate of the F575(5C) employee's relevant earnings amount for the tax year in respect of which the voucher is provided (see section 270B).**]**

(6) For the purposes of this section the "exempt amount", in any tax year, is **[**F576the sum of—

(a) **[**F577the appropriate amount**]** for each qualifying week in that year, and

(b) the voucher administration costs for that year.**]**

**[** In subsection (6)(a) "the appropriate amount", in the case of an employee, means— F578(6ZA)

(a) if the relevant earnings amount in the case of the employee for the tax year, as estimated in accordance with subsection (5C), exceeds the higher rate limit for the tax year, **[**F579£25**]** ,

(b) if the relevant earnings amount in the case of the employee for the tax year, as so estimated, exceeds the basic rate limit for the tax year but does not exceed the higher rate limit for the tax year, £28, and

(c) otherwise, £55.**]**

**[** The "voucher administration costs" for any tax year in respect of which qualifying F580(6A) childcare vouchers are provided for an employee means the difference between the cost of provision of the vouchers and their face value.

The face value of a voucher is the amount stated on or recorded in the voucher as the value of the provision of care for a child that may be obtained by using it.**]**

(7) A "qualifying week" means a tax week in respect of which a qualifying childcare voucher is received.

A "tax week" means one of the successive periods in a tax year beginning with the first day of that year and every seventh day after that (so that the last day of a tax year or, in the case of a tax year ending in a leap year, the last two days is treated as a separate week).

(8) An employee is only entitled to one exempt amount even if care is provided for more than one child.

But it does not matter that another person may also be entitled to an exempt amount in respect of the same child.

(9) An employee is not entitled to an exempt amount under this section and under section 318A (limited exemption for employer-contracted childcare) in respect of the same tax week.

(10) In this section "care", "child", "parental responsibility" and "qualifying child care" have the same meaning as in section 318A (see sections 318B and 318C).

**[** In this section " cost of provision", in relation to a childcare voucher, has the meaning F581(10A) given in section 87(3) and (3A).**]**

(11) The powers conferred by section 318D (childcare: power to vary **[**F582amounts**]** and qualifying conditions) are exercisable—

(a) in relation to the **[**F582amounts**]** specified in subsection **[**F583(6ZA) above**]** as in relation to the **[**F582amounts**]** specified in section **[**F584318A(6A)**]** , and

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(b) in relation to the qualifying conditions for the exemption conferred by this section as in relation to the qualifying conditions for the exemption conferred by section 318A.**]**

**Textual Amendments**

**F568** S. 270A inserted (with effect in accordance with s. 78(2) of the amending Act) by Finance Act 2004 (c. 12), **Sch. 13 para. 3**

**F569** Word in s. 270A(1) inserted (21.4.2017) by Childcare Payments Act 2014 (c. 28), **ss. 63(2)(a)**, 75(2); S.I. 2017/578, reg. 3(f) (with reg. 8)

**F570** Words in s. 270A(1) substituted (with effect in accordance with s. 16(7) of the amending Act) by Finance Act 2005 (c. 7), **s. 16(4)**

**F571** Words in s. 270A(1) inserted (21.4.2017) by Childcare Payments Act 2014 (c. 28), **ss. 63(2)(b)**, 75(2); S.I. 2017/578, reg. 3(f) (with reg. 8)

**F572** Word in s. 270A(2) substituted (with effect in accordance with Sch. 8 paras. 7-10 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 8 para. 2(2)**

**F573** Word in s. 270A(5)(a) inserted (21.4.2017) by Childcare Payments Act 2014 (c. 28), **ss. 63(3)**, 75(2); S.I. 2017/578, reg. 3(f) (with reg. 8)

**F574** S. 270A(5A)(5B) inserted (with effect in accordance with s. 36(3) of the amending Act) by Finance Act 2011 (c. 11), **s. 36(1)**

**F575** S. 270A(5C) inserted (with effect in accordance with Sch. 8 paras. 7-10 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 8 para. 2(3)**

**F576** Words in s. 270A(6) substituted (with effect in accordance with s. 15(5) of the amending Act) by Finance Act 2005 (c. 7), **s. 15(2)**

**F577** Words in s. 270A(6)(a) substituted (with effect in accordance with Sch. 8 paras. 7-10 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 8 para. 2(4)**

**F578** S. 270A(6ZA) inserted (with effect in accordance with Sch. 8 paras. 7-10 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 8 para. 2(5)**

**F579** Word in s. 270A(6ZA)(a) substituted (with effect in accordance with art. 1(2) of the amending S.I.) by The Income Tax (Exempt Amount for Childcare Vouchers and for Employer Contracted Childcare) Order 2013 (S.I. 2013/513), arts. 1(2), **2(2)**

**F580** S. 270A(6A) inserted (with effect in accordance with s. 15(5) of the amending Act) by Finance Act 2005 (c. 7), **s. 15(3)**

**F581** S. 270A(10A) inserted (with effect in accordance with s. 15(5) of the amending Act) by Finance Act 2005 (c. 7), **s. 15(4)**

**F582** Word in s. 270A(11) substituted (with effect in accordance with Sch. 8 paras. 7-10 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 8 para. 2(6)(a)**

**F583** Words in s. 270A(11) substituted (with effect in accordance with Sch. 8 paras. 7-10 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 8 para. 2(6)(b)**

**F584** Word in s. 270A(11) substituted (with effect in accordance with Sch. 8 paras. 7-10 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 8 para. 2(6)(c)**

## [F585 270AA Meaning of "eligible employee"

(1) An employee is an eligible employee for the purposes of section 270A if conditions A to C are met in relation to the employee.

(2) Condition A is that the employee—

(a) was employed by the employer immediately before the relevant day, and

(b) has not ceased to be employed by the employer on or after that day.

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(3) "The relevant day" means the day specified by the Treasury in regulations for the purposes of this section.

(4) Condition B is that there has not been a period of 52 tax weeks ending on or after the relevant day which has not included at least one qualifying week.

(5) In subsection (4)—

"qualifying week" means a tax week in respect of which a qualifying childcare voucher has been provided for the employee under the scheme by the employer in respect of a child, and

"tax week" has the meaning given by section 270A(7).

(6) Condition C is that the employee has not given the employer a childcare account notice.

(7) A "childcare account notice" is a written notice informing the employer that the employee wishes to leave the scheme in order to be able to open a childcare account under section 17 of the Childcare Payments Act 2014 or enable the employee's partner to do so.

(8) In subsection (7) "partner" is to be read in accordance with regulations made under section 3(5) of that Act.**]**

**Textual Amendments**

**F585** S. 270AA inserted (21.4.2017) by Childcare Payments Act 2014 (c. 28), **ss. 63(4)**, 75(2); S.I. 2017/578, reg. 3(f) (with reg. 8)

### [F586 270B Meaning of "relevant earnings amount" and "required time"

(1) For the purposes of section 270A, the "relevant earnings amount", in the case of an employee provided with vouchers by an employer for any qualifying week in a tax year, means—

(a) the aggregate of—

(i) the amount of any relevant earnings for the tax year from employment by the employer, and

(ii) any amounts treated under Chapters 2 to 12 of Part 3 as earnings from such employment, less

(b) the aggregate of any excluded amounts.

(2) But if the employee becomes employed by the employer during the tax year, what would otherwise be the amount of the aggregate mentioned in subsection (1)(a) is the relevant multiple of that amount; and the relevant multiple is—

$$\frac{365}{RD}$$

where RD is the number of days in the period beginning with the day on which the employee becomes employed by the employer and ending with the tax year.

(3) In subsection (1)(a) "relevant earnings" means—

(a) salary, wages or fees, and

(b) any other earnings specified in regulations made by the Treasury under this paragraph.

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(4) In subsection (1)(b) "excluded amounts" means amounts specified in regulations made by the Treasury under this subsection.

(5) In section 270A "the required time", in the case of an employee, means—

(a) if the employee joins the scheme under which the vouchers are provided at a time during the tax year, that time, and

(b) otherwise, the beginning of the tax year.

(6) For the purposes of subsection (5)(a) the employee is taken to join the scheme as soon as—

(a) the employer has agreed that vouchers will be provided under the scheme for the employee, and

(b) there is a child falling within section 270A(3)(a) or (b) in relation to the employee.

(7) The Treasury may by order amend this section.**]**

**Textual Amendments**

**F586** S. 270B inserted (with effect in accordance with Sch. 8 paras. 7-10 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 8 para. 3**

## CHAPTER 7

EXEMPTIONS: REMOVAL BENEFITS AND EXPENSES

*Exemption of removal benefits and expenses: general*

### 271 Limited exemption of removal benefits and expenses: general

(1) No liability to income tax in respect of earnings **[**F587or by virtue of Part 7A**]** arises by virtue of—

(a) the provision of removal benefits to which this section applies, or

(b) the payment or reimbursement of removal expenses to which this section applies.

(2) **[**F588In relation to earnings, subsection**]** (1) does not apply if (disregarding this section) the earnings are general earnings to which either of the following sections applies—

(a) section 22 (chargeable overseas earnings for year when **[**F589remittance basis **[**F590applied**]** and employee **[**F591outside section 26**]]** ), or

(b) section 26 (foreign earnings for year when **[**F592remittance basis **[**F593applied**]** and employee **[**F594**[**F595met**]** section 26A requirement**]]** ).

**[**F596(2A) In relation to Part 7A, subsection (1) does not apply to any amount so far as the amount (disregarding this section and section 554P) would count as employment income to which section 554Z9 or 554Z10 would apply.**]**

(3) Subsection (1) is subject to section 287 (limit on exemption).

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**Textual Amendments**

**F587** Words in s. 271(1) inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 12(2)**

**F588** Words in s. 271(2) substituted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 12(3)**

**F589** Words in s. 271(2)(a) substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 25(a)**

**F590** Word in s. 271(2)(a) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(10)(a)**

**F591** Words in s. 271(2)(a) substituted (with effect in accordance with Sch. 46 para. 25 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 12(a)** (with Sch. 46 para. 26)

**F592** Words in s. 271(2)(b) substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 25(b)**

**F593** Word in s. 271(2)(b) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(10)(a)**

**F594** Words in s. 271(2)(b) substituted (with effect in accordance with Sch. 46 para. 25 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 12(b)** (with Sch. 46 para. 26)

**F595** Word in s. 271(2)(b) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(10)(b)**

**F596** S. 271(2A) inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 12(4)**

## 272 Removal benefits and expenses to which section 271 applies

(1) Benefits are removal benefits to which section 271 applies if—

(a) they are reasonably provided in connection with a change of the employee's residence which meets the conditions in section 273,

(b) they are provided on or before the limitation day (see section 274), and

(c) they are within subsection (2) or one of the following provisions—

(i) section 277 (acquisition benefits and expenses),

(ii) section 278 (abortive acquisition benefits and expenses),

(iii) section 279 (disposal benefits and expenses),

(iv) section 280 (transporting belongings),

(v) section 281 (travelling and subsistence),

(vi) section 285 (replacement of domestic goods).

(2) A benefit is within this subsection if it is a non-cash voucher, cash voucher or credit-token used—

(a) to obtain goods or services the direct provision of which would be a benefit within one of the provisions specified in subsection (1)(c)(i) to (vi), or

(b) to obtain money for the purpose of obtaining such goods or services or meeting expenses within one of those provisions or section 284 (bridging loan expenses).

(3) Expenses are removal expenses to which section 271 applies if—

(a) they are reasonably incurred by the employee in connection with a change of the employee's residence which meets the conditions in section 273,

(b) they are incurred on or before the limitation day, and

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(c) they are within one of the provisions referred to in subsection (1)(c)(i) to (vi) or within section 284 (bridging loan expenses).

### 273 Conditions applicable to change of residence

(1) The conditions referred to in section 272(1)(a) and (3)(a) which apply to the change of the employee's residence are conditions A to C.

(2) Condition A is that the change of residence results from one of the following changes—

(a) the employee becoming employed,

(b) an alteration of the duties of the employment, or

(c) an alteration of the place where the employee is normally to perform those duties.

(3) Condition B is that the change of residence is made wholly or mainly to allow the employee to reside within a reasonable daily travelling distance of the place where the employee normally performs or is normally to perform the duties of the employment after the employment change (see section 275).

(4) Condition C is that the employee's former residence is not within a reasonable daily travelling distance of that place.

### 274 Meaning of "the limitation day"

(1) In this Chapter "the limitation day", in relation to an employee's change of residence, means the last day of the tax year after that in which the employee begins to perform the duties of the employment after the employment change, but this is subject to any direction under subsection (2).

(2) **[**F154An officer of Revenue and Customs**]** may direct that the last day of a later tax year is the limitation day in relation to any particular change of residence if it appears to them reasonable to do so having regard to all the circumstances of that change.

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

### 275 Meaning of "the employment change"

In this Chapter "the employment change", in relation to an employee's change of residence, means whichever of the changes specified in section 273(2) results in the change of residence.

### 276 Meaning of "residence", "former residence" and "new residence" etc.

(1) If an employee has more than one residence, references in this Chapter to the employee's residence are references to the employee's main residence.

(2) In this Chapter, in relation to a change of the employee's residence—

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(a) references to the former residence are references to the employee's residence before the change, and

(b) references to the new residence are references to the employee's residence after the change.

(3) In this Chapter references to an interest in a residence are, in the case of a building, references to an estate or interest in the land concerned.

*Benefits and expenses within this Chapter*

### 277 Acquisition benefits and expenses

(1) This section applies if an interest in the employee's new residence is acquired by—

(a) the employee,

(b) one or more members of the employee's family or household, or

(c) the employee and one or more members of the employee's family or household.

(2) The following benefits are within this section—

(a) legal services connected with the acquisition of the interest, including legal services connected with any loan raised by the employee to acquire it,

(b) the waiving of any procurement fees connected with any such loan,

(c) the waiving of any amount payable in respect of insurance effected to cover risks incurred by the maker of any such loan because the loan equals the whole, or a substantial part, of the value of the interest,

(d) any survey or inspection of the residence undertaken in connection with the acquisition, and

(e) the connection of any utility serving the new residence for use by the employee or by the employee and one or more members of the employee's family or household.

(3) The following expenses are within this section—

(a) sums paid for any services within subsection (2)(a), (d) or (e),

(b) any procurement fees connected with any loan raised by the employee to acquire the interest,

(c) the costs of any insurance within subsection (2)(c),

(d) fees payable to an appropriate registry or appropriate register in connection with the acquisition, and

(e) stamp duty **[**F597or stamp duty land tax**]** charged on the acquisition.

(4) In this section references to a loan raised by the employee include a loan raised by—

(a) one or more members of the employee's family or household, or

(b) the employee and one or more members of the employee's family or household.

(5) In this section—

"appropriate registry" means—

(a) Her Majesty's Land Registry,

(b) the Land Registry in Northern Ireland, or

(c) the Registry of Deeds for Northern Ireland, and

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"appropriate register" means any register under the management and control of the Keeper of the Registers of Scotland.

**Textual Amendments**

**F597** Words in s. 277(3)(e) inserted (10.7.2003) by Finance Act 2003 (c. 14), **Sch. 18 para. 6**

## 278 Abortive acquisition benefits and expenses

Benefits or expenses are within this section if—

(a) they are benefits provided or expenses incurred with a view to the acquisition of an interest in a residence,

(b) the interest is not acquired—

(i) because of circumstances outside the control of the person seeking to acquire it, or

(ii) because that person reasonably declines to proceed, and

(c) the benefits or expenses would have fallen within section 277 if the interest had been acquired.

## 279 Disposal benefits and expenses

(1) This section applies if the employee has an interest in the former residence and because of the change of residence it is disposed of or is intended to be disposed of.

(2) The following benefits are within this section—

(a) legal services connected with the disposal or intended disposal, including legal services connected with the redemption of a related loan,

(b) the waiving of any penalty for redeeming a related loan for the purpose of the disposal or intended disposal,

(c) the services of an estate agent or auctioneer engaged in the disposal or intended disposal,

(d) services connected with the advertisement of the disposal or intended disposal,

(e) the disconnection, for the purpose of the disposal or intended disposal, of any utility serving the former residence, and

(f) services connected with maintaining, insuring, or preserving the security of, the former residence at any time when it is unoccupied pending the disposal or intended disposal.

(3) The following expenses are within this section—

(a) sums paid for any services within subsection (2)(a), (c), (d) or (e),

(b) any penalty for redeeming a related loan for the purpose of the disposal or intended disposal,

(c) rent paid in respect of the former residence at any time when it is unoccupied pending the disposal or intended disposal, and

(d) expenses of maintaining, insuring, or preserving the security of the former residence at any time when it is unoccupied pending the disposal or intended disposal.

(4) In this section references to the employee having an interest in a residence include—

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(a) one or more members of the employee's family or household having such an interest, or

(b) the employee and one or more members of the employee's family or household having such an interest.

(5) A loan is a "related loan" for this purpose if—

(a) it was raised to obtain an interest in the former residence, or

(b) it is secured on such an interest, or

(c) part of it was so raised and the rest of it is so secured.

## 280 Transporting belongings

(1) The following benefits are within this section—

(a) the transportation of domestic belongings from the employee's former residence to the employee's new residence, and

(b) the effecting of insurance to cover such transportation.

(2) The following expenses are within this section—

(a) expenses connected with such transportation, and

(b) the costs of any such insurance.

(3) In this section—

"domestic belongings" means belongings of the employee or of members of the employee's family or household, and

"transportation" includes—

(a) packing and unpacking belongings,

(b) temporarily storing them, where there is not a direct move from the former to the new residence,

(c) detaching domestic fittings from the former residence, where they are to be taken to the new residence, and

(d) attaching domestic fittings to the new residence and adapting them, where they are brought from the former residence.

## 281 Travelling and subsistence

(1) The following benefits are within this section—

(a) subsistence and facilities for travel provided for the employee and members of the employee's family or household for temporary visits to the new area for purposes connected with the change of residence,

(b) any other subsistence provided for the employee,

(c) facilities provided for the employee for travel between the employee's former residence and—

(i) the place where the employee's new duties are normally performed, or

(ii) the new place where the duties of the employee's employment are normally performed, or

(iii) temporary living accommodation of the employee,

(d) where the employment change is within section 273(2)(b) or (c) (change of duties or place of performance), facilities provided for the employee for travel before the change between the employee's new residence and—

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(i) the place where the employee normally performs the duties of the employment before the change, or

(ii) temporary living accommodation of the employee,

(e) facilities provided for the employee and members of the employee's family or household for travel from the employee's former residence to the employee's new residence in connection with the change of residence,

(f) subsistence provided for a relevant child while the child stays in education-linked living accommodation,

(g) facilities provided for a relevant child for travel between education-linked living accommodation and the employee's accommodation.

(2) For the purposes of this section, "education-linked living accommodation", in relation to a relevant child, means living accommodation where the child stays for the purpose of securing continuity in education, being—

(a) accommodation in the new area where the child stays before the employee's change of residence,

(b) accommodation in the former area where the child stays after that change,

(c) accommodation in the new area where the child stays while the employee is living in temporary living accommodation in the former area, or

(d) accommodation in the former area where the child stays while the employee is living in temporary living accommodation in the new area.

(3) For the purposes of subsection (1)(g) "the employee's accommodation", in relation to travel to or from education-linked accommodation, means—

(a) if that accommodation is within subsection (2)(a), the employee's former residence,

(b) if that accommodation is within subsection (2)(b), the employee's new residence, and

(c) if that accommodation is within subsection (2)(c) or (d), the employee's temporary accommodation.

(4) The cost of providing subsistence or travel of a kind described in subsection (1) is an expense within this section.

(5) Subsections (1) and (4) are subject to section 282 (exclusion from this section of benefits and expenses where deduction allowed), and subsection (1) is also subject to section 283 (exclusion from this section of taxable car and van facilities).

(6) In this section—

"new duties" means—

(a) if the employment change is within section 273(2)(a) (change of employer), the duties of the employee's new employment, and

(b) if the employment change is within section 273(2)(b) (change of duties), the new duties of the employment,

"former area" means the area round or near the former residence of the employee,

"new area" means—

(a) if the employment change is within section 273(2)(a) or (b) (change of employer or duties), the area round or near the place where the employee's new duties normally are or are to be performed, and

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(b) if the employment change is within section 273(2)(c) (change of place of performance), the area round or near the new place where the duties of the employee's employment normally are or are to be performed,

"relevant child" means a person who is a member of the employee's family or household and is aged under 19 at the beginning of the tax year in which the employment change occurs, and

"subsistence" means food, drink and temporary living accommodation.

### 282 Exclusion from section 281 of benefits and expenses where deduction allowed

(1) Benefits and expenses are excluded from section 281 (travelling and subsistence) if or to the extent that an amount is deductible in respect of the cost of the benefits or of the expenses under any of the following provisions.

(2) They are—

(a) section 341 (travel at start or finish of overseas employment),

(b) section 342 (travel between employments where duties performed abroad), and

(c) Chapter 5 of Part 5 except section 376 (deductions for earnings representing benefits or reimbursed expenses in respect of certain foreign travel).

(3) If an amount is so deductible in respect of part only of the cost of a benefit, the part of the benefit excluded by this section is to be determined on a just and reasonable basis.

### 283 Exclusion from section 281 of taxable car and van facilities

(1) A car or van is not treated as a facility for the purposes of section 281(1) if in the tax year in which it is provided it is also made available—

(a) to the employee or members of the employee's family or household for private use not falling within section 281(1),

(b) by reason of the employee's employment, and

(c) without any transfer of the property in it.

(2) The following sections apply for the purposes of this section as they apply for the purposes of Chapter 6 of Part 3 (taxable benefits: cars, vans and related benefits)—

(a) section 115 (meaning of "car" and "van"),

(b) section 117 (meaning of car or van made available by reason of employment), and

(c) section 118 (availability for private use).

### 284 Bridging loan expenses

(1) Expenses are within this section if—

(a) the employee has an interest in the former residence and disposes of it because of the change of residence,

(b) the employee acquires an interest in the new residence, and

(c) the expenses are interest payable by the employee in respect of a loan raised by the employee wholly or partly because expenditure is incurred in connection with that acquisition before the proceeds of that disposal become available.

This is subject to subsections (2) and (3).

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(2) Interest is only within this section if or to the extent that the loan is used—

(a) for acquiring the employee's interest in the new residence, or

(b) for redeeming a loan—

(i) which was raised by the employee to obtain an interest in the former residence,

(ii) which is secured on such an interest, or

(iii) which was partly so raised and the rest of which is so secured.

(3) If the loan exceeds the market value of the employee's interest in the former residence at the time of acquisition of the new residence, the interest on the excess is not within this section.

(4) If subsection (3) applies in a case where the loan is used partly for purposes within subsection (2) and partly for other purposes, the amount of the interest within this section is the appropriate fraction of the total interest.

(5) The appropriate fraction is—

$$\frac{MV}{L}$$

or, if it is smaller—

$$\frac{PL}{L}$$

where—

MV is the market value of the employee's interest in the former residence at the time of acquisition of the new residence,

PL is the part of the loan used for purposes within subsection (2), and

L is the amount of the loan.

(6) In this section—

(a) references to a loan raised by the employee include a loan raised by—

(i) one or more members of the employee's family or household, or

(ii) the employee and one or more members of the employee's family or household, and

(b) references to the employee having, disposing of or acquiring an interest in a residence include—

(i) one or more members of the employee's family or household having, disposing of or acquiring such an interest, or

(ii) the employee and one or more members of the employee's family or household having, disposing of or acquiring such an interest.

### 285 Replacement of domestic goods

(1) Benefits and expenses are within this section if—

(a) the employee has an interest in the former residence and disposes of it because of the change of residence,

(b) the employee acquires an interest in the new residence,

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(c) in the case of benefits, they are domestic goods provided to replace goods used at the former residence which are unsuitable for use at the new residence, and

(d) in the case of expenses, they are incurred on the purchase of domestic goods intended for such replacement.

(2) In this section references to the employee having, disposing of or acquiring an interest in a residence include—

(a) one or more members of the employee's family or household having, disposing of or acquiring such an interest, or

(b) the employee and one or more members of the employee's family or household having, disposing of or acquiring such an interest.

### 286 Power to amend sections [F598277] to 285

(1) The Treasury may by regulations amend sections **[**F598277**]** to 285 so as to secure that benefits or expenses which would not otherwise fall within any of those sections do so.

(2) The regulations may include such supplementary, incidental or consequential provisions as appear to the Treasury to be necessary or expedient.

(3) Those provisions may be made by amending this Chapter or otherwise.

(4) The regulations apply to a change of an employee's residence resulting from an employment change occurring on or after the day specified in the regulations for this purpose.

**Textual Amendments**

**F598** Words in s. 286 substituted (22.7.2004) by Finance Act 2004 (c. 12), **Sch. 17 para. 9(2)**

*Limit on exemption*

### 287 Limit on exemption

(1) If in the case of any change of residence the value of the exemption exceeds £8,000, section 271 (exemption of removal benefits and expenses) does not apply to the excess.

(2) The value of the exemption is an amount equal to the sum of—

(a) the section 62 earnings, ...

(b) the benefits code earnings (after taking account of section 64(2)(b) where otherwise an amount that falls within paragraph (a) would be included)**[**F599, and

(c) the Part 7A employment income**]**

(3) In this section "the section 62 earnings" means all earnings within section 62 (earnings) in respect of which section 271 would prevent liability to income tax from arising if this section were disregarded.

(4) In this section "the benefits code earnings" means all earnings—

(a) which are treated as such under the benefits code (except earnings so treated under Chapter 7 of Part 3 (taxable benefits: loans)), and

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(b) in respect of which section 271 would prevent liability to income tax from arising if this section were disregarded.

(5) In the case of living accommodation, the amount that would be so treated is to be taken to be equal to—

$$CE - D$$

where—

CE is the cash equivalent of the accommodation under Chapter 5 of Part 3 (taxable benefits: living accommodation) for the period in which the accommodation is provided (calculated as mentioned in section 103), and

D is any amount deductible under section 364 (deductions where living accommodation provided).

**[**F600(6) In this section "the Part 7A employment income" means the amount in respect of which section 271 (when read with section 554P) would prevent liability to income tax arising if this section were to be disregarded.**]**

**Textual Amendments**

**F599** S. 287(2)(c) and word inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 13(2)(b)**

**F600** S. 287(6) inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 13(3)**

*Special exemption and relief for bridging loans*

## 288 Limited exemption of certain bridging loans connected with employment moves

(1) No liability to income tax arises by virtue of Chapter 7 of Part 3 (taxable benefits: loans) in respect of a loan if—

(a) it is a removal benefit (see subsection (2)),

(b) the unused removal benefit exemption condition is met (see subsection (3)), and

(c) the loan is discharged before the end of the exempted loan discharge period (see subsection (4)).

(2) For the purposes of this section and section 289, a loan is a removal benefit if—

(a) it is raised by the employee in connection with a change of residence meeting the conditions in section 273 (conditions applicable to change of residence),

(b) the employee has an interest in the former residence and disposes of it in consequence of the change of residence,

(c) the employee acquires an interest in the new residence,

(d) the loan is raised wholly or partly because expenditure is incurred in connection with that acquisition before the proceeds of that disposal become available, and

(e) the loan is made before the limitation day.

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(3) For the purposes of this section and section 289 the unused removal benefit exemption condition is that, in the case of the particular change of residence—

(a) the sum specified in section 287(1) (limit on exemption), exceeds

(b) the amount referred to in section 287(2) (the value of the exemption);

and for those purposes that excess is "the unused exemption".

(4) In this section and section 289 "the exempted loan discharge period", in relation to a loan, means the period of N days beginning with the day on which it is made, taking N as the number obtained by applying the following formula and, if that does not give a whole number, rounding up the result to the nearest whole number—

$$\frac{A}{B \times C} \times 365$$

where—

A is the unused exemption,

B is the maximum amount of the loan outstanding in the period beginning with the time when the loan is made and ending with the limitation day, and

C is the official rate of interest in force when the loan is made (expressed as a percentage).

(5) In this section—

(a) references to a loan raised by the employee include a loan raised by—

(i) one or more members of the employee's family or household, or

(ii) the employee and one or more members of the employee's family or household, and

(b) references to the employee having, disposing of or acquiring an interest in a residence include—

(i) one or more members of the employee's family or household having, disposing of or acquiring such an interest, or

(ii) the employee and one or more members of the employee's family or household having, disposing of or acquiring such an interest.

(6) The tax payable in respect of a loan for a tax year ending before the limitation day may be decided on the basis that the unused removal benefit exemption condition will not be met.

### 289 Relief for certain bridging loans not qualifying for exemption under section 288

(1) This subsection applies to a loan if—

(a) it is a removal benefit (see section 288(2)),

(b) the unused removal benefit exemption condition is met (see section 288(3)), and

(c) the loan is not discharged before the end of the exempted loan discharge period (see section 288(4)).

(2) A loan to which subsection (1) applies is to be treated for the purposes of Chapter 7 of Part 3 (taxable benefits: loans) as if it was made on the day after the last day of the exempted loan discharge period.

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(3) Subsection (2) does not apply for the purposes of sections 176, 177, 180, 189 and 190.

(4) The tax payable in respect of a loan for a tax year ending before the limitation day may be decided on the basis that subsections (1) and (2) will not apply because the unused removal benefit exemption condition will not be met.

## [F601CHAPTER 7A

EXEMPTIONS: AMOUNTS WHICH WOULD OTHERWISE BE DEDUCTIBLE

**Textual Amendments**

**F601** Pt. 4 Ch. 7A inserted (with effect in accordance with s. 11(2) of the amending Act) by Finance Act 2015 (c. 11), **s. 11(1)**

### 289A Exemption for paid or reimbursed expenses

(1) No liability to income tax arises by virtue of Chapter 3 of Part 3 (taxable benefits: expenses payments) in respect of an amount ("amount A") paid or reimbursed by a person to an employee (whether or not an employee of the person) in respect of expenses if—

(a) an amount equal to or exceeding amount A would (ignoring this section) be allowed as a deduction from the employee's earnings under Chapter 2 or 5 of Part 5 in respect of the expenses, and

(b) the payment or reimbursement is not provided pursuant to relevant salary sacrifice arrangements.

(2) No liability to income tax arises in respect of an amount paid or reimbursed by a person ("the payer") to an employee (whether or not an employee of the payer) in respect of expenses if—

(a) the amount has been calculated and paid or reimbursed in an approved way (see subsection (6)),

(b) the payment or reimbursement is not provided pursuant to relevant salary sacrifice arrangements, and

(c) conditions A and B are met.

F602(2A) **[** No liability to income tax arises in respect of an amount paid or reimbursed by a person ("the payer") to an employee (whether or not an employee of the payer) for expenses in the course of qualifying travel if—

(a) the amount has been calculated and paid or reimbursed in accordance with regulations made by the Commissioners for Her Majesty's Revenue and Customs,

(b) the payment or reimbursement is not provided pursuant to relevant salary sacrifice arrangements, and

(c) condition C is met.**]**

(3) Condition A is that the payer or another person operates a system for checking—

(a) that the employee is, or employees are, in fact incurring and paying amounts in respect of expenses of the same kind, and

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(b) that a deduction would (ignoring this section) be allowed under Chapter 2 or 5 of Part 5 in respect of those amounts.

(4) Condition B is that neither the payer nor any other person operating the system knows or suspects, or could reasonably be expected to know or suspect—

(a) that the employee has not incurred and paid an amount in respect of the expenses, or

(b) that a deduction from the employee's earnings would not be allowed under Chapter 2 or 5 of Part 5 in respect of the amount.

**[** F603(4A) Condition C is that—

(a) the payer or another person operates a system for checking that the employee has undertaken the qualifying travel in relation to which the amount is paid or reimbursed, and

(b) neither the payer nor any other person operating the system knows or suspects, or could reasonably be expected to know or suspect, that the travel was not undertaken.**]**

(5) **[**F604In this section "relevant " **]** , in relation to an employee to whom an amount is paid or reimbursed **[**F605for or**]** in respect of expenses, means arrangements (whenever made, whether before or after the employment began) under which—

(a) the employee gives up the right to receive an amount of general earnings or specific employment income in return for the payment or reimbursement, or

(b) the amount of other general earnings or specific employment income received by the employee depends on the amount of the payment or reimbursement.

**[** F606(5A) In this section "qualifying travel" means travel for which a deduction from the employee's earnings would be allowed under Chapter 2 or 5 of Part 5.**]**

(6) For the purposes of **[**F607subsection (2)**]** , a sum is calculated and paid or reimbursed in an approved way if—

(a) it is calculated and paid or reimbursed in accordance with regulations made by the Commissioners for Her Majesty's Revenue and Customs, or

(b) it is calculated and paid or reimbursed in accordance with an approval given under section 289B.

(7) Regulations made under subsection **[**F608(2A)(a) or**]** (6)(a) may make different provision for different purposes.

**[** F609(8) Regulations made under subsection (2A)(a) may contain provision about calculating amounts that is framed by reference to rates (for expenses) published from time to time by the Commissioners for Her Majesty's Revenue and Customs.**]**

**Textual Amendments**

**F602** S. 289A(2A) inserted (with effect in accordance with s. 10(9) of the amending Act) by Finance Act 2019 (c. 1), **s. 10(2)**

**F603** S. 289A(4A) inserted (with effect in accordance with s. 10(9) of the amending Act) by Finance Act 2019 (c. 1), **s. 10(3)**

**F604** Words in s. 289A(5) substituted (with effect in accordance with s. 10(9) of the amending Act) by Finance Act 2019 (c. 1), **s. 10(4)(a)**

**F605** Words in s. 289A(5) inserted (with effect in accordance with s. 10(9) of the amending Act) by Finance Act 2019 (c. 1), **s. 10(4)(b)**

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**F606** S. 289A(5A) inserted (with effect in accordance with s. 10(9) of the amending Act) by Finance Act 2019 (c. 1), **s. 10(5)**

**F607** Words in s. 289A(6) substituted (with effect in accordance with s. 10(9) of the amending Act) by Finance Act 2019 (c. 1), **s. 10(6)**

**F608** Words in s. 289A(7) inserted (with effect in accordance with s. 10(9) of the amending Act) by Finance Act 2019 (c. 1), **s. 10(7)**

**F609** S. 289A(8) inserted (with effect in accordance with s. 10(9) of the amending Act) by Finance Act 2019 (c. 1), **s. 10(8)**

## 289B Approval to pay or reimburse expenses at a flat rate

(1) A person ("the applicant") may apply to Her Majesty's Revenue and Customs for approval to pay or reimburse expenses of the applicant's employees, or employees of another person, at a rate set out in the application ("the proposed rate").

(2) An officer of Revenue and Customs may give the approval if satisfied that any calculation of a payment or reimbursement of expenses in accordance with the proposed rate, or such other rate as is agreed between the applicant and the officer, would be a reasonable estimate of the amount of expenses actually incurred.

(3) An approval under subsection (2) takes effect in accordance with a notice (an "approval notice") given to the applicant by an officer of Revenue and Customs.

(4) An approval notice must specify—

(a) the rate at which expenses may be paid or reimbursed,

(b) the day from which the approval takes effect, that day not being earlier than the day on which the approval notice is given,

(c) the day on which the approval ceases to have effect, that day not being later than the end of the period of 5 years beginning with the day on which the approval takes effect, and

(d) the type of expenses to which the approval relates.

(5) An approval notice may specify that the approval is subject to conditions specified or described in the notice.

(6) An application for an approval under this section must be in such form and manner, and contain such information, as is specified by Her Majesty's Revenue and Customs.

## 289C Revocation of approvals

(1) An officer of Revenue and Customs may, if in the officer's opinion there is reason to do so, revoke an approval given under section 289B by giving a further notice (a "revocation notice") to either or both of the following—

(a) the person who applied for the approval, and

(b) the person who is paying or reimbursing expenses in accordance with the approval.

(2) A revocation notice may revoke the approval from—

(a) the day on which the approval took effect, or

(b) a later day specified in the notice.

(3) A revocation under subsection (1) may be in relation to all expenses or expenses of a description specified in the revocation notice.

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(4) If the revocation notice revokes the approval from the day on which the approval took effect—

(a) any liability to tax that would have arisen in respect of the payment or reimbursement of expenses if the approval had never been given in relation to such expenses is to be treated as having arisen, and

(b) any person who has made, and any employee who has received, a payment or reimbursement of expenses calculated in accordance with the approval must make all the returns which they would have had to make if the approval had never been given in relation to such expenses.

(5) If the revocation notice revokes the approval from a later day—

(a) any liability to tax that would have arisen in respect of the payment or reimbursement of expenses if the approval had ceased to have effect on that day in relation to such expenses is to be treated as having arisen, and

(b) any person who has made, and any employee who has received, a payment or reimbursement of expenses calculated in accordance with the approval must make all the returns which they would have had to make if the approval had ceased to have effect in relation to such expenses on that day.

### 289D Exemption for other benefits

(1) No liability to income tax arises by virtue of any provision of the benefits code in respect of an amount ("amount A") treated as earnings of an employee as a result of the provision of a benefit if—

(a) an amount equal to amount A would (ignoring this section) be allowed as a deduction from the employee's earnings under Chapter 3 of Part 5 in respect of the provision of the benefit, and

(b) the benefit is not provided pursuant to relevant salary sacrifice arrangements.

(2) "Relevant salary sacrifice arrangements", in relation to an employee to whom a benefit is provided, means arrangements (whenever made, whether before or after the employment began) under which—

(a) the employee gives up the right to receive an amount of general earnings or specific employment income in return for the provision of the benefit, or

(b) the amount of other general earnings or specific employment income received by the employee depends on the provision of the benefit.

### 289E Anti-avoidance

(1) This section applies if conditions A to C are met.

(2) Condition A is that, pursuant to arrangements, an amount—

(a) is paid or reimbursed to an employee in respect of expenses, or

(b) is treated as earnings of an employee as a result of the provision of a benefit,

which, in the absence of this section, would have been exempt from income tax.

(3) Condition B is that, in the absence of those arrangements, the employee would have received a greater amount of general earnings or specific employment income in respect of which—

(a) tax would have been chargeable, or

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(b) national insurance contributions would have been payable (whether by the employee or another person).

(4) Condition C is that the main purpose, or one of the main purposes, of the arrangements is the avoidance of tax or national insurance contributions.

(5) If this section applies—

(a) the exemption conferred by section 289A does not apply in respect of the amount paid or reimbursed as mentioned in subsection (2)(a), and

(b) the exemption conferred by section 289D does not apply in respect of the amount treated as earnings as mentioned in subsection (2)(b).

(6) In this section "arrangements" includes any scheme, transaction or series of transactions, agreement or understanding, whether or not legally enforceable.**]**

## CHAPTER 8

EXEMPTIONS: SPECIAL KINDS OF EMPLOYEES

*Ministers of religion*

### 290 Accommodation benefits of ministers of religion

(1) No liability to income tax in respect of a person employed as a full-time minister arises by virtue of—

(a) the payment or reimbursement of a statutory amount payable in connection with qualifying premises, or

(b) the reimbursement of a statutory deduction made in connection with qualifying premises.

(2) No liability to income tax in respect of a person employed as a full-time minister arises by virtue of the payment or reimbursement of expenses incurred in connection with providing living accommodation in qualifying premises if the employment is **[**[F610]lower-paid employment as a minister of religion (see section 290D)**]**.

(3) Subsection (1) does not apply if or to the extent that the amount or deduction is properly attributable to a part of the premises for which the minister receives rent.

(4) Premises are qualifying premises in relation to a person employed as a minister if—

(a) an interest in them belongs to a charity or an ecclesiastical corporation, and

(b) because of that interest and by reason of holding the employment, the minister has a residence in them from which to perform the duties of the employment.

(5) In this section—

...

"full-time minister" means a person in full-time employment as a minister of a religious denomination,

"statutory amount" means an amount paid in pursuance of a provision in, or having the force of, an Act, and

"statutory deduction" means a deduction made in pursuance of such a provision.

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**Textual Amendments**

**F610** Words in s. 290(2) substituted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 1 para. 18**

## [F611290AAccommodation outgoings of [F612lower-paid] ministers of religion

(1) No liability to income tax arises in respect of a person in lower-paid employment as a minister of **[**F613religion**]** by virtue of the payment or reimbursement of accommodation outgoings.

(2) Subsection (1) does not apply if the minister is paid an allowance intended to be used, wholly or in part, for paying accommodation outgoings (as to which see section 290B).

(3) In this section—

"accommodation outgoings" means amounts incurred by the minister in—

(a) heating, lighting or cleaning qualifying premises; or

(b) maintaining a garden forming part of qualifying premises;

...

"qualifying premises" has the same meaning as in section 290.

**Textual Amendments**

**F611** Ss. 290A, 290B inserted (with effect in accordance with art. 2(4) of the amending S.I.) by The Enactment of Extra-Statutory Concessions Order 2010 (S.I. 2010/157), arts. 1, **2(3)**

**F612** Words in s. 290A heading inserted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 1 para. 19(c)**

**F613** Word in s. 290A(1) substituted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 1 para. 19(a)**

## 290B Allowances paid to [F614lower-paid] ministers of religion in respect of accommodation outgoings

(1) This section applies where a person in lower-paid employment as a minister of **[**F615religion**]** is paid an allowance intended to be used, wholly or in part, for paying accommodation outgoings.

(2) No liability to tax arises by virtue of the payment of the allowance to the extent that it is used for paying accommodation outgoings.

(3) In this section—

"accommodation outgoings" **[**F616has the same meaning**]** as in section 290A;

"qualifying premises" has the same meaning as in section 290.**]**

**Textual Amendments**

**F611** Ss. 290A, 290B inserted (with effect in accordance with art. 2(4) of the amending S.I.) by The Enactment of Extra-Statutory Concessions Order 2010 (S.I. 2010/157), arts. 1, **2(3)**

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**F614** Words in s. 290B heading inserted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 1 para. 20(c)**

**F615** Word in s. 290B(1) substituted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 1 para. 20(a)**

**F616** Words in s. 290B(3) substituted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 1 para. 20(b)**

### [F617 290C Provisions of benefits code not applicable to lower-paid ministers of religion

(1) This section applies where a person is in employment which is lower-paid employment as a minister of religion in relation to a tax year.

(2) No liability to income tax arises in respect of the person in relation to the tax year by virtue of any of the following Chapters of the benefits code—

(a) Chapter 3 (taxable benefits: expenses payments);

(b) Chapter 6 (taxable benefits: cars, vans and related benefits);

(c) Chapter 7 (taxable benefits: loans);

(d) Chapter 10 (taxable benefits: residual liability to charge).

(3) Subsection (2)—

(a) means that in any of those Chapters a reference to an employee does not include an employee whose employment is within the exclusion in that subsection, if the context is such that the reference is to an employee in relation to whom the Chapter applies, but

(b) does not restrict the meaning of references to employees in other contexts.

(4) Subsection (2) has effect subject to—

(a) section 188(2) (discharge of loan: where employment becomes lower-paid), and

(b) section 290G (employment in two or more related employments).

**Textual Amendments**

**F617** Ss. 290C-290G inserted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **s. 13(2)**

### 290D Meaning of "lower-paid employment as a minister of religion"

(1) For the purposes of this Part an employment is "lower-paid employment as a minister of religion" in relation to a tax year if—

(a) the employment is direct employment as a minister of a religious denomination, and

(b) the earnings rate for the employment for the year (calculated under section 290E) is less than £8,500.

(2) An employment is not "direct employment" for the purposes of subsection (1)(a) if—

(a) it is an employment which is treated as existing under—

(i) section 56(2) (deemed employment of worker by intermediary), or

(ii) section 61G(2) (deemed employment of worker by managed service company), or

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(b) an amount counts as employment income in respect of it by virtue of section 554Z2(1) (treatment of relevant step under Part 7A (employment income provided through third parties)).

(3) Subsection (1) is subject to section 290G.

**Textual Amendments**

**F617** Ss. 290C-290G inserted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **s. 13(2)**

### 290E Calculation of earnings rate for a tax year

(1) For any tax year the earnings rate for an employment is to be calculated as follows—

*Step 1* Find the total of the following amounts—

(a) the total amount of the earnings from the employment for the year within Chapter 1 of Part 3 (earnings),

(b) the total of any amounts that are treated as earnings from the employment for the year under the benefits code (see subsections (2) and (3)), and

(c) the total of any amounts that are treated as earnings from the employment for the year under Chapter 12 of Part 3 (other amounts treated as earnings),

excluding any exempt income, other than any attributable to section 290A or 290B (accommodation outgoings of ministers of religion).

*Step 2* Add to that total any extra amount required to be added for the year by section 290F (extra amounts to be added in connection with a car).

*Step 3* Subtract the total amount of any authorised deductions (see subsection (4)) from the result of step 2.

*Step 4* The earnings rate for the employment for the year is given by the formula—

$$R \times Y E$$

where—

R is the result of step 3,

Y is the number of days in the year, and

E is the number of days in the year when the employment is held.

(2) Section 290C(2) (provisions of benefits code not applicable to lower-paid ministers of religion) is to be disregarded for the purpose of determining any amount under step 1.

(3) If the benefit of living accommodation is to be taken into account under step 1, the cash equivalent is to be calculated in accordance with section 105 (even if the cost of providing the accommodation exceeds £75,000).

(4) For the purposes of step 3 "authorised deduction" means any deduction that would (assuming it was an amount of taxable earnings) be allowed from any amount within step 1 under—

section 346 (employee liabilities),

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section 370 (travel costs and expenses where duties performed abroad: employee's travel),

section 371 (travel costs and expenses where duties performed abroad: visiting spouse's, civil partner's or child's travel),

section 373 (**[**F618non-resident or qualifying new resident**]** employee's travel costs and expenses where duties performed in UK),

section 374 (**[**F618non-resident or qualifying new resident**]** employee's spouse's, civil partner's or child's travel costs and expenses where duties performed in UK),

section 376 (foreign accommodation and subsistence costs and expenses (overseas employments)),

section 713 (payroll giving to charities),

sections 188 to 194 of FA 2004 (contributions to registered pension schemes), or

section 262 of CAA 2001 (capital allowances to be given effect by treating them as deductions).

**Textual Amendments**

**F617** Ss. 290C-290G inserted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **s. 13(2)**

**F618** Words in s. 290E(4) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 1(4)** (with Sch. 8 Pt. 3)

### 290F Extra amounts to be added in connection with a car

(1) The provisions of this section apply for the purposes of section 290E in the case of a tax year in which a car is made available as mentioned in section 114(1) (cars, vans and related benefits) by reason of the employment.

(2) Subsection (3) applies if in the tax year—

(a) an alternative to the benefit of the car is offered, and

(b) the amount that would be earnings within Chapter 1 of Part 3 if the benefit of the car were to be determined by reference to the alternative offered exceeds the benefit code earnings (see subsection (4)).

(3) The amount of the excess is an extra amount to be added under step 2 in section 290E(1).

(4) For the purposes of subsection (2) "the benefit code earnings" is the total for the year of—

(a) the cash equivalent of the benefit of the car (calculated in accordance with Chapter 6 of Part 3 (taxable benefits: cars, vans etc)), and

(b) the cash equivalent (calculated in accordance with that Chapter) of the benefit of any fuel provided for the car by reason of the employment.

(5) Section 290C(2) (provisions of benefits code not applicable to lower-paid ministers of religion) is to be disregarded for the purpose of determining any amount under this section.

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**Textual Amendments**

**F617** Ss. 290C-290G inserted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **s. 13(2)**

### 290G Related employments

(1) This section applies if a person is employed in two or more related employments.

(2) None of the employments is to be regarded as lower-paid employment as a minister of religion in relation to a tax year if—

(a) the total of the earnings rates for the employments for the year (calculated in each case under section 290E) is £8,500 or more, or

(b) any of them is an employment falling outside the exclusion contained in section 290C(2) (provisions of benefits code not applicable to lower-paid ministers of religion).

(3) For the purposes of this section two employments are "related" if—

(a) both are with the same employer, or

(b) one is with a body or partnership ("A") and the other is either—

(i) with an individual, partnership or body that controls A ("B"), or

(ii) with another partnership or body also controlled by B.

(4) Section 69 (extended meaning of "control") applies for the purposes of this section as it applies for the purposes of the benefits code.**]**

**Textual Amendments**

**F617** Ss. 290C-290G inserted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **s. 13(2)**

*MPs, government ministers etc.*

### 291 Termination payments to MPs and others ceasing to hold office

(1) No liability to income tax in respect of earnings arises by virtue of any grant or payment to which this section applies (but see Chapter 3 of Part 6: payments and benefits on termination of employment etc.).

(2) This section applies to grants and payments—

**[**F619(a) made under section 5(1) of the Parliamentary Standards Act 2009 in connection with a person's ceasing to be a member of the House of Commons,**]**

(b) made under section 4 of the Ministerial and other Pensions and Salaries Act 1991 (c. 5) (grants to persons ceasing to hold certain ministerial and other offices),

(c) made under section 3 of the European Parliament (Pay and Pensions) Act 1979 (c. 50) (resettlement grants for persons ceasing to be Representatives), **[**F620or under Article 13 of the Statute for Members of the European Parliament (transitional allowances),**]**

(d) made under section 81(3) of the Scotland Act 1998 (c. 46) to a person—

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(i) ceasing to be a member of the Scottish Parliament on its dissolution, or

(ii) ceasing to hold an office corresponding to a relevant office,

**[**[F621](e) made under section 20(3) of the Government of Wales Act 2006 to a person—

(i) ceasing to be a member of the National Assembly for Wales; or

(ii) ceasing to hold office as the Presiding Officer, Deputy Presiding Officer, or such other office in connection with the Assembly as the Assembly may determine, but continuing to be an Assembly Member,

(ea) made under section 53(3) of the Government of Wales Act 2006 to a person ceasing to be a member of the Welsh Assembly Government...**]**

(f) made under section 48(1) of the Northern Ireland Act 1998 (c. 47) to a person—

(i) ceasing to be a member of the Northern Ireland Assembly on its dissolution, or

(ii) ceasing to hold an office corresponding to a relevant office**[**[F622], or

(g) made under section 26A of the Greater London Authority Act 1999 (payments on ceasing to hold office as Mayor of London or as a member of the London Assembly).**]**

(3) In this section "a relevant office" has the same meaning as in section 4 of the Ministerial and other Pensions and Salaries Act 1991.

**Textual Amendments**

**F619** S. 291(2)(a) substituted (with effect in accordance with s. 15(2) of the amending Act) by Finance Act 2012 (c. 14), **s. 15(1)**

**F620** Words in s. 291(2)(c) inserted (with effect in accordance with s. 56(3) of the amending Act) by Finance Act 2009 (c. 10), **s. 56(2)**

**F621** S. 291(2)(e)(ea) substituted for s. 291(2)(e) (25.5.2007) by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), **Sch. 1 para. 102**

**F622** S. 291(2)(g) and word inserted (with effect in accordance with s. 52(4) of the amending Act) by Finance Act 2008 (c. 9), **s. 52(3)**

## **[**[F623]292 Accommodation expenses of MPs

(1) No liability to income tax arises in respect of a payment made to a member of the House of Commons under section 5(1) of the Parliamentary Standards Act 2009 if the payment is—

(a) expressed to be made in respect of accommodation expenses, or

(b) related to or in consequence of a payment expressed to be so made.

(2) "Accommodation expenses" means expenses necessarily incurred on overnight accommodation that is required for the performance of the member's parliamentary duties in or about the Palace of Westminster or the member's constituency.

(3) But the cost of an overnight stay in a hotel that was required only because, on that night, the member had been required to be at the House of Commons because the House was sitting late does not count as accommodation expenses for the purposes of this section, unless the member had been required to be at the House because it was sitting beyond 1 a.m.

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(4) Subsection (1) does not apply to a loan for a deposit payable at the commencement of a tenancy.

**[**[F624](5) The reference in subsection (1) to a payment made to a member of the House of Commons under section 5(1) of the Parliamentary Standards Act 2009 includes a payment made under that section to another person at the direction of a member (see section 6(7) of that Act).**]]**

**Textual Amendments**

**F623** S. 292 substituted (with effect in accordance with Sch. 4 para. 1(4)(5) of the amending Act) by Finance (No. 2) Act 2010 (c. 31), **Sch. 4 para. 1(2)**

**F624** S. 292(5) inserted (with effect in accordance with s. 37(2) of the amending Act) by Finance Act 2011 (c. 11), **s. 37(1)**

## 293 Overnight expenses of other elected representatives

(1) No liability to income tax arises in respect of a payment to which this section applies if it is expressed to be made in respect of a member's necessary overnight expenses.

(2) This section applies to payments—

(a) made to members of the Scottish Parliament under section 81(2) of the Scotland Act 1998 (c. 46),

(b) made to members of the National Assembly for Wales under **[**[F625]section 20(2) of the Government of Wales Act 2006 or to a member of the Welsh Assembly Government under section 53(2) of that Act**]**, or

(c) made to members of the Northern Ireland Assembly under section 47(2) of the Northern Ireland Act 1998 (c. 47).

(3) In this section "a member's necessary overnight expenses" means additional expenses necessarily incurred by a member for the purpose of performing duties as a member in staying overnight away from the member's only or main residence—

(a) in the area in which the Parliament or Assembly to which the member belongs sits, or

(b) in the constituency or region which the member represents.

**Textual Amendments**

**F625** Words in s. 293(2)(b) substituted (25.5.2007) by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), **Sch. 1 para. 103**

## **[**[F626]293A UK travel and subsistence expenses of MPs

(1) No liability to income tax arises in respect of a payment made to a member of the House of Commons under section 5(1) of the Parliamentary Standards Act 2009 if the payment is expressed to be made—

(a) in respect of relevant UK travel expenses, or

(b) in respect of relevant subsistence expenses.

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(2) "Relevant UK travel expenses" means expenses necessarily incurred on journeys of the following kinds within the United Kingdom—

(a) journeys made by the member that are necessary for the performance of the member's parliamentary duties, and

(b) if the member shares caring responsibilities with a spouse or partner, journeys made by the spouse or partner between the member's London Area residence and the member's constituency residence.

(3) "Relevant subsistence expenses" means expenses necessarily incurred on an evening meal (excluding alcoholic drinks) eaten on the Parliamentary Estate, where the member is required to be at the House of Commons because the House is sitting beyond 7.30 p.m.

(4) "Caring responsibilities" and "London Area" have the same meaning in subsection (2)(b) as they have in the scheme in effect for the time being under section 5 of the Parliamentary Standards Act 2009.**]**

**Textual Amendments**

**F626** S. 293A inserted (with effect in accordance with Sch. 4 para. 2(2)(3) of the amending Act) by Finance (No. 2) Act 2010 (c. 31), **Sch. 4 para. 2(1)**

### [F627 293B UK travel expenses of other elected representatives

(1) No liability to income tax arises in respect of a payment to which this section applies if it is expressed to be made in respect of relevant UK travel expenses.

(2) This section applies to payments—

(a) made to members of the Scottish Parliament under section 81(2) of the Scotland Act 1998,

(b) made to members of the National Assembly for Wales under section 20(2) of the Government of Wales Act 2006 or to a member of the Welsh Assembly Government under section 53(2) of that Act, or

(c) made to members of the Northern Ireland Assembly under section 47(2) of the Northern Ireland Act 1998.

(3) In this section "relevant UK travel expenses" means expenses necessarily incurred on journeys of the following kinds within the United Kingdom—

(a) journeys within subsection (4) made by the member that are necessary for the performance of his or her duties as a member;

(b) if the member shares caring responsibilities with a spouse or partner, journeys made by the spouse or partner between the constituency or region and the member's parliamentary home.

(4) The journeys referred to in subsection (3)(a) are those—

(a) between the constituency or region and the Parliament or Assembly to which the member belongs,

(b) between the constituency or region and the member's parliamentary home, or

(c) within the constituency or region, but not excluded by subsection (5).

(5) A journey is excluded if—

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(a) in the case of a member who has only one local office, it is between the member's local home and that office, and

(b) in any other case, it is between the member's local home and the principal local office.

(6) In this section—

"constituency or region", in relation to a member, means the constituency or region which the member represents and the area within 20 miles of the boundary of that constituency or region;

"local office", in relation to a member, means an office which is situated in the constituency or region and occupied by the member for the purposes of performing duties as a member;

"the member's local home" means a residence of the member situated in the constituency or region;

"the member's parliamentary home" means the member's only or main residence in the area comprising—

(a) the main site of the Parliament or Assembly to which the member belongs, and

(b) the area within 20 miles of that site;

"principal local office", in relation to a member, means the local office most frequently occupied by the member for the purposes of performing duties as a member.

(7) A person has "caring responsibilities" if the person—

(a) has parental responsibility for a dependent child aged under 17 or for a child aged 17 or 18 who is in full-time education, or

(b) is the primary carer for a family member in receipt of—

(i) attendance allowance,

(ii) disability living allowance at the middle or highest rate for personal care,

(iii) the daily living component of personal independence payment, or

(iv) constant attendance allowance at or above the maximum rate with an industrial injuries disablement benefit, or the basic (full day) rate with a war disablement pension.

(8) The Treasury may by order amend the definition of "caring responsibilities" in subsection (7).**]**

**Textual Amendments**

**F627** S. 293B inserted (with effect in accordance with s. 10(2) of the amending Act) by Finance Act 2013 (c. 29), **s. 10(1)**

## [F629294 [F628European] travel expenses of MPs and other representatives

(1) No liability to income tax arises in respect of a sum that is paid to—

(a) a member of the House of Commons under section 5(1) of the Parliamentary Standards Act 2009,

(b) a member of the Scottish Parliament under section 81(2) of the Scotland Act 1998,

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(c) a member of the National Assembly for Wales under section 20(2) of the Government of Wales Act 2006 or a member of the Welsh Assembly Government under section 53(2) of that Act, or

(d) a member of the Northern Ireland Assembly under section 47(2) of the Northern Ireland Act 1998,

and expressed to be made in respect of European travel expenses.**]**

**[**F630(2) "European travel expenses" means the cost of, and any additional expenses incurred in, travelling between the United Kingdom and a relevant European location.

(3) "Relevant European location" means—

(a) a European Union institution or agency, or

(b) the national parliament of—

(i) another member State,

(ii) a candidate or applicant country, or

(iii) **[**F631any other country that is a member of the Council of Europe.**]**

(4) The Treasury may by order amend subsection (3) by—

(a) adding a European location,

(b) removing a European location, or

(c) varying the description of a European location.**]**

**Textual Amendments**

**F628** Word in s. 294 heading substituted (with effect in accordance with s. 82(5) of the amending Act) by Finance Act 2004 (c. 12), **s. 82(4)**

**F629** S. 294(1) substituted (with effect in accordance with Sch. 4 para. 1(4)(5) of the amending Act) by Finance (No. 2) Act 2010 (c. 31), **Sch. 4 para. 3(2)**

**F630** S. 294(2)-(4) substituted (with effect in accordance with s. 82(5) of the amending Act) by Finance Act 2004 (c. 12), **s. 82(3)**

**F631** S. 294(3)(b)(iii) substituted (with effect in accordance with Sch. 4 para. 3(4)(5) of the amending Act) by Finance (No. 2) Act 2010 (c. 31), **Sch. 4 para. 3(3)**

## 295 Transport and subsistence for Government ministers etc.

(1) No liability to income tax arises in respect of the provision of transport or subsistence provided or made available by or on behalf of the Crown to—

(a) the holder of a ministerial office, or

(b) a member of the family or household of the holder of a ministerial office.

(2) No liability to income tax arises in respect of payments and reimbursements by or on behalf of the Crown of expenses incurred in connection with the provision of transport or subsistence to a person within subsection (1).

(3) "Ministerial office" means—

(a) an office in Her Majesty's Government in the United Kingdom,

(b) any other office which is one of the offices and positions in respect of which salaries are payable under section 1 of the Ministerial and other Salaries Act 1975 (c. 27), and

(c) an office under one of the following Acts which corresponds to an office within paragraph (a) or (b)—

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(i) the Scotland Act 1998 (c. 46),
(ii) **[**F632the Government of Wales Act 2006**]**, or
(iii) the Northern Ireland Act 1998 (c. 47).

(4) In determining whether a particular person holds an office within subsection (3)(b), it is irrelevant whether or not a salary is paid or payable to that person under the Ministerial and other Salaries Act 1975.

(5) In this section references to the provision of transport to a person include references to—

(a) the provision or making available to that person of a vehicle with or without a driver,

(b) the provision of fuel for a vehicle provided or made available to that person, and

(c) the provision of any other benefit in connection with such a vehicle.

(6) In this section—

(a) "subsistence" includes food and drink and temporary living accommodation, and

(b) "vehicle" means a mechanically propelled road vehicle.

**Textual Amendments**

**F632** Words in s. 295(3)(c)(ii) substituted (25.5.2007) by The Government of Wales Act 2006 (Consequential Modifications and Transitional Provisions) Order 2007 (S.I. 2007/1388), **Sch. 1 para. 105**

*I*F633*Members of local authorities etc*

**Textual Amendments**

**F633** S. 295A and cross-heading inserted (with effect in accordance with s. 29(7) of the amending Act) by Finance (No. 2) Act 2015 (c. 33), **s. 29(5)**

### 295A Travel expenses of members of local authorities etc

(1) No liability to income tax arises in respect of a qualifying payment made to a member of a relevant authority for travel expenses incurred by the member if—

(a) the payment is for expenses other than those related to the member's use of a vehicle to which Chapter 2 applies, and

(b) the expenses are not excluded by subsection (2).

(2) Expenses are excluded by this subsection if—

(a) they are incurred on a journey between the member's home and permanent workplace, and

(b) the member's home is situated more than 20 miles outside the boundary of the area of the relevant authority.

(3) In this section "permanent workplace" has the same meaning as in Part 5 (see section 339).

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(4) The Treasury may by regulations—

(a) provide for bodies specified in the regulations (which must be local authorities or bodies that have similar or related functions or purposes) to be relevant authorities for the purposes of this section,

(b) provide for references in this section to a member of a relevant authority to be read as references to a member of a description prescribed in the regulations, and

(c) define what is meant by "qualifying payment" for the purposes of this section.

(5) The regulations may contain transitional provision and savings.**]**

*Armed forces*

### 296 Armed forces' leave travel facilities

(1) No liability to income tax arises in respect of—

(a) the provision of travel facilities for a member of the armed forces of the Crown going on or returning from leave, or

(b) a payment made in respect of such travel.

(2) In subsection (1) "travel facilities" does not include a vehicle.

### 297 Armed forces' food, drink and mess allowances

(1) No liability to income tax arises in respect of allowances if—

(a) they are payable out of the public revenue to any description of members of the armed forces of the Crown, and

(b) the Treasury certifies that they are payable to them instead of food or drink normally supplied to members of the armed forces.

(2) No liability to income tax arises in respect of allowances if—

(a) they are payable out of the public revenue in respect of any description of members of the armed forces of the Crown, and

(b) the Treasury certifies that they are so payable as a contribution to the expenses of a mess.

### **[**F634**297A Armed forces: the Operational Allowance**

(1) No liability to income tax arises in respect of payments to members of the armed forces of the Crown of the Operational Allowance.

(2) The Operational Allowance is an allowance designated as such **[**F635under a Royal Warrant made under section 333 of the Armed Forces Act 2006**]** .**]**

**Textual Amendments**

**F634** S. 297A inserted (with effect in accordance with s. 64(2) of the amending Act) by Finance Act 2007 (c. 11), **s. 64(1)**

**F635** Words in s. 297A(2) substituted (with effect in accordance with s. 16(5) of the amending Act) by Finance Act 2012 (c. 14), **s. 16(2)**

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### [F636 297B Armed forces: the Council Tax Relief

(1) No liability to income tax arises in respect of payments of the Council Tax Relief to members of the armed forces of the Crown.

(2) Payments of the Council Tax Relief are payments designated as such **[**F637 under a Royal Warrant made under section 333 of the Armed Forces Act 2006**]** .**]**

**Textual Amendments**

**F636** S. 297B inserted (with effect in accordance with s. 51(2) of the amending Act) by Finance Act 2008 (c. 9), **s. 51(1)**

**F637** Words in s. 297B(2) substituted (with effect in accordance with s. 16(5) of the amending Act) by Finance Act 2012 (c. 14), **s. 16(3)**

### [F638 297C Armed forces: Continuity of Education Allowance

(1) No liability to income tax arises in respect of payments of the Continuity of Education Allowance to or in respect of members of the armed forces of the Crown during their employment under the Crown or after their deaths.

(2) The Continuity of Education Allowance is an allowance designated as such under a Royal Warrant made under section 333 of the Armed Forces Act 2006.**]**

**Textual Amendments**

**F638** S. 297C inserted (with effect in accordance with s. 16(5) of the amending Act) by Finance Act 2012 (c. 14), **s. 16(4)**

### [F639 297D Armed forces: accommodation allowances

(1) No liability to income tax arises in respect of payments of accommodation allowances to, or in respect of, a member of the armed forces of the Crown.

(2) An "accommodation allowance" is an allowance—

(a) payable out of the public revenue,

(b) for, or towards, costs of accommodation, and

(c) in respect of which any conditions specified in regulations made by the Treasury are met.

(3) The provision that may be made by regulations under subsection (2)(c) includes provision framed by reference to a scheme (by whatever name called), or document, as it has effect from time to time.

(4) Regulations under this section may make—

(a) different provision for different cases, and

(b) different provision for different areas.

(5) Regulations under this section that do not increase any person's liability to income tax may have effect in relation to times before they are made.**]**

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**Textual Amendments**

**F639** S. 297D inserted (with effect in accordance with s. 8(2) of the amending Act) by Finance Act 2018 (c. 3), **s. 8(1)**; S.I. 2019/1160, reg. 2

### 298 Reserve and auxiliary forces' training allowances

No liability to income tax arises in respect of the following sums if they are payable out of the public revenue to members of the reserve and auxiliary forces of the Crown—

(a) training expenses allowances, and

(b) bounties payable in consideration of the members undertaking certain training and attaining a particular standard of efficiency.

*Crown employees*

### 299 Crown employees' foreign service allowances

(1) No liability to income tax arises in respect of an allowance paid to a person in employment under the Crown if it is certified to represent compensation for the extra cost of being obliged to live outside the United Kingdom in order to perform the duties of the employment.

(2) A certificate under subsection (1) may only be given by—

(a) the Treasury,

(b) the Secretary of State,

(c) the Lord Chancellor,

(d) the Chancellor of the Exchequer,

(e) the Minister for the Civil Service,

(f) the Lord President of the Council,

(g) the Lord Privy Seal, or

(h) the Attorney General.

*[F640 Voluntary office-holders*

**Textual Amendments**

**F640** S. 299A and cross-heading inserted (6.4.2018) by The Enactment of Extra-Statutory Concessions Order 2018 (S.I. 2018/282), arts. 1, **2(2)**

### 299A Voluntary office-holders: compensation for lost employment income

(1) No liability to income tax arises in respect of a payment made by a relevant authority to a person if—

(a) the person holds a voluntary office with the authority,

(b) the person carries out duties of the office in a period in which he or she is also employed, and

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(c) the payment is made solely to compensate the person for lost employment income for the period (and accordingly does not exceed the amount of that income).

(2) For the purposes of subsection (1) a person holds a voluntary office if, at the time the payment referred to in that subsection is made, the person—

(a) is not entitled to any payment or benefit in connection with carrying out the duties of the office,

(b) has not received any such payment or benefit, and

(c) does not expect to receive any such payment or benefit.

(3) For the purposes of subsection (2)(a), (b) and (c) disregard—

(a) a payment **[**[F641](whether an advance payment or a reimbursement)**]** in respect of reasonable expenses incurred in carrying out the duties of the office, and

(b) a payment to which subsection (1) or section 16A of ITTOIA 2005 applies.

(4) In subsection (1)(c) "lost employment income" means the difference between—

(a) the amount of employment income, after deduction of tax and national insurance contributions, that the person would have received from the employment for the period if he or she had not carried out the duties of the office, and

(b) the amount of employment income, after deduction of tax and national insurance contributions, that the person did receive from the employment for the period.

(5) In subsection (1) "relevant authority" means any of the following—

*Government*

A government department

The Welsh Ministers and the Counsel General to the Welsh Government

The Scottish Ministers

The holder of an office in the Scottish Administration which, for the purposes of the Scotland Act 1998, is not a ministerial office (see section 126(8) of that Act)

A Northern Ireland department

*Local government*

A county, district or parish council in England

The council of a London borough

The Common Council of the City of London

The Greater London Authority

The Council of the Isles of Scilly

A county, county borough or community council in Wales

A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 or community council in Scotland

A district council in Northern Ireland

*Trade unions*

An organisation the name of which is entered in the list maintained by the Certification Officer under section 2 of the Trade Union and Labour Relations (Consolidation) Act 1992

An organisation the name of which is entered in the list maintained by the Certification Officer for Northern Ireland under Article 5 of the Industrial Relations (Northern Ireland) Order 1992 (S.I. 1992/807 (N.I. 5))

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*Local medical committees*

A Local Medical Committee (see section 97(4) of the National Health Service Act 2006)

*Other public bodies*

A body (other than a company) that is established by or under a statutory provision for the purpose of carrying out functions conferred on it by or under a statutory provision.

(6) In this section—

"company" means a company as defined by section 1 of the Companies Act 2006;

references to a relevant authority include a company the activities of which consist solely of carrying out some or all of the functions of that authority, otherwise than for profit;

"statutory provision" includes any provision made by or under an Act of Parliament, an Act of the Scottish Parliament, any Northern Ireland legislation, or any Act or Measure of the National Assembly for Wales.

(7) Section 16A of ITTOIA 2005 (voluntary office-holders: compensation for lost profits) contains equivalent provision for holders of a voluntary office who carry on a trade, profession or vocation.**]**

**Textual Amendments**

**F641** Words in s. 299A(3)(a) inserted (with effect in relation to the tax year 2020-21 and subsequent tax years) by Finance Act 2020 (c. 14), **s. 14(2)(3)**

### [F642 299B Voluntary office-holders: payments in respect of expenses

(1) No liability to income tax arises in respect of a payment to a person who holds a voluntary office if the payment is in respect of reasonable expenses incurred in carrying out the duties of that office.

(2) It does not matter whether—

(a) the payment is an advance payment or a reimbursement;

(b) the person who makes the payment is the person with whom the office is held.

(3) Subsections (2) and (3) of section 299A apply for the purposes of subsection (1) of this section as they apply for the purposes of subsection (1) of that section.**]**

**Textual Amendments**

**F642** S. 299B inserted (with effect in relation to the tax year 2020-21 and subsequent tax years) by Finance Act 2020 (c. 14), **s. 14(1)**(3)

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*Consuls, foreign agents etc.*

### 300 Consuls

(1) No liability to income tax arises in respect of income arising from the office of a consul in the United Kingdom in the service of a foreign state.

(2) Such income is also to be disregarded in estimating the amount of income for any income tax purposes.

(3) In this section "consul" means a person recognised by Her Majesty as being a consul-general, consul, vice-consul or consular agent.

### 301 Official agents

(1) No liability to income tax arises in respect of income arising from employment as an official agent in the United Kingdom for a foreign state if conditions A and B are met.

(2) Condition A is that the employee is neither—

(a) a Commonwealth citizen, nor

(b) a citizen of the Republic of Ireland.

(3) Condition B is that the functions of the employment are not exercised in connection with a trade, business or other undertaking carried on for the purposes of profit.

(4) Such income is also to be disregarded in estimating the amount of income for any income tax purposes.

(5) In this section "official agent" means a person who is not a consul (as defined in section 300) but is employed on the staff of—

(a) a consulate, or

(b) an official department or agency of a foreign state.

(6) Subsection (5)(b) does not apply to a department or agency which carries on a trade, business or other undertaking for the purposes of profit.

### 302 Consular employees

(1) No liability to income tax arises in respect of income arising from employment in the United Kingdom as a consular employee for a foreign state if—

(a) Her Majesty by Order in Council directs that this section applies to the foreign state for the purpose of giving effect to a reciprocal arrangement with that state, and

(b) condition A or B is met.

(2) Condition A is that the employee is a national of the foreign state.

(3) Condition B is that the employee is not a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen.

(4) In this section—

"consular employee" includes any person employed for the purposes of the official business of a consular officer at—

(a) any consulate,

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(b) any consular establishment, or

(c) any other premises used for those purposes, and

"reciprocal arrangement" means a consular convention or other arrangement with a foreign state, making similar provision to that made by this section **[**F643, sections 646A and 681A of this Act and section 771 of ITTOIA 2005 (relevant foreign income of consular officers and employees)**]** in the case of Her Majesty's consular officers or employees in that state.

(5) An Order in Council under subsection (1) may limit the operation of this section in relation to a state in any way appearing to Her Majesty necessary or expedient having regard to the arrangement with the state.

(6) Such an Order—

(a) may be made so as to have effect from a date earlier than that on which it is made, but not earlier than the arrangement in question comes into force, and

(b) may contain such transitional provisions as appear to Her Majesty necessary or expedient.

(7) A statutory instrument containing such an Order is subject to annulment in pursuance of a resolution of the House of Commons.

(8) This section does not affect section 301 (official agents).

**Textual Amendments**

**F643** Words in s. 302(4) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 591** (with Sch. 2)

*Visiting forces and staff of designated allied headquarters*

## 303 Visiting forces [F644etc]

(1) No liability to income tax arises in respect of earnings if—

(a) they are paid by the government of a designated country to a member of a visiting force of that country or of a civilian component of such a force, and

(b) that person is not a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen.

(2) For the purposes of subsection (1)—

(a) members of the armed forces of a designated country who are attached to a designated **[**F645international military**]** headquarters are treated as a visiting force of that country, and

(b) whether a person is a member of a civilian component of such a force is to be determined accordingly.

(3) No liability to income tax arises in respect of earnings if they are paid by a designated allied headquarters to an employee of a category for the time being agreed between Her Majesty's government in the United Kingdom and the other members of the North Atlantic Council.

(4) But where the employee is a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen, subsection (3) only applies

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if it is necessary for it to do so to give effect to an agreement between parties to the North Atlantic Treaty.

**[**F646(4A) No liability to income tax arises in respect of earnings if—

(a) they are paid by the government of a designated country to a person belonging to the EU civilian staff, and

(b) that person is not a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen.**]**

(5) Subsections (1) and (2) are to be interpreted as if—

(a) they were in Part 1 of the Visiting Forces Act 1952 (c. 67), and

(b) references in that Act to a country to which a provision of that Act applies were references to a designated country.

(6) In this section—

"allied headquarters" means an international military headquarters established under the North Atlantic Treaty, ...

"designated" means designated for the purpose in question by or under an Order in Council made for giving effect to an international agreement**[**F647, and

" the EU civilian staff " means designated for the purpose in question by or under an Order in Council made for giving effect to an international agreement.

(a) civilian personnel seconded by a member State to an EU institution for the purposes of activities (including exercises) relating to the preparation for, and execution of, tasks mentioned in Article 43(1) of the Treaty on European Union (tasks relating to a common security and defence policy), as amended from time to time, and

(b) civilian personnel (other than locally hired personnel)—

(i) made available to the EU by a member State to work with designated international military headquarters or a force of a designated country, or

(ii) otherwise made available to the EU by a member State for the purposes of activities of the kind referred to in paragraph (a).**]**

**Textual Amendments**

**F644** Words in s. 303 heading substituted (17.7.2012) by Finance Act 2012 (c. 14), **Sch. 37 para. 4(5)**

**F645** Words in s. 303(2)(a) substituted (17.7.2012) by Finance Act 2012 (c. 14), **Sch. 37 para. 4(2)**

**F646** S. 303(4A) inserted (17.7.2012) by Finance Act 2012 (c. 14), **Sch. 37 para. 4(3)**

**F647** Words in s. 303(6) inserted (17.7.2012) by Finance Act 2012 (c. 14), **Sch. 37 para. 4(4)(b)**

*Detached national experts*

## 304 Experts seconded to European Commission

(1) No liability to income tax arises in respect of daily subsistence allowances paid by the European Commission to persons whose services are made available to the Commission by their employers under the detached national experts scheme.

(2) "The detached national experts scheme" means—

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(a) the scheme relating to national experts seconded to the European Commission which was established by the Commission on 26th July 1988, as it has effect for the time being, or

(b) any scheme having effect for the time being which replaces that scheme.

### [F648 304A Experts seconded to other European Union bodies

(1) No liability to income tax arises in respect of any subsistence allowances paid by a relevant EU body to persons who, because of their expertise in matters relating to the subject matter of the functions of the relevant EU body, have been seconded to the body by their employers.

(2) Each of the following is a "relevant EU body"—

(a) the European Medicines Agency, established as the European Agency for the Evaluation of Medicinal Products by Council Regulation (EEC) No 2309/93 of 22 July 1993,

(b) the European Police College, established by Council Decision of 20 September 2005 (2005/681/JHA),

(c) the European Banking Authority, established by Regulation (EU) No 1093/2010 of 24 November 2010, and

(d) any other body established by an EU instrument which is designated as a relevant EU body for the purposes of this section by an order made by the Treasury.**]**

**Textual Amendments**

**F648** S. 304A inserted (with effect in accordance with s. 38(2) of the amending Act) by Finance Act 2011 (c. 11), **s. 38(1)**

*Offshore oil and gas workers*

### 305 Offshore oil and gas workers: mainland transfers

(1) No liability to income tax arises in respect of—

(a) the provision for an employee who has a permanent workplace at an offshore installation of—

(i) transfer transport,

(ii) related accommodation and subsistence, or

(iii) local transport, or

(b) the payment or reimbursement of reasonable expenses incurred by such an employee on such transport or accommodation and subsistence.

(2) Subsection (1)(a)(ii) only applies if the related accommodation and subsistence is provided at reasonable cost.

(3) In this section "transfer transport" means transport by sea or air between the mainland of Great Britain or Northern Ireland and the offshore installation, which meets conditions A and B.

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(4) Condition A is that the place of arrival or departure on the mainland is one to or from which transport between the mainland and the offshore installation is provided for employees generally.

(5) Condition B is that the cost of the transport would not be deductible under Part 5 if the employee incurred and paid it.

(6) In this section—

"related accommodation and subsistence" means overnight accommodation and subsistence in the vicinity of the place of departure or arrival on the mainland, which is necessary because of the time at which transfer transport is to be taken,

"local transport" means transport between a place where the employee is provided with related accommodation and subsistence and the place of departure or arrival on the mainland,

. . . . . .

"workplace" and "permanent workplace" have the meaning given by section 339.

*Miners etc.*

### 306 Miners etc: coal and allowances in lieu of coal

(1) No liability to income tax arises in respect of the provision of coal or smokeless fuel or an allowance paid in lieu of such provision if the employee is a colliery worker and the condition in subsection (2) is met.

(2) That condition is that the amount of coal or fuel provided or in respect of which the allowance is paid does not substantially exceed the amount reasonably required for personal use.

(3) That condition is assumed to be met unless the contrary is shown.

(4) In this section "colliery worker" means a coal miner or any other person employed at or about a colliery otherwise than in clerical, administrative or technical work.

*I[F649] Carers*

**Textual Amendments**

**F649** S. 306A and cross-heading inserted (with effect in accordance with s. 14(4) of the amending Act) by Finance Act 2015 (c. 11), **s. 14(2)**

### 306A Carers: board and lodging

(1) For the purposes of this section an individual is employed as a home care worker if the duties of the employment consist wholly or mainly of the provision of personal care to another individual ("the recipient") at the recipient's home, in a case where the recipient is in need of personal care because of—

(a) old age,

(b) mental or physical disability,

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(c) past or present dependence on alcohol or drugs,
(d) past or present illness, or
(e) past or present mental disorder.

(2) No liability to income tax arises by virtue of Chapter 10 of Part 3 (taxable benefits: residual liability to charge) in respect of the provision of board or lodging (or both) to an individual employed as a home care worker if the provision is—
(a) on a reasonable scale,
(b) at the recipient's home, and
(c) by reason of the individual's employment as a home care worker.**]**

### *[F650 Professional sportspersons*

**Textual Amendments**

**F650** S. 306B and cross-heading inserted (with effect in accordance with Sch. 2 para. 4(1) of the amending Act) by Finance Act 2016 (c. 24), **Sch. 2 para. 2**

### 306B Limited exemption for sporting testimonial payments

(1) This section applies to any sporting testimonial payments which are—
(a) made out of money raised by a sporting testimonial ("the sporting testimonial"), and
(b) treated by virtue of section 226E as earnings of a person ("S").

(2) No liability to income tax arises in respect of sporting testimonial payments to which this section applies.

(3) Subsection (2) has effect subject to and in accordance with the following provisions.

(4) It only applies—
(a) if the controller of the relevant event or activity (or of all the relevant events or activities in a series) constituting the sporting testimonial is an independent person,
(b) if S has not already benefitted from an exemption under this section in relation to one or more sporting testimonial payments made out of money raised by another sporting testimonial, and
(c) where the sporting testimonial consists of a series of relevant events or activities taking place over more than a year, if the sporting testimonial payment is made out of money raised by events or activities taking place within the period of one year beginning with the day on which the first event or activity in the series took place.

(5) It only applies to the first £100,000 of sporting testimonial payments made out of money raised by the sporting testimonial.

(6) If sporting testimonial payments are made (out of money raised by the sporting testimonial) in two or more tax years, any part of the exempt amount that is not used in the first of those years is to be carried forward to the next tax year (and so on).

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(7) This section applies to sporting testimonial payments made to or to the order of the personal representatives of S (where S has died) but only if the payments are made within the period of 24 months beginning with the date of death.

(8) In subsection (4)(a) "independent person" means a person who is not (or where the controller is a committee, a committee none of whose members are)—

(a) S or a person connected with S,

(b) an employer or former employer of S or a person connected with an employer or former employer of S, or

(c) a person acting for or on behalf of a person mentioned in paragraph (a) or (b).

(9) If the first relevant event or activity in a series took place before 6 April 2017, subsection (4)(c) has effect as if it referred to the year beginning with 6 April 2017.

(10) Section 993 of ITA 2007 (meaning of "connected" persons) has effect for the purposes of this section.

(11) Terms used in this section and section 226E have the same meaning as in that section.**]**

## CHAPTER 9

EXEMPTIONS: PENSION PROVISION

### 307 Death or retirement benefit provision

(1) No liability to income tax arises by virtue of Chapter 10 of Part 3 (taxable benefits: residual liability to charge) in respect of provision made by an employee's employer **[**F651under a registered pension scheme or otherwise**]** for a retirement or death benefit.

**[**F652(1A) Subsection (1) does not apply to provision made for insuring against the risk that a retirement or death benefit under an employer-financed retirement benefits scheme cannot be paid or given because of the employer's insolvency.

(1B) In subsection (1A) "employer-financed retirement benefits scheme" has the same meaning as in Chapter 2 of Part 6 (see section 393A).**]**

(2) In **[**F653this section**]** "retirement or death benefit" means a pension, annuity, lump sum, gratuity or other similar benefit which will be paid or given to the employee **[**F654, or paid or given in respect of the employee to any other individual or to a charity, **]** in the event of the employee's retirement or death.

**Textual Amendments**

**F651** Words in s. 307(1) inserted (6.4.2006) by Finance Act 2004 (c. 12), **ss. 201(1)**, 284(1) (with Sch. 36)

**F652** S. 307(1A)(1B) inserted (6.4.2006) by Finance Act 2004 (c. 12), **ss. 248(2)**, 284(1) (with Sch. 36)

**F653** Words in s. 307(2) substituted (6.4.2006) by Finance Act 2004 (c. 12), **ss. 248(3)**, 284(1) (with Sch. 36)

**F654** Words in s. 307(2) substituted (with effect in accordance with s. 11(2) of the amending Act) by Finance Act 2019 (c. 1), **s. 11(1)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### [F655 308 Exemption of contributions to registered pension scheme

No liability to income tax arises in respect of earnings where an employee's employer makes contributions under a registered pension scheme [F656 in respect of the employee].]

**Textual Amendments**

**F655** S. 308 substituted (6.4.2006) by Finance Act 2004 (c. 12), **ss. 201(2)**, 284(1) (with Sch. 36)

**F656** Words in s. 308 inserted (with effect in accordance with s. 11(2) of the amending Act) by Finance Act 2013 (c. 29), **s. 11(1)**

### [F657 308A Exemption of contributions to overseas pension scheme

(1) No liability to income tax arises in respect of earnings where an employer makes contributions under a qualifying overseas pension scheme in respect of an employee who is a relevant migrant member of the pension scheme.

(2) In subsection (1)—

"qualifying overseas pension scheme", and

"relevant migrant member",

have the same meaning as in Schedule 33 to FA 2004 (overseas pension schemes: migrant member relief).]

**Textual Amendments**

**F657** S. 308A inserted (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 33 para. 3** (with Sch. 36)

### [F658 308B Independent advice in respect of conversions and transfers of pension scheme benefits

(1) No liability to income tax arises in respect of—

(a) the provision to an employee or former employee of appropriate independent advice, or

(b) the payment or reimbursement, to or in respect of an employee or former employee, of the cost of such advice,

if conditions A to C are met.

(2) Condition A is that the provision, payment or reimbursement is required by regulations under section 49 or 52 of the Pension Schemes Act 2015 (power to require employer to arrange independent advice in respect of conversions and transfers).

(3) If condition A is met only as respects part of the payment or reimbursement because the amount of the payment or reimbursement exceeds the amount required to be paid or reimbursed, subsection (1) applies in respect of that part.

(4) Condition B is that the provision, payment or reimbursement is not pursuant to relevant salary sacrifice arrangements.

(5) Condition C is that such other requirements as may be specified in regulations made by the Treasury are satisfied in relation to the provision, payment or reimbursement.

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(6) In this section—

"appropriate independent advice"—

(a) in relation to England and Wales and Scotland, has the meaning given by regulations under section 48 of the Pension Schemes Act 2015;

(b) in relation to Northern Ireland, has the meaning given by regulations under section 51 of that Act;

"relevant salary sacrifice arrangements" means arrangements (whenever made, whether before or after the employment began) under which an employee gives up the right to receive an amount of general earnings or specific employment income in return for the provision of appropriate independent advice or the payment or reimbursement of the cost of such advice.**]**

**Textual Amendments**

**F658** S. 308B inserted (with effect in accordance with s. 54(3) of the amending Act) by Pension Schemes Act 2015 (c. 8), **ss. 54(1)**, 89(3)(b) (with s. 87)

## [F659 308C Provision of pensions advice: limited exemption

(1) No liability to income tax arises in respect of—

(a) the provision of relevant pensions advice to an employee or former or prospective employee, or

(b) the payment or reimbursement of costs incurred, by or in respect of an employee or former or prospective employee, in obtaining relevant pensions advice,

if Condition A or B is met.

(2) But subsection (1) does not apply in relation to a person in a tax year so far as the value of the exemption in the person's case in that year exceeds £500.

(3) The "value of the exemption", in relation to a person and a tax year, is the amount exempted by subsection (1) from income tax in the person's case in that year, disregarding subsection (2) for this purpose.

(4) If in a tax year there is in relation to an individual more than one person who is an employer or former employer, subsections (1) to (3) apply in relation to the individual as employee or former or prospective employee of any one of those persons separately from their application in relation to the individual as employee or former or prospective employee of any other of those persons.

(5) "Relevant pensions advice", in relation to a person, means information, or advice, in connection with—

(a) the person's pension arrangements, or

(b) the use of the person's pension funds.

(6) Condition A is that the relevant pensions advice, or payment or reimbursement, is provided under a scheme that is open—

(a) to the employer's employees generally, or

(b) generally to the employer's employees at a particular location.

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(7) Condition B is that the relevant pensions advice, or payment or reimbursement, is provided under a scheme that is open generally to the employer's employees, or generally to those of the employer's employees at a particular location, who—

(a) have reached the minimum qualifying age, or

(b) meet the ill-health condition.

(8) The "minimum qualifying age", in relation to an employee, means the employee's relevant pension age less 5 years.

(9) "Relevant pension age", in relation to an employee, means—

**[**F660(a) if any of paragraphs 22, 23, 23ZB or 23ZC of Schedule 36 to FA 2004 apply in relation to the employee, the lowest protected pension age that applies as a result of those paragraphs (in relation to the employee or, as the case may be, to sums or assets that relate to the employee), or**]**

(b) in any other case, the employee's normal minimum pension age, as defined by section 279(1) of FA 2004.

(10) The "ill-health condition" is met by an employee if the employer is satisfied, on the basis of evidence provided by a registered medical practitioner, that the employee is (and will continue to be) incapable of carrying on his or her occupation because of physical or mental impairment.**]**

**Textual Amendments**

**F659** S. 308C inserted (with effect in accordance with s. 3(5) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 3(1)**

**F660** S. 308C(9)(a) substituted (24.2.2022) by Finance Act 2022 (c. 3), **s. 10(7)**

## CHAPTER 10

EXEMPTIONS: TERMINATION OF EMPLOYMENT

*Redundancy payments*

### 309 Limited exemptions for statutory redundancy payments

(1) No liability to income tax in respect of earnings arises by virtue of a redundancy payment or an approved contractual payment, except where subsection (2) applies.

(2) Where an approved contractual payment exceeds the amount which would have been due if a redundancy payment had been payable, the excess is liable to income tax.

(3) No liability to income tax in respect of employment income other than earnings arises by virtue of a redundancy payment or an approved contractual payment, except where it does so by virtue of Chapter 3 of Part 6 (payments and benefits on termination of employment etc.).

(4) For the purposes of this section—

(a) a statutory payment in respect of a redundancy payment is to be treated as paid on account of the redundancy payment, and

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(b) a statutory payment in respect of an approved contractual payment is to be treated as paid on account of the approved contractual payment.

(5) In this section—

"approved contractual payment" means a payment to a person on the termination of the person's employment under an agreement in respect of which an order is in force under section 157 of ERA 1996 or Article 192 of ER(NI)O 1996,

"redundancy payment" means a redundancy payment under Part 11 of ERA 1996 or Part 12 of ER(NI)O 1996, and

"statutory payment" means a payment under section 167(1) of ERA 1996 or Article 202(1) of ER(NI)O 1996.

(6) In subsection (5) "employment", in relation to a person, has the meaning given in section 230(5) of ERA 1996 or Article 3(5) of ER(NI)O 1996.

*Outplacement benefits*

### 310 Counselling and other outplacement services

(1) No liability to income tax arises in respect of—

(a) the provision of services to a person in connection with the cessation of the person's employment, or

(b) the payment or reimbursement of—

(i) fees for such provision, or

(ii) travelling expenses incurred in connection with such provision,

if conditions A to D and, in the case of travel expenses, condition E are met.

(2) Condition A is that the only or main purpose of the provision of the services is to enable the person to do either or both of the following—

(a) to adjust to the cessation of the employment, or

(b) to find other gainful employment (including self-employment).

(3) Condition B is that the services consist wholly of any or all of the following—

(a) giving advice and guidance,

(b) imparting or improving skills,

(c) providing or making available the use of office equipment or similar facilities.

(4) Condition C is that the person has been employed ... in the employment which is ceasing throughout the period of 2 years ending—

(a) at the time when the services begin to be provided, or

(b) if earlier, at the time when the employment ceases.

(5) Condition D is that the opportunity to receive the services, on similar terms as to payment or reimbursement of any expenses incurred in connection with their provision, is available—

(a) generally to employees or former employees of the person's employer in that employment, or

(b) to a particular class or classes of them.

(6) Condition E is that the travel expenses are expenses—

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(a) in respect of which, on the assumptions in subsection (7), mileage allowance relief under Chapter 2 of this Part would be available if no mileage allowance payments had been made, or

(b) which, on those assumptions, would be deductible under Part 5.

(7) The assumptions are—

(a) that receiving the services is one of the duties of the employee's employment,

(b) that the employee incurs and pays the expenses, and

(c) if the employment has in fact ceased, that it continues.

(8) In this section "mileage allowance payments" has the meaning given by section 229(2).

### 311 Retraining courses

(1) No liability to income tax arises in respect of the payment or reimbursement of retraining course expenses by a person ("the employer") if the course conditions, the employment conditions and, in the case of travel expenses, the conditions in subsection (5) are met.

(2) In subsection (1) "retraining course expenses" means—

(a) fees for the attendance of another person ("the employee") at a training course,

(b) travelling expenses incurred in connection with it,

(c) fees for an examination taken during or at the end of it, or

(d) the cost of any books which are essential for a person attending it.

(3) The course conditions are that—

(a) the course provides training designed to impart or improve skills or knowledge relevant to, and intended to be used in the course of, gainful employment (including self-employment) of any description,

(b) it is entirely devoted to the teaching or practical application (or both) of the skills or knowledge, **[**F661and**]**

(c) it lasts no more than **[**F662two years**]**. ...

(d) . . . . . .

(4) The employment conditions are that—

(a) the employee begins the course while employed by the employer or within the period of one year after the employment ceases,

(b) the employee ceases to be employed by the employer before the end of the period of 2 years beginning at the end of the course and is not re-employed by the employer within the period of 2 years after so ceasing,

(c) the employee is employed ... in the employment which is ceasing throughout the period of 2 years ending—

(i) when the employee begins the course, or

(ii) if earlier, when the employment ceases, and

(d) the opportunity to undertake the course, on similar terms as to payment or reimbursement of amounts within subsection (1), is available—

(i) generally to the employee's fellow employees or former fellow employees in that employment, or

(ii) to a particular class or classes of them.

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(5) The travel expenses must be—

(a) expenses in respect of which, on the assumptions in subsection (6), mileage allowance relief under Chapter 2 of this Part would be available if no mileage allowance payments had been made, or

(b) expenses which, on those assumptions, would be deductible under Part 5.

(6) The assumptions are—

(a) that attendance at the course is one of the duties of the employee's employment,

(b) that the employee incurs and pays the expenses, and

(c) if the employee has in fact ceased to be employed by the employer, that the employee continues to be employed by the employer.

(7) In this section "mileage allowance payments" has the meaning given by section 229(2).

**Textual Amendments**

**F661** Word in s. 311(3)(b) inserted (with effect in accordance with s. 18(5) of the amending Act) by Finance Act 2005 (c. 7), **s. 18(3)(a)**

**F662** Words in s. 311(3)(c) substituted (with effect in accordance with s. 18(5) of the amending Act) by Finance Act 2005 (c. 7), **s. 18(3)(b)**

## 312 Recovery of tax

(1) This section applies if—

(a) a person's liability to tax for a tax year has been determined on the assumption that section 311(1) applies, and

(b) subsequently—

(i) the condition in section 311(4)(a) is not met because of the person's failure to begin the course within the period of one year after ceasing to be employed, or

(ii) the condition in section 311(4)(b) is not met because of the person's continued employment or re-employment.

(2) An assessment of an amount or further amount of tax due as a result of the condition not being met may be made under section 29(1) of TMA 1970.

(3) Such an assessment must be made before the end of the period of 6 years immediately following the end of the tax year in which subsection (1) first applies.

(4) If subsection (1)(b)(i) or (ii) applies, the person's employer or former employer must give **[**F154an officer of Revenue and Customs**]** a notice containing particulars of the person's failure to begin the course or continued employment or re-employment within 60 days of coming to know of it.

(5) If **[**F154an officer of Revenue and Customs**][**F663has**]** reason to believe that a person has failed to give such a notice, **[**F664the officer**]** may by notice require the person to provide such information as **[**F664the officer**]** may reasonably require for the purposes of this section about—

(a) the failure to begin the course,

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(b) the continued employment, or

(c) the re-employment.

(6) A notice under subsection (5) may specify a time (not less than 60 days) within which the required information must be provided.

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F663** Word in s. 312(5) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 111**; S.I. 2005/1126, art. 2(2)(h)

**F664** Words in s. 312(5) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 103(1)(f)**; S.I. 2005/1126, art. 2(2)(h)

## [F665CHAPTER 10A

EXEMPTIONS: BONUS PAYMENTS BY CERTAIN EMPLOYERS

**Textual Amendments**

**F665** Pt. 4 Ch. 10A inserted (with effect in accordance with Sch. 37 para. 8 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 37 para. 5**

### 312A Limited exemption for qualifying bonus payments

(1) This section applies in relation to qualifying bonus payments made, in a tax year ("the tax year"), by an employer which is a company to an employee or former employee of the employer.

(2) No liability to income tax arises in respect of the qualifying bonus payments if, or to the extent that, the total chargeable amount in respect of those payments does not exceed £3,600 ("the exempt amount").

(3) If qualifying bonus payments are made to the same person by two or more employers in the tax year, subsection (2) applies separately in relation to the total payments made by each employer, unless subsection (4) applies.

(4) If two or more employers are members of the same group at the time each of them first makes a qualifying bonus payment to the employee or former employee in the tax year, subsection (2) applies as if the reference to the qualifying bonus payments were to all the qualifying bonus payments made by those employers to the employee or former employee in that tax year.

(5) If, in a tax year—

(a) an employer makes a payment when it is a member of a group, and

(b) later in that tax year the employer ceases to be a member of that group,

the employer is treated for the purposes of this section as remaining a member of that group for the remainder of the tax year (without prejudice to it also being a member of any other group).

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(6) In applying subsection (2)—

(a) the exempt amount is set against payments in the order in which they are made, and

(b) if two or more payments are made on the same day, which together take the total payments made in the tax year over the exempt amount, subsection (7) applies to determine the amount of each of those payments which is exempt.

(7) In a case within subsection (6)(b), the amount of a payment which is exempt is given by the formula—

$$P \quad SP \times REA$$

where—

P is the amount of the payment,

SP is the sum of that payment and the other payments made on the same day, and

REA is so much of the exempt amount as remains after taking account of any qualifying bonus payments previously made in the tax year.

(8) Where subsection (2) applies separately to different payments by virtue of subsection (3), subsections (6) and (7) also apply to those payments separately.

(9) The Treasury may by order increase or reduce the sum of money specified in subsection (2).

(10) A statutory instrument containing an order under this section which reduces the sum of money specified may not be made unless a draft of it has been laid before and approved by a resolution of the House of Commons.

(11) In this section "chargeable amount", in respect of a qualifying bonus payment, means the amount of employment income which would be charged to tax in respect of that qualifying bonus payment, apart from this section.

### 312B "Qualifying bonus payments"

(1) A payment made by an employer ("E") to an employee or former employee is a qualifying bonus payment if—

(a) it does not consist of regular salary or wages,

(b) it is awarded under a scheme which meets the participation requirement and the equality requirement (see section 312C),

(c) E meets the trading requirement (see section 312D) throughout the qualifying period,

(d) E meets the indirect employee-ownership requirement (see section 312E) throughout the qualifying period,

(e) E meets the office-holder requirement (see section 312F) at the time the payment is made and on at least the requisite number of days in the qualifying period (whether or not those days are consecutive),

(f) E is not a service company (see section 312G),

(g) the payment is not excluded (see section 312H), and

(h) where it is a payment to a former employee, it is made in the period of 12 months beginning with the day the employment ceased.

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(2) In this section "the qualifying period", in relation to a payment, means the period of 12 months ending with the day on which the payment is made.

(3) But in a case where E meets the indirect employee-ownership requirement on the day on which the payment is made—

(a) if the controlling interest requirement was first met during that 12 month period, the qualifying period does not include any time before it was met, and

(b) if the all-employee benefit requirement was first met during that 12 month period, the qualifying period does not include any time before that requirement was met.

(4) In this section "the requisite number of days" means—

(a) if the qualifying period is 12 months, the number of days in that period reduced by 90, and

(b) if the qualifying period is a shorter period by virtue of subsection (3), the number of days in that period reduced by the corresponding fraction of 90 days.

### 312C Section 312B: the participation and equality requirements

(1) For the purposes of section 312B—

(a) the participation requirement is that all persons in relevant employment when the award is determined must be eligible to participate in that and any other award under the scheme, and

(b) the equality requirement is that every employee who participates in an award under the scheme must do so on the same terms.

(2) A person is in "relevant employment" if—

(a) where E is a member of a group, the person is employed by any company which is a member of the group, and

(b) in any other case, the person is employed by E.

**[** F666(2A) The participation requirement is not infringed by reason of the exclusion of directors of the company from participating in an award.**]**

(3) The participation requirement is not infringed by reason of a person in relevant employment being excluded from participating in an award because, at the time the award is determined, the person has less than the minimum period of continuous service in relevant employment required by E.

But the minimum period required by E for this purpose must not exceed 12 months.

(4) The participation requirement is not infringed—

(a) by reason of a person being excluded from participating in an award where—

(i) disciplinary proceedings have been taken against the person by E which have resulted in a finding of gross misconduct against the person, and

(ii) that finding was made in the period of 12 months immediately before the time the award is determined,

(b) by reason of a person's eligibility to participate in an award being conditional, in a case where the person is at the time of the award subject to disciplinary

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proceedings taken by E, upon those proceedings being concluded and no finding of gross misconduct being made against that person, or

(c) by a person being treated as never having been eligible to participate in an award where, after the award was made but before the payment is made—

(i) a finding of gross misconduct is made against that person in disciplinary proceedings taken by E after the award was made, or

(ii) that person is summarily dismissed from the employment.

(5) The equality requirement is infringed if the amount of an award to an employee under the scheme is determined by reference to factors other than those mentioned in subsection (6).

(6) The equality requirement is not infringed by reason of the amount of an award under the scheme to employees participating in the award being determined by reference to—

(a) an employee's remuneration,

(b) an employee's length of service, or

(c) hours worked by an employee;

but this is subject to subsections (7) and (8).

(7) The equality requirement is infringed if an award is made on terms such that some (but not all) of the employees participating in the award receive nothing.

(8) If the amount of an award is determined by reference to more than one of the factors mentioned in subsection (6), the equality requirement is infringed unless—

(a) each factor gives rise to a separate entitlement related to the level of remuneration, length of service or (as the case may be) hours worked, and

(b) the total entitlement is the sum of those separate entitlements.

(9) Subject to subsection (6), the equality requirement is infringed if any feature of the scheme has, or is likely to have, the effect of conferring benefits wholly or mainly on those participating in the award who are—

(a) directors or former directors, or

(b) employees receiving the higher or highest levels of remuneration, or

(c) employees who—

(i) are employed in a particular part of the business carried on by E or, if E is a member of a group, the group, or

(ii) carry on particular kinds of activities.

(10) In subsections (1)(b), (5), (6), (7) and (9) references to an employee include a former employee, so, when applying those subsections in relation to a former employee, any reference to remuneration, length of service, hours worked, being employed in a particular part of a business or carrying on particular activities is to be read as relating to that former employment.

**Textual Amendments**

**F666** S. 312C(2A) inserted (with effect in accordance with Sch. 6 para. 8(2) of the amending Act) by Finance Act 2025 (c. 8), **Sch. 6 para. 8(1)**

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### 312D Section 312B: the trading requirement

(1) For the purposes of section 312B, a company meets the trading requirement if—

(a) it is a trading company which is not a member of a group, or

(b) it is a member of a trading group.

(2) "Trading company" means a company carrying on trading activities whose activities do not include to a substantial extent activities other than trading activities.

(3) "Trading group" means a group—

(a) one or more of whose members carry on trading group activities, and

(b) the activities of whose members, taken together, do not include to a substantial extent activities other than trading group activities.

(4) In this section—

"trading activities" means activities carried on by the company in the course of, or for the purposes of, a trade being carried on by it;

"trading group activities" means activities carried on by a member of the group in the course of, or for the purposes of, a trade being carried on by any member of the group.

(5) For the purposes of determining whether a company is a trading company or a member of a trading group—

(a) the activities of the members of a group are to be treated as one business (with the result that activities are disregarded to the extent that they are intra-group activities), and

(b) a business carried on by a company in partnership with one or more other persons is to be treated as not being a trading activity.

### 312E Section 312B: the indirect employee-ownership requirement

(1) For the purposes of section 312B, a company meets the indirect employee-ownership requirement if—

(a) a settlement meets the controlling interest requirement in respect of—

(i) the company, or

(ii) if the company is a member of a trading group, but not the principal company, that principal company, and

(b) the settlement meets the all-employee benefit requirement.

(2) For this purpose—

(a) section 236M of TCGA 1992 applies to determine if a settlement meets the controlling interest requirement in respect of the company mentioned in subsection (1)(a)(i) or (ii) (as the case may be), and

(b) sections 236J and 236K of that Act apply to determine if the settlement meets the all-employee benefit requirement (but see subsection (3)).

(3) If a settlement would not otherwise meet the all-employee benefit requirement at any time during the qualifying period, section 236L of TCGA 1992 applies for the purposes of subsection (1)(b), unless the all-employee benefit requirement has (ignoring that section) previously been met at any time in the period—

(a) beginning with 10 December 2013, and

(b) ending immediately before that time.

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(4) For the purposes of subsections (2) and (3)—

(a) in sections 236I to 236M of TCGA 1992 references to C are to be read as references to the company in respect of which the settlement is required to meet the controlling interest requirement (see subsection (1)(a)), and

(b) section 236L of that Act applies as if the reference in subsection (1)(c) of that section to the period of 12 months ending with the time in question were a reference to the period of 12 months ending with the date the payment is made (even if the qualifying period is a period of less than 12 months by virtue of section 312B(3)).

### 312F Section 312B: the office-holder requirement

(1) For the purposes of section 312B, a company meets the officer-holder requirement if the appropriate fraction does not exceed 2/5.

(2) "The appropriate fraction" means—

$$\frac{ND}{NE}$$

where—

ND is the number of persons who are one or both of the following—

(a) a director or other office-holder of the company;

(b) an employee of the company connected with a person within paragraph (a);

NE is the number of persons who are employees (or office-holders) of the company.

### 312G "Service company"

(1) For the purposes of section 312B, "service company" means—

(a) a managed service company within the meaning of section 61B, or

(b) a company ("SC") in respect of which Conditions A and B are met.

(2) Condition A is that the business carried on by SC consists substantially of the provision of the services of persons employed by it.

(3) Condition B is that the majority of those services are provided to persons—

(a) to whom subsection (4) applies, but

(b) who are not members of the same group as the company which makes the payment.

(4) This subsection applies to—

(a) a person who controls or has controlled, or two or more persons who together control or have controlled, SC or any company of which SC is a 51% subsidiary at the time the payment is made,

(b) a person who, or two or more persons who together, at any time before the time the payment is made—

(i) employed all or a majority of the employees of SC, or

(ii) employed all or a majority of the employees of SC and other companies which are members of the same group as SC at the time the payment is made (taken together), and

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(c) any company which is a 51% subsidiary of, controlled by or connected or associated with, any person within paragraph (a) or (b).

(5) For the purposes of subsection (4)—

(a) a partnership is to be treated as a single person, and

(b) where a partner (alone or together with others) has control of a company, the partnership is to be treated as having (in the same way) control of that company.

(6) The following provisions apply for the purposes of this section—

(a) section 449 of CTA 2010 ("associated company");

(b) section 995 of ITA 2007 (meaning of "control");

(c) section 286 of TCGA 1992 (connected persons: interpretation).

### 312H Excluded payments

(1) For the purposes of section 312B, a payment is "excluded" if the employee is a party to arrangements (whether made before or after the beginning of the employee's employment) under which—

(a) the employee gives up the right to receive an amount of general earnings or specific employment income in return for the provision of the payment, or

(b) the employee and employer agree that the employee is to receive the payment rather than receive some other description of employment income.

(2) In this section references to an employee include a former employee.

### 312I Interpretation of Chapter 10A

(1) In this Chapter—

"company" has the meaning given by section 170(9) of TCGA 1992;

"trade" means any trade which is conducted on a commercial basis and with a view to the realisation of profits.

(2) In this Chapter—

(a) references to a group, to membership of a group, to the principal company of a group or to being members of the same group, are to be construed in accordance with section 170 of TCGA 1992, and

(b) references to a group are to be construed with any necessary modifications where applied to a company incorporated under the law of a country or territory outside the United Kingdom.

(3) For the purposes of this Chapter, a payment is treated as made when it would be treated as received for the purposes of Chapter 4 of Part 2 if it were not a qualifying bonus payment (see section 18).

(4) In this Chapter references to a payment to an employee or former employee include a payment to the personal representatives of an employee or former employee who has died if the payment is made within the period of 12 months beginning with the date of death.**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## CHAPTER 11

MISCELLANEOUS EXEMPTIONS

*Living accommodation*

### 313 Repairs and alterations to living accommodation

(1) This section applies where living accommodation is provided by reason of a person's employment.

(2) No liability to income tax arises by virtue of Chapter 10 of Part 3 (taxable benefits: residual liability to charge) in respect of—

(a) alterations and additions to the premises which are of a structural nature, or

(b) landlord's repairs to the premises.

(3) In this section "landlord's repairs" means repairs of a kind which are the obligation of the lessor under the covenants implied by section 11(1) of the Landlord and Tenant Act 1985 (c. 70) (lessor's repairing obligations in short leases) where premises are let under a lease to which that section applies.

### 314 Council tax etc. paid for certain living accommodation

(1) This section applies if living accommodation provided for an employee falls within the exception in one of the following provisions—

section 99(1) (accommodation necessary for proper performance of duties),

section 99(2) (accommodation provided for better performance of duties), or

section 100 (accommodation provided as a result of security threat).

(2) No liability to income tax arises by virtue of—

(a) any payment to, for or on behalf of the employee, or

(b) any reimbursement of any payment by the employee,

in respect of council tax or rates, or water or sewerage charges, in respect of the accommodation.

### 315 Limited exemption for expenses connected with certain living accommodation

(1) This section applies if—

(a) living accommodation is provided for an employee in a tax year, and

(b) conditions A and B are met.

(2) Condition A is that the accommodation falls within the exception in one of the following provisions—

section 99(1) (accommodation necessary for proper performance of duties),

section 99(2) (accommodation provided for better performance of duties), or

section 100 (accommodation provided as a result of security threat).

(3) Condition B is that there is an amount of earnings from the employment in the tax year by virtue of expenditure, or the reimbursement to the employee of expenditure, on—

(a) heating, lighting or cleaning the premises,

(b) repairs to the premises, their maintenance or decoration, or

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(c) the provision in the premises of furniture, equipment or other items which are normal for domestic occupation.

(4) If this section applies, no liability to income tax arises in respect of the earnings mentioned in subsection (3) to the extent that they exceed—

$$\left(10\% \times \mathrm{NE} \times \frac{\mathrm{DA}}{\mathrm{DE}}\right)\text{-SMG}$$

where—

DA is the number of reckonable days in the tax year (a "reckonable day" being a day on which—

(a) the accommodation is provided, and

(b) the employment is held by the employee),

DE is—

(a) the number of days in that year, or

(b) if the employment is held for only part of that year, the number of days in that part,

NE is the net amount of the earnings from the employment in the tax year (see subsection (5)),

SMG is, where the expenses are incurred by a person other than the employee, so much of any sum made good by the employee to that other person as is properly attributable to the expenses.

(5) To calculate the net amount of the earnings from the employment—

*Step 1*

Take the earnings from the employment, leaving out of account the expenses in question.

*Step 2*

Add, in the case of employment by a company, the earnings from any employment by an associated company.

A company is "associated" with another for this purpose if one has control of the other or both are under the control of the same person.

*Step 3*

Deduct any deductions allowable under—

(a) section 232 (giving effect to mileage allowance relief) or Part 5 of this Act,

**[**[F667](b) sections 188 to 194 of FA 2004 (contributions to registered pension schemes), or**]**

(c) section 262 of CAA 2001 (capital allowances to be given effect by treating them as deductions from earnings).

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**Textual Amendments**

**F667** Words in s. 315(5) substituted (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 35 para. 59** (with Sch. 36)

*Work accommodation, supplies etc.*

### 316 Accommodation, supplies and services used in employment duties

(1) No liability to income tax arises by virtue of Chapter 10 of Part 3 (taxable benefits: residual liability to charge) in respect of the provision for an employee of accommodation, supplies or services used by the employee in performing duties of the employment if conditions A and B are met.

(2) Condition A is that any use of the accommodation, supplies or services for private purposes by the employee or members of the employee's family or household is not significant.

(3) For this purpose, use "for private purposes" means—

(a) use that is not use in performing the duties of the employee's employment, and

(b) use that is at the same time both use in performing the duties of an employee's employment and other use.

(4) Condition B is that where the provision is otherwise than on premises occupied by the person making it—

(a) its sole purpose is to enable the employee to perform the duties of the employee's employment, and

(b) what is provided is not an excluded benefit.

(5) The following are excluded benefits unless regulations under subsection (6) provide otherwise—

(a) a motor vehicle, boat or aircraft, and

(b) a benefit that involves—

(i) the extension, conversion or alteration of living accommodation, or

(ii) the construction, extension, conversion or alteration of a building or other structure on land adjacent to and enjoyed with such accommodation.

(6) The Treasury may make provision by regulations as to what is an excluded benefit for the purposes of subsection (4)(b).

(7) The regulations may provide that a benefit is an excluded benefit only if such conditions as may be prescribed are met as to the terms on which, and persons to whom, it is provided.

### [F668316ZAccommodation, supplies and services used in employment duties: payment or reimbursement of expenses

(1) No liability to income tax arises in respect of the payment or reimbursement of expenses incurred by an employee on behalf of the employer in respect of the provision

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for the employee of accommodation, supplies or services if conditions A and B are met.

(2) Condition A is that, at the time the accommodation, supplies or services are first provided, the intention of the employer is that—

(a) they will be used by the employee in performing duties of the employment, and

(b) any use of them for private purposes by the employee or members of the employee's family or household will not be significant.

(3) Condition B is that where the provision is otherwise than on premises occupied by the employer—

(a) its sole purpose is to enable the employee to perform the duties of the employee's employment, and

(b) what is provided is not an excluded benefit.

(4) In this section "for private purposes" and "excluded benefit" have the same meaning as in section 316.**]**

**Textual Amendments**

**F668** S. 316ZA inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), **s. 20(2)**(7)

### **[F669316AHomeworker's additional household expenses**

(1) This section applies where an employer makes a payment to an employee in respect of reasonable additional household expenses which the employee incurs in carrying out duties of the employment at home under homeworking arrangements.

(2) No liability to income tax arises in respect of the payment.

(3) In this section, in relation to an employee—

"homeworking arrangements" means arrangements between the employee and the employer under which the employee regularly performs some or all of the duties of the employment at home; and

"household expenses" means expenses connected with the day to day running of the employee's home.**]**

**Textual Amendments**

**F669** S. 316A inserted (with effect in accordance with s. 137(2) of the amending Act) by Finance Act 2003 (c. 14), **s. 137(1)**

*Workplace meals*

### 317 Subsidised meals

**[F670**(1) No liability to income tax arises in respect of the provision for an employee by the employer of free or subsidised meals if they are provided—

(a) in a canteen, or

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(b) on the employer's business premises,

and conditions A to **[**[F671]D**]** are met.**]**

(2) Condition A is that the meals are provided on a reasonable scale.

(3) Condition B is that all the employer's employees or all of them at a particular location may obtain one or both of the following—

(a) a free or subsidised meal, or

(b) a free or subsidised meal voucher or token.

(4) Condition C is that if the meals are provided in the restaurant or dining room of a hotel or a catering or similar business at a time when meals are being served to the public—

(a) part of the restaurant or dining room is designated for the use of employees only, and

(b) the meals are taken in that part.

**[**[F672](4A) Condition D is that the provision is not pursuant to—

(a) relevant salary sacrifice arrangements, or

(b) relevant flexible remuneration arrangements.**]**

(5) In this section "free or subsidised meal voucher or token" means a voucher, ticket, pass or other document or token which—

(a) is intended to enable a person to obtain a meal, and

(b) is provided to the employee free of charge or for less than the cost of the meals to be obtained by it.

**[**[F673](5A) In this section—

"relevant salary sacrifice arrangements" means arrangements (whenever made, whether before or after the employment began) under which the employee gives up the right to receive an amount of general earnings or specific employment income in return for the provision of free or subsidised meals;

"relevant flexible remuneration arrangements" means arrangements (whenever made, whether before or after the employment began) under which the employee and employer agree that the employee is to be provided with free or subsidised meals rather than receive some other description of employment income.**]**

(6) In this section "meals" includes light refreshments.

**Textual Amendments**

**F670** S. 317(1) substituted (with effect in accordance with Sch. 17 para. 1(2) of the amending Act) by Finance Act 2004 (c. 12), **Sch. 17 para. 1(1)**

**F671** Word in s. 317(1) substituted (with effect for the tax year 2011-12 and subsequent tax years in accordance with s. 60(5) of the amending Act) by Finance Act 2010 (c. 13), **s. 60(2)**

**F672** S. 317(4A) inserted (with effect for the tax year 2011-12 and subsequent tax years in accordance with s. 60(5) of the amending Act) by Finance Act 2010 (c. 13), **s. 60(3)**

**F673** S. 317(5A) inserted (with effect for the tax year 2011-12 and subsequent tax years in accordance with s. 60(5) of the amending Act) by Finance Act 2010 (c. 13), **s. 60(4)**

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Childcare*

### [F674318 Childcare: exemption for employer-provided care

(1) **[**F675No liability to income tax arises**]** in respect of the provision for an employee of care for a child if conditions A to D are met.

For the meaning of "care" and "child", see section 318B.

(2) If those conditions are met only as respects part of the provision, no such liability arises in respect of that part.

(3) Condition A is that the child—

(a) is a child or stepchild of the employee and is maintained (wholly or partly) at the employee's expense,

(b) is resident with the employee, or

(c) is a person in respect of whom the employee has parental responsibility.

For the meaning of "parental responsibility", see section 318B.

(4) Condition B is that—

(a) the premises on which the care is provided are not used wholly or mainly as a private dwelling, and

(b) any applicable registration requirement is met.

(5) The registration requirements are—

**[**F676(za) in England, that under ... Part 3 of the Childcare Act 2006;**]**

(a) in ... Wales, that under **[**F677Part 2 of the Children and Families (Wales) Measure 2010**]**;

(b) in Scotland, that under **[**F678Part 5 of the Public Services Reform (Scotland) Act 2010**]** ;

(c) in Northern Ireland, that under Part XI of the Children (Northern Ireland) Order 1995.

(6) Condition C is that—

(a) the premises on which the care is provided are made available by the scheme employer alone, or

(b) the partnership requirements are met.

In this section "scheme employer" means the employer operating the scheme under which the care is provided (who need not be the employer of the employee).

(7) The partnership requirements are—

(a) that the care is provided under arrangements made by persons who include the scheme employer,

(b) that the premises on which it is provided are made available by one or more of those persons, and

(c) that under the arrangements the scheme employer is wholly or partly responsible for financing and managing the provision of the care.

(8) Condition D is that the care is provided under a scheme that is open—

(a) to the scheme employer's employees generally, or

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(b) generally to those of the scheme employer's employees at a particular location,

and that the employee to whom it is provided is either an employee of the scheme employer or is an employee working at the same location as employees of the scheme employer to whom the scheme is open.**]**

**Textual Amendments**

**F674** Ss. 318-318D substituted for s. 318 (with effect in accordance with s. 78(2) of the amending Act) by Finance Act 2004 (c. 12), **Sch. 13 para. 1**

**F675** Words in s. 318(1) substituted (with effect in accordance with s. 16(7) of the amending Act) by Finance Act 2005 (c. 7), **s. 16(5)**

**F676** S. 318(5)(za) inserted (1.9.2008) by The Income Tax (Qualifying Child Care) Regulations 2008 (S.I. 2008/2170), regs. 1, **2(a)**

**F677** Words in s. 318(5)(a) substituted (6.4.2011) by The Income Tax (Qualifying Child Care) Regulations 2011 (S.I. 2011/775), regs. 1, **2**

**F678** Words in s. 318(5)(b) substituted (28.10.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications of Enactments) Order 2011 (S.I. 2011/2581), art. 1(2)(b), **Sch. 2 para. 6(a)**

## **[F674318AChildcare: limited exemption for other care**

(1) If conditions A to **[**F679D**]** are met in relation to the provision for an **[**F680eligible**]** employee of care for a **[**F681child—

(a) no liability to income tax arises by virtue of section 62 (general definition of earnings), and

(b) liability to income tax by virtue of Chapter 10 of Part 3 (taxable benefits: residual liability to charge) arises only in respect of so much of the **[**F682amount treated as earnings in respect of the benefit by virtue of section 203(1) or 203A(1) (as the case may be)**]** as exceeds the exempt amount.**]**

For **[**F683the meaning of "eligible employee", see section 318AZA, and for**]** the meaning of "care" and "child", see section 318B.

(2) If those conditions are met only as respects part of the provision, subsection (1) applies in respect of that part.

(3) Condition A is that the child—

(a) is a child or stepchild of the employee and is maintained (wholly or partly) at the employee's expense, or

(b) is resident with the employee and is a person in respect of whom the employee has parental responsibility.

For the meaning of "parental responsibility", see section 318B.

(4) Condition B is that the care is qualifying child care.

For the meaning of "qualifying child care", see section 318C.

(5) Condition C is that the care is provided under a scheme that is open—

(a) to the employer's **[**F684eligible**]** employees generally, or

(b) generally to those at a particular location.

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**[** Where the scheme under which the care is provided involves—

F685(5A) (a) relevant salary sacrifice arrangements, or

(b) relevant flexible remuneration arrangements,

Condition C is not prevented from being met by reason only that the scheme is not open to relevant low-paid employees.

(5B) In subsection (5A)—

"relevant salary sacrifice arrangements" means arrangements (whenever made) under which the employees for whom the care is provided give up the right to receive an amount of general earnings or specific employment income in return for the provision of the care;

"relevant flexible remuneration arrangements" means arrangements (whenever made) under which the employees for whom the care is provided agree with the employer that they are to be provided with the care rather than receive some other description of employment income;

"relevant low-paid employees" means any of the employer's employees who are remunerated by the employer at a rate such that, if the relevant salary sacrifice arrangements or relevant flexible remuneration arrangements applied to them, the rate at which they would then be so remunerated would be likely to be lower than the national minimum wage.**]**

**[** Condition D is that the employer has, at the required time, made an estimate of the F686(5C) employee's relevant earnings amount for the tax year in respect of which the care is provided (see section 318AA).**]**

(6) For the purposes of this section the "exempt amount", in any tax year, is **[**F687the appropriate amount**]** for each qualifying week in that year.

**[** In subsection (6) "the appropriate amount", in the case of an employee, means—

F688(6A) (a) if the relevant earnings amount in the case of the employee for the tax year, as estimated in accordance with subsection (5C), exceeds the higher rate limit for the tax year, **[**F689£25**]** ,

(b) if the relevant earnings amount in the case of the employee for the tax year, as so estimated, exceeds the basic rate limit for the tax year but does not exceed the higher rate limit for the tax year, £28, and

(c) otherwise, £55.**]**

(7) A "qualifying week" means a tax week in which care is provided for a child in circumstances in which conditions A to C are met.

A "tax week" means one of the successive periods in a tax year beginning with the first day of that year and every seventh day after that (so that the last day of a tax year or, in the case of a tax year ending in a leap year, the last two days is treated as a separate week).

(8) An employee is only entitled to one exempt amount even if care is provided for more than one child.

But it does not matter that another person may also be entitled to an exempt amount in respect of the same child.

(9) An employee is not entitled to an exempt amount under this section and under section 270A (limited exemption for childcare vouchers) in respect of the same tax week.**]**

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**Textual Amendments**

**F674** Ss. 318-318D substituted for s. 318 (with effect in accordance with s. 78(2) of the amending Act) by Finance Act 2004 (c. 12), **Sch. 13 para. 1**

**F679** Word in s. 318A(1) substituted (with effect in accordance with Sch. 8 paras. 7-10 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 8 para. 4(2)**

**F680** Word in s. 318A(1) inserted (21.4.2017) by Childcare Payments Act 2014 (c. 28), **ss. 64(2)(a)**, 75(2); S.I. 2017/578, reg. 3(f) (with reg. 8)

**F681** Words in s. 318A(1) substituted (with effect in accordance with s. 16(7) of the amending Act) by Finance Act 2005 (c. 7), **s. 16(6)**

**F682** Words in s. 318A(1)(b) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 55**

**F683** Words in s. 318A(1) inserted (21.4.2017) by Childcare Payments Act 2014 (c. 28), **ss. 64(2)(b)**, 75(2); S.I. 2017/578, reg. 3(f) (with reg. 8)

**F684** Word in s. 318A(5)(a) inserted (21.4.2017) by Childcare Payments Act 2014 (c. 28), **ss. 64(3)**, 75(2); S.I. 2017/578, reg. 3(f) (with reg. 8)

**F685** S. 318A(5A)(5B) inserted (with effect in accordance with s. 36(3) of the amending Act) by Finance Act 2011 (c. 11), **s. 36(2)**

**F686** S. 318A(5C) inserted (with effect in accordance with Sch. 8 paras. 7-10 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 8 para. 4(3)**

**F687** Words in s. 318A(6) substituted (with effect in accordance with Sch. 8 paras. 7-10 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 8 para. 4(4)**

**F688** S. 318A(6A) inserted (with effect in accordance with Sch. 8 paras. 7-10 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 8 para. 4(5)**

**F689** Word in s. 318A(6A)(a) substituted (with effect in accordance with art. 1(2) of the amending S.I.) by The Income Tax (Exempt Amount for Childcare Vouchers and for Employer Contracted Childcare) Order 2013 (S.I. 2013/513), arts. 1(2), **2(3)**

### [F690 318AZA Meaning of "eligible employee"

(1) An employee is an eligible employee for the purposes of section 318A if conditions A to C are met in relation to the employee.

(2) Condition A is that the employee—

(a) was employed by the employer immediately before the relevant day, and

(b) has not ceased to be employed by the employer on or after that day.

(3) "The relevant day" means the day specified by the Treasury in regulations for the purposes of this section.

(4) Condition B is that there has not been a period of 52 tax weeks ending on or after the relevant day which has not included at least one qualifying week.

(5) In subsection (4)—

"qualifying week" means a tax week in which care for a child has been provided for the employee under the scheme by the employer in circumstances in which conditions A to D in section 318A are met, and

"tax week" has the meaning given by section 318A(7).

(6) Condition C is that the employee has not given the employer a childcare account notice.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(7) A "childcare account notice" is a written notice informing the employer that the employee wishes to leave the scheme in order to be able to open a childcare account under section 17 of the Childcare Payments Act 2014 or enable the employee's partner to do so.

(8) In subsection (7) "partner" is to be read in accordance with regulations made under section 3(5) of that Act.

(9) For the meaning of "care" and "child", see section 318B.**]**

**Textual Amendments**

**F690** S. 318AZA inserted (21.4.2017) by Childcare Payments Act 2014 (c. 28), **ss. 64(4)**, 75(2); S.I. 2017/578, reg. 3(f) (with reg. 8)

### [F691 318AA Meaning of "relevant earnings amount" and "required time"

(1) For the purposes of section 318A, "relevant earnings amount", in the case of an employee provided with care by an employer for any qualifying week in a tax year, means—

(a) the aggregate of—

(i) the amount of any relevant earnings for the tax year from employment by the employer, and

(ii) any amounts treated under Chapters 2 to 12 of Part 3 as earnings from such employment, less

(b) the aggregate of any excluded amounts.

(2) But if the employee becomes employed by the employer during the tax year, what would otherwise be the amount of the aggregate mentioned in subsection (1)(a) is the relevant multiple of that amount; and the relevant multiple is—

$$\frac{365}{RD}$$

where RD is the number of days in the period beginning with the day on which the employee becomes employed by the employer and ending with the tax year.

(3) In subsection (1)—

"relevant earnings" has the same meaning as in subsection (1)(a) of section 270B (see subsection (3) of that section), and

"excluded amounts" has the same meaning as in subsection (1)(b) of section 270B (see subsection (4) of that section).

(4) In section 318A "the required time", in the case of an employee, means—

(a) if the employee joins the scheme under which the care is provided at a time during the tax year, that time, and

(b) otherwise, the beginning of the tax year.

(5) For the purposes of subsection (5)(a) the employee is taken to join the scheme as soon as—

(a) the employer has agreed that care will be provided under the scheme for the employee, and

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(b) there is a child falling within section 318A(3)(a) or (b) in relation to the employee.

(6) The Treasury may by order amend this section.**]**

**Textual Amendments**

**F691** S. 318AA inserted (with effect in accordance with Sch. 8 paras. 7-10 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 8 para. 5**

### **[F674318BChildcare: meaning of "care", "child" and "parental responsibility"**

(1) For the purposes of sections **[**F692318 to 318AZA**]** (exemptions for employer-provided or employer-contracted childcare) "care" means any form of care or supervised activity that is not provided in the course of the child's compulsory education.

(2) For the purposes of those sections a person is a "child" until the last day of the week in which falls the 1st September following the child's fifteenth birthday (or sixteenth birthday if the child is disabled).

(3) For the purposes of subsection (2) a child is disabled if—

(a) a disability living allowance **[**F693or personal independence payment**]** is payable in respect of him, or has ceased to be payable solely because he is a patient,

**[**F694(aa) disability assistance is given in respect of the child in accordance with regulations made under section 31 of the Social Security (Scotland) Act 2018,**]**

**[**F695(b) he is certified as severely sight impaired or blind by a consultant ophthalmologist, or**]**

(c) he ceased to be **[**F696certified as severely sight impaired or blind by a consultant ophthalmologist**]** within the previous 28 weeks.

(4) In subsection (3)(a) "patient" means a person (other than a person who is serving a sentence imposed by a court in a prison or youth custody institution or, in Scotland, a young offenders' institution) who is regarded as receiving free in-patient treatment within the meaning of the Social Security (Hospital In-Patients) Regulations 1975 or the Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975.

(5) For the purposes of sections 318 and 318A "parental responsibility" means all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and the child's property.

(6) In this section and section 318C "local authority" means—

(a) in relation to England, the council of a county or district, a metropolitan district, a London Borough, the Common Council of the City of London or the Council of the Isles of Scilly;

(b) in relation to Wales, the council of a county or county borough;

(c) in relation to Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994.**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F674** Ss. 318-318D substituted for s. 318 (with effect in accordance with s. 78(2) of the amending Act) by Finance Act 2004 (c. 12), **Sch. 13 para. 1**

**F692** Words in s. 318B(1) substituted (21.4.2017) by Childcare Payments Act 2014 (c. 28), **ss. 64(5)**, 75(2); S.I. 2017/578, reg. 3(f) (with reg. 8)

**F693** Words in s. 318B(3)(a) inserted (with effect in accordance with s. 12(2) of the amending Act) by Finance Act 2013 (c. 29), **s. 12(1)**

**F694** S. 318B(3)(aa) inserted (26.7.2021) by The Social Security (Scotland) Act 2018 (Disability Assistance, Young Carer Grants, Short-term Assistance and Winter Heating Assistance) (Consequential Provision and Modifications) Order 2021 (S.I. 2021/886), arts. 1(2), **4(2)**

**F695** S. 318B(3)(b) substituted (1.4.2015) by The Income Tax (Qualifying Child Care) Regulations 2015 (S.I. 2015/346), regs. 1, **2(2)(a)**

**F696** Words in s. 318B(3)(c) substituted (1.4.2015) by The Income Tax (Qualifying Child Care) Regulations 2015 (S.I. 2015/346), regs. 1, **2(2)(b)**

## [F674 318C Childcare: meaning of "qualifying child care"

(1) For the purposes of section 318A "qualifying child care" means registered or approved care within any of subsections (2) to (6) below that is not excluded by subsection (7) below.

(2) Care provided for a child in England is registered or approved care if it is provided—

(a) . . . . . .

(b) . . . . . .

**[** F697(ba) by a person registered under Part 3 of the Childcare Act 2006,**]**

**[**F698(c) by or under the direction of the proprietor of a school on the school premises (subject to subsection (2B)),**][**F699or**]**

(d) . . . . . .

(e) . . . . . .

...

(ea) . . . . . .

(eb) . . . . . .

**[**F700(f) by a carer supplied by a person registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the activity within paragraph 1 of Schedule 1 (regulated activities: personal care) to the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014.**]**

(g) . . . . . .

**[** F701(2A) In subsection (2)(c)—

"proprietor", in relation to a school, means—

(a) the governing body incorporated under section 19 of the Education Act 2002, or

(b) if there is no such body, the person or body of persons responsible for the management of the school;

"school" means a school that Her Majesty's Chief Inspector of Education, Children's Services and Skills (the "Chief Inspector") is or may be required to inspect;

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"school premises" means premises that may be inspected as part of an inspection of the school by the Chief Inspector.

(2B) Care provided for a child in England is not registered or approved care under subsection (2)(c) if—

(a) it is provided during school hours for a child who has reached compulsory school age, or

(b) it is provided in breach of a requirement to register under Part 3 of the Childcare Act 2006.**]**

(3) Care provided for a child in Wales is registered or approved care if it is provided—

(a) by a person registered under **[**F702Part 2 of the Children and Families (Wales) Measure 2010**]**,

**[**F703(b) by a person in circumstances where, but for article 11, 12 or 14 of the Child Minding and Day Care Exceptions (Wales) Order 2010, the care would be day care for the purposes of Part 2 of the Children and Families (Wales) Measure 2010,**]**

(c) in the case of care provided for a child out of school hours ..., by a school on school premises or by a local authority, ...

(d) by a child care provider approved by an organisation accredited under the Tax Credit (New Category of Child Care Provider) Regulations 1999 **[**F704...

**[**F705(e) by a person who is employed or engaged under a contract for services to provide care and support by the provider of a domiciliary support service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016**]]**...

**[**F706(f) by a child care provider approved under the Tax Credits (Approval of Child Care Providers) (Wales) Scheme 2007 **[**F707or the Approval of Home Childcare Providers (Wales) Scheme 2021**]]**

**[**F708(g) by a foster parent in relation to a child (other than one whom the foster parent is fostering) in circumstances where, but for the fact that the child is too old, the care would be—

(i) child minding, or day care, for the purposes of Part 2 of the Children and Families (Wales) Measure 2010, or

(ii) qualifying child care for the purposes of the Tax Credits (Approval of Child Care Providers) (Wales) Scheme 2007 **[**F709or the Approval of Home Childcare Providers (Wales) Scheme 2021**].]**

(4) Care provided for a child in Scotland is registered or approved care if it is provided—

(a) by a person in circumstances where the care service provided by him—

(i) consists of child minding or of day care of children **[**F710as defined by paragraphs 12 and 13 respectively of schedule 12 to the Public Services Reform (Scotland) Act 2010**]** , and

(ii) is registered under **[**F711Chapter 3 of Part 5**]** of that Act ... **[**F712or**]**

(b) by a local authority in circumstances where the care service provided by the local authority—

(i) consists of child minding or of day care of children **[**F713as defined by paragraphs 12 and 13 respectively of schedule 12 to the Public Services Reform (Scotland) Act 2010**]**, and

(ii) is registered under **[**F714Chapter 4 of Part 5**]** of that Act, ...

(c) . . . . . .

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) Care provided for a child in Northern Ireland is registered or approved care if it is provided—

(a) by a person registered under Part XI of the Children (Northern Ireland) Order 1995, or

(b) by an institution or establishment that does not need to be registered under that Part to provide the care because of an exemption under Article 121 of that Order, ...

(c) in the case of care provided for a child out of school hours ..., by a school on school premises or by an education and library board or an HSS trust.

(d) . . . . . .

**[**F715(e) by a home child care provider approved in accordance with the Tax Credits (Approval of Home Child Care Providers) Scheme (Northern Ireland) 2006**][**F716, or

(f) by a foster parent in relation to a child (other than one whom the foster parent is fostering) in circumstances where, but for the fact that the child is too old, the care would be—

(i) child minding, or day care, for the purposes of Part XI of the Children (Northern Ireland) Order 1995, or

(ii) qualifying child care for the purposes of the Tax Credits (Approval of Home Child Care Providers) Scheme (Northern Ireland) 2006.**]**

(6) Care provided for a child outside the United Kingdom is registered or approved child care if it is provided by a child care provider **[**F717within regulation 14(2)(d)(i) of the Working Tax Credit (Entitlement and Maximum Rate) Regulations 2002.**]**

(7) Child care is excluded from section 318A—

(a) if it is provided by the partner of the employee in question, ...

(b) if it is provided by a relative of the child wholly or mainly in the child's home or (if different) the home of a person having parental responsibility for the child**[**F718, ...

(c) in the case of care falling within subsection ... **[**F719(3)(f)**]**, if—

(i) it is provided wholly or mainly in the home of a relative of the child, and

(ii) the provider usually provides care there solely in respect of one or more children to whom the provider is a relative**][**F720, or

(d) if it is provided by a foster parent**[**F721, ... in respect of a child whom that person is fostering ... **]]**.

(8) In subsection (7)—

"partner" means one of a **[**F722couple (within the meaning given by section 137(1) of SSCBA 1992 or section 133(1) of SSCB(NI)A 1992)**]**; and

"relative" means parent, grandparent, aunt, uncle, brother or sister, whether by blood, half blood or marriage **[**F723or civil partnership**]**.

**[**F724(9) In subsection (7)(c), "relative in relation to a child, also includes—

(a) a local authority foster parent in relation to the child,

(b) a foster parent with whom the child has been placed by a voluntary organisation,

(c) a person who fosters the child privately (within the meaning of section 66 of the Children Act 1989, or

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(d) a step-parent of the child.**]**.

**[** In this section "foster parent" in relation to a child—

F725(10)
(a) in relation to England, means a person with whom the child is placed under the Fostering Services Regulations 2002;

(b) in relation to Wales, means a person with whom the child is placed under the Fostering Services (Wales) Regulations 2003; and

(c) in relation to Northern Ireland, means a person with whom the child is placed under the Foster Placement (Children) Regulations (Northern Ireland) 1996.

(11) . . . . . .**]]**

**Textual Amendments**

**F674** Ss. 318-318D substituted for s. 318 (with effect in accordance with s. 78(2) of the amending Act) by Finance Act 2004 (c. 12), **Sch. 13 para. 1**

**F697** S. 318C(2)(ba) inserted (1.9.2008) by The Income Tax (Qualifying Child Care) Regulations 2008 (S.I. 2008/2170), regs. 1, **3(2)(b)**

**F698** S. 318C(2)(c) substituted (1.9.2008) by The Income Tax (Qualifying Child Care) Regulations 2008 (S.I. 2008/2170), regs. 1, **3(2)(c)**

**F699** Word in s. 318C(2)(c) inserted (18.7.2009) by The Income Tax (Qualifying Child Care) Regulations 2009 (S.I. 2009/1544), regs. 1(2), **3(2)(b)**

**F700** S. 318C(2)(f) substituted (1.6.2019) by The Income Tax (Qualifying Child Care) Regulations 2019 (S.I. 2019/902), regs. 1, **2(2)**

**F701** S. 318C(2A)(2B) inserted (1.9.2008) by The Income Tax (Qualifying Child Care) Regulations 2008 (S.I. 2008/2170), regs. 1, **3(3)**

**F702** Words in s. 318C(3)(a) substituted (6.4.2011) by The Income Tax (Qualifying Child Care) Regulations 2011 (S.I. 2011/775), regs. 1, **3(2)(a)**

**F703** S. 318C(3)(b) substituted (6.4.2011) by The Income Tax (Qualifying Child Care) Regulations 2011 (S.I. 2011/775), regs. 1, **3(2)(b)**

**F704** S. 318C(3)(e) and preceding word added (6.4.2005) by The Section 318C Income Tax (Earnings and Pensions) Act 2003 (Amendment) Regulations 2005 (S.I. 2005/770), regs. 1(1), **4**

**F705** S. 318C(3)(e) substituted (3.4.2018) by The Section 318C Income Tax (Earnings and Pensions) Act 2003 (Amendment) Regulations 2018 (S.I. 2018/308), reg. 3

**F706** S. 318C(3)(f) and preceding word inserted (6.4.2007) by The Income Tax (Qualifying Child Care) Regulations 2007 (S.I. 2007/849), regs. 1, **2(3)(c)**

**F707** Words in s. 318C(3)(f) inserted (22.12.2021) by The Income Tax (Qualifying Child Care) (Wales) Regulations 2021 (S.I. 2021/1344), regs. 1, **2**

**F708** S. 318C(3)(g) substituted (6.4.2011) by The Income Tax (Qualifying Child Care) Regulations 2011 (S.I. 2011/775), regs. 1, **3(2)(c)**

**F709** Words in s. 318C(3)(g)(ii) inserted (22.12.2021) by The Income Tax (Qualifying Child Care) (Wales) Regulations 2021 (S.I. 2021/1344), regs. 1, **2**

**F710** Words in s. 318C(4)(a)(i) substituted (28.10.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications of Enactments) Order 2011 (S.I. 2011/2581), art. 1(2)(b), **Sch. 2 para. 6(b)(i)**

**F711** Words in s. 318C(4)(a)(ii) substituted (28.10.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications of Enactments) Order 2011 (S.I. 2011/2581), art. 1(2)(b), **Sch. 2 para. 6(b)(ii)**

**F712** Word in s. 318C(4)(a) inserted (6.4.2011) by The Income Tax (Qualifying Child Care) Regulations 2011 (S.I. 2011/775), regs. 1, **3(3)(a)**

**F713** Words in s. 318C(4)(b)(i) substituted (28.10.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications of Enactments) Order 2011 (S.I. 2011/2581), art. 1(2)(b), **Sch. 2 para. 6(b)(iii)**

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**F714** Words in s. 318C(4)(b)(ii) substituted (28.10.2011) by The Public Services Reform (Scotland) Act 2010 (Consequential Modifications of Enactments) Order 2011 (S.I. 2011/2581), art. 1(2)(b), **Sch. 2 para. 6(b)(iv)**

**F715** S. 318C(5)(d)(e) inserted (21.11.2009) by The Income Tax (Qualifying Child Care) (No. 2) Regulations 2009 (S.I. 2009/2888), regs. 1(2), **2(4)**

**F716** S. 318C(5)(f) and preceding word inserted (6.4.2011) by The Income Tax (Qualifying Child Care) Regulations 2011 (S.I. 2011/775), regs. 1, **3(4)(b)**

**F717** Words in s. 318C(6) substituted (1.6.2019) by The Income Tax (Qualifying Child Care) Regulations 2019 (S.I. 2019/902), regs. 1, **2(3)**

**F718** S. 318C(7)(c) and preceding word added (6.4.2005) by The Section 318C Income Tax (Earnings and Pensions) Act 2003 (Amendment) Regulations 2005 (S.I. 2005/770), regs. 1(1), **5**

**F719** Words in s. 318C(7)(c) inserted (6.4.2007) by The Income Tax (Qualifying Child Care) Regulations 2007 (S.I. 2007/849), regs. 1, **2(5)(b)**

**F720** S. 318C(7)(d) and preceding word added (18.7.2009) by The Income Tax (Qualifying Child Care) Regulations 2009 (S.I. 2009/1544), regs. 1(2), **3(4)(c)**

**F721** Words in s. 318C(7)(d) substituted (21.11.2009) by The Income Tax (Qualifying Child Care) (No. 2) Regulations 2009 (S.I. 2009/2888), regs. 1(2), **2(5)**

**F722** Words in s. 318C(8) substituted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **144(a)**

**F723** Words in s. 318C(8) inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **144(b)**

**F724** S. 318C(9) inserted (6.4.2005) by The Section 318C Income Tax (Earnings and Pensions) Act 2003 (Amendment) Regulations 2005 (S.I. 2005/770), regs. 1(1), **6**

**F725** S. 318C(10)(11) added (21.11.2009) by The Income Tax (Qualifying Child Care) (No. 2) Regulations 2009 (S.I. 2009/2888), regs. 1(2), **2(6)**

## [F674318DChildcare: power to vary [F726amounts which are the] exempt amount and qualifying conditions

(1) The Treasury may by order amend section **[**F727318A(6A)**]** (employer-contracted care: the **[**F728amounts which are the exempt amount) so as to substitute different sums of money for those**]** for the time being specified.

(2) The Treasury may by regulations make such amendments of the provisions of sections 318 to 318C relating to the qualifying conditions for the exemptions conferred by sections 318 and 318A as appear to them appropriate having regard to the corresponding provisions of regulations under section 12 of the Tax Credits Act 2002 relating to entitlement to the child care element of working tax credit **[**F729or section 12 of the Welfare Reform Act 2012 **[**F730or Article 17 of the Welfare Reform (Northern Ireland) Order 2015**]** relating to amounts in respect of childcare costs that may be included in the calculation of an award of universal credit**]** .**]**

**Textual Amendments**

**F674** Ss. 318-318D substituted for s. 318 (with effect in accordance with s. 78(2) of the amending Act) by Finance Act 2004 (c. 12), **Sch. 13 para. 1**

**F726** Words in s. 318D heading inserted (with effect in accordance with Sch. 8 paras. 7-10 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 8 para. 6**

**F727** Word in s. 318D(1) substituted (with effect in accordance with Sch. 8 paras. 7-10 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 8 para. 6(a)**

**F728** Words in s. 318D(1) substituted (with effect in accordance with Sch. 8 paras. 7-10 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 8 para. 6(b)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F729** Words in s. 318D(2) inserted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **16(2)**

**F730** Words in s. 318D(2) inserted (coming into force in accordance with reg. 1(1) of the amending Rule) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016/236), regs. 1(1), **12(2)**

*Telephones and computer equipment*

## [F731 319 Mobile telephones

(1) No liability to income tax arises by virtue of section 62 (general definition of earnings) or Chapter 10 of Part 3 (taxable benefits: residual liability to charge) in respect of the provision of one mobile telephone for an employee without any transfer of property in it.

(2) In this section "mobile telephone" means telephone apparatus which—

(a) is not physically connected to a land-line, and

(b) is not used only as a wireless extension to a telephone which is physically connected to a land-line,

or any thing which may be used in such apparatus for the purpose of gaining access to, or using, a public electronic communications service.

(3) In this section the reference to the provision of a mobile telephone includes a reference to the provision, together with the mobile telephone provided, of access to, or the use of, a public electronic communications service by means of one mobile telephone number.

(4) For the purposes of subsection (2) "telephone apparatus" means wireless telegraphy apparatus designed or adapted for the primary purpose of transmitting and receiving spoken messages and used in connection with a public electronic communications service.**]**

**Textual Amendments**

**F731** S. 319 substituted (with effect for the year 2006-07 and subsequent years of assessment in accordance with s. 60(4) of the amending Act) by Finance Act 2006 (c. 25), **s. 60(3)** (with s. 60(5))

## 320 Limited exemption for computer equipment

. . . . . .

*[F732 Eye tests and special corrective appliances*

**Textual Amendments**

**F732** S. 320A and cross-heading inserted (with effect for the year 2006-07 and subsequent years of assessment in accordance with s. 62(5) of the amending Act) by Finance Act 2006 (c. 25), **s. 62(2)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### 320A Eye tests and special corrective appliances

(1) No liability to income tax arises in respect of the provision for an employee of—

(a) an eye and eyesight test, or

(b) special corrective appliances that an eye and eyesight test shows are necessary,

if conditions A and B are met.

**[**F733(1A) No liability to income tax arises in respect of the payment or reimbursement of expenses incurred by an employee in respect of the provision for the employee of a test or appliances of the kind mentioned in subsection (1) if conditions A and B are met.**]**

(2) Condition A is that the provision of the test or appliances is required by regulations made under the Health and Safety at Work etc. Act 1974.

(3) Condition B is that tests and appliances of the kind mentioned in subsection (1) are made available generally to those employees of the employer in question for whom they are required to be provided by the regulations **[**F734, whether by way of provision under subsection (1) or payment or reimbursement under subsection (1A)**]**.**]**

**Textual Amendments**

**F733** S. 320A(1A) inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), **s. 20(3)(a)**(7)

**F734** Words in s. 320A(3) inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), **s. 20(3)(b)**(7)

### *[F735 Health-screening and medical check-ups*

**Textual Amendments**

**F735** S. 320B and cross-heading inserted (with effect in accordance with s. 55(5) of the amending Act) by Finance Act 2009 (c. 10), **s. 55(4)**

### 320B Health-screening and medical check-ups

(1) No liability to income tax arises in respect of the provision for an employee, on behalf of an employer, of a health-screening assessment or a medical check-up.

(2) Subsection (1) does not apply—

(a) to more than one health-screening assessment provided in a tax year by any one employer or by any of a number of persons who are employers of the employee at the same time, or

(b) to more than one medical check-up so provided.

(3) In this section—

"health-screening assessment" means an assessment to identify employees who might be at particular risk of ill-health, and

"medical check-up" means a physical examination of the employee by a health professional for (and only for) determining the employee's state of health.**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## *I[F736] Recommended medical treatment*

**Textual Amendments**

**F736** S. 320C and cross-heading inserted (1.1.2015) by Finance Act 2014 (c. 26), **s. 12(2)**(4); S.I. 2014/3226, art. 2

### 320C Recommended medical treatment

(1) No liability to income tax arises in respect of—

(a) the provision to an employee of recommended medical treatment, or

(b) the payment or reimbursement, to or in respect of an employee, of the cost of such treatment,

if that provision, payment or reimbursement is not pursuant to relevant salary sacrifice arrangements or relevant flexible remuneration arrangements.

(2) But subsection (1) does not apply in a tax year if, and to the extent that, the value of the exemption in that year exceeds £500.

(3) Medical treatment is "recommended" if it is provided to the employee in accordance with a recommendation which—

(a) is made to the employee as part of occupational health services provided to the employee by a service provided—

(i) under section 2 of the Employment and Training Act 1973 (arrangements for the purpose of assisting persons to retain employment etc), or

(ii) by, or in accordance with arrangements made by, the employer,

(b) is made for the purpose of assisting the employee to return to work after a period of absence due to injury or ill health, and

(c) meets any other requirements specified in regulations made by the Treasury.

(4) Regulations under subsection (3)(c) may, in particular, specify that the recommendation must be one given after the employee has been assessed as unfit for work—

(a) for at least the specified number of consecutive days, and

(b) in the specified manner by a person of a specified description.

(5) The Treasury may by order amend subsection (3)(a) so as to add, amend or remove a reference to any enactment.

(6) "The value of the exemption", in a tax year, is an amount equal to the sum of—

(a) all earnings within section 62 (earnings), and

(b) all earnings which are treated as such under the benefits code,

in respect of which subsection (1) would prevent liability to income tax from arising in the tax year disregarding subsection (2).

(7) In this section—

"medical treatment" means all procedures for diagnosing or treating any physical or mental illness, infirmity or defect;

"relevant salary sacrifice arrangements" means arrangements (whenever made, whether before or after the employment began) under which the

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employee gives up the right to receive an amount of general earnings or specific employment income in return for the provision of recommended medical treatment or the payment or reimbursement of the cost of such treatment;

"relevant flexible remuneration arrangements" means arrangements (whenever made, whether before or after the employment began) under which the employee and employer agree that the employee is to be provided with recommended medical treatment or the cost of such treatment is to be paid or reimbursed, rather than the employee receiving some other description of employment income;

"specified" means specified in regulations under subsection (3)(c).**]**

*I[F737 Flu vaccinations*

**Textual Amendments**

**F737** S. 320D and cross-heading inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), **s. 20(4)**(7)

### 320D Flu vaccinations

(1) No liability to income tax arises in respect of the provision for an employee of an influenza vaccination if the provision is not made pursuant to relevant salary sacrifice arrangements.

(2) No liability to income tax arises in respect of the payment or reimbursement of expenses incurred by an employee in respect of the provision for the employee of an influenza vaccination if the payment or reimbursement is not made pursuant to relevant salary sacrifice arrangements.

(3) In this section "relevant salary sacrifice arrangements" means arrangements (whenever made, whether before or after the employment began) under which the employee gives up the right to receive an amount of general earnings or specific employment income in return for the provision of an influenza vaccination or the payment or reimbursement of the cost of such a vaccination.**]**

*Awards and gifts*

### 321 Suggestion awards

(1) This section applies where an employer establishes a scheme for the making of suggestions that is open on the same terms—

(a) to employees of the employer generally, or

(b) to a particular description of them.

(2) No liability to income tax arises in respect of an encouragement award or financial benefit award made under the scheme for a suggestion which meets conditions A to C if, or to the extent that, it does not exceed the permitted maximum for the award under section 322.

(3) Condition A is that the suggestion relates to the activities carried on by the employer.

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(4) Condition B is that the suggestion is made by an employee who could not reasonably be expected to make it in the course of the duties of the employment, having regard to the employee's experience.

(5) Condition C is that the suggestion is not made at a meeting held for the purpose of proposing suggestions.

(6) In this section and section 322—

"encouragement award" means an award, other than a financial benefit award, made for a suggestion with intrinsic merit or showing special effort, and

"financial benefit award" means an award for a suggestion relating to an improvement in efficiency or effectiveness which the employer has decided to adopt and reasonably expects will result in a financial benefit.

## 322 Suggestion awards: "the permitted maximum"

(1) The permitted maximum for an encouragement award for the purposes of section 321 (suggestion awards) is £25.

(2) The permitted maximum for a financial benefit award where no such award for the suggestion has been made before is—

(a) if only one such award is made for the suggestion, the suggestion maximum, and

(b) if two or more such awards are made on the same occasion to different persons for the suggestion, the appropriate proportion of the suggestion maximum.

(3) If on a later occasion or occasions one or more further such awards are made for the same suggestion, the permitted maximum for each is—

(a) if only one such award is made for the suggestion on that occasion, the residue of the suggestion maximum, and

(b) if two or more such awards are made on the same occasion to different persons for the suggestion, the appropriate proportion of that residue.

(4) The suggestion maximum for a financial benefit award is the financial benefit share or £5000 if that is less.

(5) In subsection (4) "the financial benefit share" means the greater of—

(a) half the financial benefit reasonably expected to result from the adoption of the suggestion for the first year after its adoption, and

(b) one-tenth of the financial benefit reasonably expected to result from its adoption for the first 5 years after its adoption.

(6) In this section—

"the appropriate proportion" means such proportion as the award bears to the total of the financial benefit awards made on the same occasion for the suggestion,

"the residue of the suggestion maximum" means the suggestion maximum less the total previous exemption, and

"the total previous exemption" means the total of the amounts exempted from income tax under section 321 in respect of financial benefit awards for the suggestion made on previous occasions.

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## 323 Long service awards

(1) No liability to income tax arises in respect of a long service award which meets the condition in subsection (3) if or to the extent that the chargeable amount does not exceed the permitted maximum.

(2) In subsection (1)—

"chargeable amount" means the amount of employment income which would be charged to tax in respect of the award apart from subsection (1),

"long service award" means an award made to an employee to mark not less than 20 years' service with the same employer, and

"permitted maximum" means **[**F738£50**]** for each year of service in respect of which the award is made.

(3) The condition is that the award must take the form of—

(a) tangible moveable property,

(b) shares in a company which is, or belongs to the same group as, the employer, or

(c) the provision of any other benefit except—

(i) a payment,

(ii) a cash voucher,

(iii) a credit-token,

(iv) securities,

(v) shares not within paragraph (b), or

(vi) an interest in or rights over securities or shares.

(4) Subsection (1) does not apply to an award ("the later award") if another award to mark a particular period of service with the same employer has been made to the employee in the period of 10 years ending with the date on which the later award is made.

(5) For the purposes of this section, service is treated as being with the same employer if it is with two or more employers—

(a) each of whom is a successor or predecessor of the others, or

(b) one of whom is a company which belongs or has belonged to the same group as the others or a predecessor or successor of the others.

(6) In this section "group" means a body corporate and its 51% subsidiaries.

**Textual Amendments**

**F738** Word in s. 323(2) substituted (13.6.2003) by The Income Tax (Exemption of Minor Benefits) (Increase in Sums of Money) Order 2003 (S.I. 2003/1361), arts. 1(1), **3**

## [F739323ATrivial benefits provided by employers

(1) No liability to income tax arises in respect of a benefit provided by, or on behalf of, an employer to an employee or a member of the employee's family or household if—

(a) conditions A to D are met, or

(b) in a case where subsection (2) applies, conditions A to E are met.

(2) This subsection applies where—

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(a) the employer is a close company, and

(b) the employee is—

(i) a person who is a director or other office-holder of the employer, or

(ii) a member of the family or household of such a person.

(3) Condition A is that the benefit is not cash or a cash voucher within the meaning of section 75.

(4) Condition B is that the benefit cost of the benefit does not exceed £50.

(5) In this section "benefit cost", in relation to a benefit, means—

(a) the cost of providing the benefit, or

(b) if the benefit is provided to more than one person and the nature of the benefit or the scale of its provision means it is impracticable to calculate the cost of providing it to each person to whom it is provided, the average cost per person of providing the benefit.

(6) For the purposes of subsection (5)(b), the average cost per person of providing a benefit is found by dividing the total cost of providing the benefit by the number of persons to whom the benefit is provided.

(7) Condition C is that the benefit is not provided pursuant to relevant salary sacrifice arrangements or any other contractual obligation.

(8) "Relevant salary sacrifice arrangements", in relation to the provision of a benefit to an employee or to a member of an employee's family or household, means arrangements (whenever made, whether before or after the employment began) under which the employee gives up the right to receive an amount of general earnings or specific employment income in return for the provision of the benefit.

(9) Condition D is that the benefit is not provided in recognition of particular services performed by the employee in the course of the employment or in anticipation of such services.

(10) Condition E is that—

(a) the benefit cost of the benefit provided to the employee, or

(b) in a case where the benefit is provided to a member of the employee's family or household who is not an employee of the employer, the amount of the benefit cost allocated to the employee in accordance with section 323B(4),

does not exceed the employee's available exempt amount (see section 323B).

**Textual Amendments**

**F739** Ss. 323A-323C inserted (with effect in accordance with s. 13(5) of the amending Act) by Finance Act 2016 (c. 24), **s. 13(2)**

### 323B Section 323A: calculation of available exempt amount

(1) The "available exempt amount", in relation to an employee of an employer, is the amount found by deducting from the annual exempt amount the aggregate of—

(a) the benefit cost of eligible benefits provided earlier in the tax year by, or on behalf of, the employer to the employee, and

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(b) any amounts allocated to the employee in accordance with subsection (4) in respect of eligible benefits provided earlier in the tax year by, or on behalf of, the employer to a member of the employee's family or household who was not at that time an employee of the employer.

(2) The annual exempt amount is £300.

(3) For the purposes of subsection (1) "eligible benefits" means benefits in respect of which conditions A to D in section 323A are met.

(4) The amount allocated to an employee of an employer in respect of a benefit provided to a person ("P") who—

(a) is a member of the employee's family or household, and

(b) is not an employee of the employer,

is the benefit cost of that benefit divided by the number of persons who meet the condition in subsection (5) and are members of P's family or household.

(5) This condition is met if the person is—

(a) a director or other office-holder of the employer,

(b) an employee of the employer who is a member of the family or household of a person within paragraph (a), or

(c) a former employee of the employer who—

(i) was a director or other office-holder at any time when the employer was a close company, or

(ii) is a member of the family or household of such a person.

(6) In this section "benefit cost" has the same meaning as in section 323A.

**Textual Amendments**

**F739** Ss. 323A-323C inserted (with effect in accordance with s. 13(5) of the amending Act) by Finance Act 2016 (c. 24), **s. 13(2)**

### 323C Power to amend sections 323A and 323B

(1) The Treasury may by regulations amend section 323A so as to alter the conditions which must be met for the exemption conferred by section 323A(1) to apply.

(2) Regulations under subsection (1) may include any amendment of section 323B that is appropriate in consequence of an amendment made under subsection (1).

(3) The Treasury must not make regulations under subsection (1) unless a draft of the regulations has been laid before and approved by a resolution of the House of Commons.**]**

**Textual Amendments**

**F739** Ss. 323A-323C inserted (with effect in accordance with s. 13(5) of the amending Act) by Finance Act 2016 (c. 24), **s. 13(2)**

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### 324 Small gifts from third parties

(1) No liability to income tax arises in respect of a gift provided for an employee or a member of the employee's family or household if conditions A to E are met.

(2) Condition A is that the gift is not provided by the employer or a person connected with the employer.

(3) Condition B is that neither the employer nor a person connected with the employer has directly or indirectly procured the gift.

(4) Condition C is that the gift is not made in recognition of particular services performed by the employee in the course of the employment or in anticipation of such services.

(5) Condition D is that the gift is not cash or securities or the use of a service.

(6) Condition E is that the total cost to the donor of all the eligible gifts in respect of the employee in question during the tax year does not exceed **[**[F740]£250**]**.

(7) For the purposes of condition E, the total cost to the donor includes any value added tax payable on the supply of the gifts to the donor, whether or not the donor is entitled to a credit or repayment in respect of that tax.

(8) In this section "eligible gifts" means all gifts which—

(a) meet conditions A to D, or

(b) are non-cash vouchers or credit-tokens and meet—

(i) conditions A to C, and

(ii) conditions A and B in section 270 (exemption for small gifts of vouchers and tokens from third parties).

(9) Subsection (1) does not apply to non-cash vouchers and credit-tokens (but see section 270 which makes provision for a corresponding exemption for them).

**Textual Amendments**

**F740** Word in s. 324(6) substituted (13.6.2003) by The Income Tax (Exemption of Minor Benefits) (Increase in Sums of Money) Order 2003 (S.I. 2003/1361), arts. 1(1), **4**

*Overseas medical treatment*

### 325 Overseas medical treatment

(1) No liability to income tax arises by virtue of Chapter 10 of Part 3 (taxable benefits: residual liability to charge) in respect of—

(a) providing an employee with medical treatment outside the United Kingdom where the need for it arises while the employee is outside the United Kingdom for the purpose of performing the duties of the employment, or

(b) providing an employee with insurance against the cost of providing such treatment.

(2) For the purposes of this section—

(a) "medical treatment" includes all procedures for diagnosing or treating any physical or mental illness, infirmity or defect, and

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(b) providing a person with medical treatment includes providing for the person to be an in-patient so that such treatment can be given.

### [F741 325A Health and employment insurance payments

(1) No liability to income tax in respect of employment income arises on any payment if or to the extent that—

(a) were the payment an annual payment falling within Chapter 7 of Part 5 of ITTOIA 2005, it would be exempt from income tax under section 735 of that Act (health and employment insurance payments), and

(b) it meets conditions A and B.

(2) Condition A is that the payments are made—

(a) to a person ("the employee") who made payments or contributions in respect of premiums under an insurance policy which another person took out wholly or partly for the employee's benefit, or

(b) to the employee's **[**F742spouse or civil partner**]** .

(3) Condition B is that the payments are attributable on a just and reasonable basis to the payments or contributions in respect of premiums.**]**

**Textual Amendments**

**F741** S. 325A inserted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 592** (with Sch. 2)

**F742** Words in s. 325A(2)(b) substituted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **145**

*Expenses incidental to sale etc. of asset*

### 326 Expenses incidental to transfer of a kind not normally met by transferor

(1) No liability to income tax arises by virtue of the payment or reimbursement of expenses which—

(a) are incidental to, and incurred wholly and exclusively as a result of, an employment-related asset transfer, and

(b) are of a kind not normally met by the transferor.

(2) There is an "employment-related asset transfer" if—

(a) an asset or the beneficial interest in an asset is transferred to an employee's employer or a person nominated by the employer, and

(b) the right or opportunity to make the transfer arose by reason of the employment.

(3) In this section references to a transfer are to a sale or any other kind of disposal.

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## *[F743 Monitoring schemes*

**Textual Amendments**

**F743** S. 326A and cross-heading inserted (with effect in accordance with s. 39(2) of the amending Act) by Finance Act 2011 (c. 11), **s. 39(1)**

### 326A Fees relating to monitoring schemes relating to vulnerable persons

(1) No liability to income tax arises by virtue of the payment or reimbursement of a fee in respect of **[**F744**—]**

**[**F745(a)**]** an application to join the scheme administered under section 44 of the Protection of Vulnerable Groups (Scotland) Act 2007 (asp 14) (scheme to collate and disclose information about individuals working with vulnerable persons).

**[**F746(b) a fee paid by virtue of section 116A(4)(b) or (5)(b) of the Police Act 1997 ("the Police Act") (fee for up-dating certificates);

(c) a fee paid under—

(i) section 113A(1)(b) of the Police Act (fee for criminal record certificates);

(ii) section 113B(1)(b) of the Police Act (fee for enhanced criminal record certificates);

(iii) iii)section 114(1)(b) of the Police Act (fee for criminal record certificates: Crown employment); or

(iv) iv)section 116(1)(b) of the Police Act (fee for enhanced criminal record certificates: judicial appointments and Crown employment);

where the application is made at the same time as an application under section 116A(4) or (5) of the Police Act for the certificate to be subject to up-date arrangements.

(2) The Treasury may by order amend subsection (1) so as—

(a) to add to the fees covered by that subsection a fee of a specified kind payable in connection with a scheme for England and Wales or Northern Ireland which corresponds to the scheme administered under section 44 of the Protection of Vulnerable Groups (Scotland) Act 2007, or

(b) to amend or remove a reference to a fee added under paragraph (a).**]]**

**Textual Amendments**

**F744** Word in s. 326A(1) inserted (with effect in accordance with art. 1(2) of the amending S.I.) by The Income Tax (Monitoring Schemes Relating to Vulnerable Persons) Order 2013 (S.I. 2013/1133), arts. 1(2), **2(a)**

**F745** Words in s. 326A(1) renumbered as s. 326A(1)(a) (with effect in accordance with art. 1(2) of the amending S.I.) by The Income Tax (Monitoring Schemes Relating to Vulnerable Persons) Order 2013 (S.I. 2013/1133), arts. 1(2), **2(b)**

**F746** S. 326A(1)(b)(c) inserted (with effect in accordance with art. 1(2) of the amending S.I.) by The Income Tax (Monitoring Schemes Relating to Vulnerable Persons) Order 2013 (S.I. 2013/1133), arts. 1(2), **2(c)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*[F747 Employee shareholder agreements*

**Textual Amendments**

**F747** S. 326B and cross-heading inserted (1.9.2013) by Finance Act 2013 (c. 29), **Sch. 23 paras. 37**, 38; S.I. 2013/1755, art. 2

### 326B Advice relating to proposed employee shareholder agreements

(1) No liability to income tax arises by virtue of—

(a) the provision of relevant advice by a relevant independent adviser, or

(b) the payment or reimbursement, in accordance with section 205A(7) of the Employment Rights Act 1996, of any reasonable costs incurred in obtaining relevant advice.

(2) "Relevant advice" means—

(a) advice, other than tax advice, which is provided for the purposes of section 205A(6)(a) of that Act (advice as to terms and effect of employee shareholder agreement), and

(b) tax advice which is so provided and consists only of an explanation of the tax effects of employee shareholder agreements generally.

(3) In this section—

"employee shareholder agreement" means an agreement by virtue of which an employee is an employee shareholder (see section 205A(1)(a) to (d) of that Act);

"relevant independent adviser" has the meaning that it has for the purposes of section 203(3)(c) of that Act.**]**

## PART 5

EMPLOYMENT INCOME: DEDUCTIONS ALLOWED FROM EARNINGS

## CHAPTER 1

DEDUCTIONS ALLOWED FROM EARNINGS: GENERAL RULES

*Introduction*

### 327 Deductions from earnings: general

(1) This Part provides for deductions that are allowed from the taxable earnings from an employment in a tax year in calculating the net taxable earnings from the employment in the tax year for the purposes of Part 2 (see section 11(1)).

(2) In this Part, unless otherwise indicated by the context—

(a) references to the earnings from which deductions are allowed are references to the taxable earnings mentioned in subsection (1), and

(b) references to the tax year are references to the tax year mentioned there.

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(3) The deductions for which this Part provides are those allowed under—

Chapter 2 (deductions for employee's expenses),

Chapter 3 (deductions from benefits code earnings),

Chapter 4 (fixed allowances for employee's expenses),

Chapter 5 (deductions for earnings representing benefits or reimbursed expenses), and

Chapter 6 (deductions from seafarers' earnings).

(4) Further provision about deductions from earnings is made in—

section 232 (giving effect to mileage allowance relief),

... and

section 262 of CAA 2001 (capital allowances to be given effect by treating them as deductions from earnings).

(5) Further provision about deductions from income including earnings is made in—

Part 12 (payroll giving), **[**F748and

sections 188 to 194 of FA 2004 (contributions to registered pension schemes).**]**

**Textual Amendments**

**F748** Words in s. 327(5) substituted (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 35 para. 60(3)** (with Sch. 36)

*General rules*

## 328 The income from which deductions may be made

(1) The general rule is that deductions under this Part are allowed—

(a) from any earnings from the employment in question, and

(b) not from earnings from any other employment.

This is subject to subsections (2) to (4).

(2) Deductions under section 351 (expenses of ministers of religion) are allowed from earnings from any employment as a minister of a religious denomination.

(3) Deductions under section 368 (fixed sum deductions from earnings payable out of public revenue) are allowed only from earnings payable out of the public revenue.

(4) Deductions limited to specified earnings (see subsection (5)) are allowed—

(a) only from earnings from the employment that are taxable earnings under certain of the charging provisions of Chapters 4 and 5 of Part 2, and

(b) not from other earnings from it.

(5) "Deductions limited to specified earnings" are deductions under—

sections 336 to 342 (deductions from earnings charged on receipt: see sections 335(2) and 354),

section 353 (deductions from earnings charged on remittance),

sections 370 to 374 (travel deductions from earnings charged on receipt),

...

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## 329 Deductions from earnings not to exceed earnings

(1) The amount of a deduction allowed under this Part may not exceed the earnings from which it is deductible.

**[**F749(1A) If the earnings from which a deduction allowed under this Part is deductible include earnings that are "excluded" within the meaning of section 15(1A)—

(a) the amount of the deduction allowed is a proportion of the amount that would be allowed under this Part if the tax year were not a split year, and

(b) that proportion is equal to the proportion that the part of the earnings that is not "excluded" bears to the total earnings.**]**

(2) If two or more deductions allowed under this Part are deductible from the same earnings, the amounts deductible may not in aggregate exceed those earnings **[**F750(or, in a case within subsection (1A), the part of those earnings that is not "excluded")**]** .

(3) If deductions allowed otherwise than under this Part fall to be allowed from the same earnings as amounts deductible under this Part, the amounts deductible under this Part may not exceed the earnings **[**F751(or, in a case within subsection (1A), the part of the earnings that is not "excluded")**]** remaining after the other deductions.

(4) Subsections (1) and (2) do not apply to a deduction under section 351 (expenses of ministers of religion), and subsection (3) applies as if such a deduction were allowed otherwise than under this Part.

(5) This section is to be disregarded for the purposes of the deductibility provisions (see section 332).

(6) See also **[**F752section 128 of ITA 2007**]** (which provides that where a loss in an employment is sustained, relief may be given against other income).

**Textual Amendments**

**F749** S. 329(1A) inserted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 64(2)**

**F750** Words in s. 329(2) inserted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 64(3)**

**F751** Words in s. 329(3) inserted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 64(4)**

**F752** Words in s. 329(6) substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 434** (with Sch. 2)

## 330 Prevention of double deductions

(1) A deduction from earnings under this Part is not allowed more than once in respect of the same costs or expenses.

(2) If apart from this subsection—

(a) a deduction would be allowed under Chapter 4 of this Part (fixed allowances for employee's expenses) for a sum fixed by reference to any kind of expenses, and

(b) the employee would be entitled under another provision to a deduction for an amount paid in respect of the same kind of expenses,

only one of those deductions is allowed.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## 331 Order for making deductions

(1) This Part needs to be read with **[**[F753]section 25(1) to (3) of ITA 2007**]** (general rule that deductions are to be allowed in the order resulting in the greatest reduction of liability to income tax).

(2) In the case of deductions under this Part, the general rule in that section is subject to—

(a) section 23(3) (which requires certain deductions to be made in order to establish "chargeable overseas earnings"), and

(b) section 381 (which requires deductions under other provisions to be taken into account before deductions under Chapter 6 of this Part (seafarers)).

**Textual Amendments**

**F753** Words in s. 331(1) substituted (with effect in accordance with s. 381(1) of the amending Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), s. 381(1), **Sch. 8 para. 300** (with Sch. 9 paras. 1-9, 22)

## 332 Meaning of "the deductibility provisions"

For the purposes of this Part, "the deductibility provisions" means the following provisions (which refer to amounts or expenses that would be deductible if they were incurred and paid by an employee)—

the definition of "business travel" in section 171(1) (definitions for Chapter 6 of Part 3),

section 179(6) (exception for certain advances for necessary expenses),

the definition of "business travel" in section 236(1) (definitions for Chapter 2 of Part 4),

section 240(1)(c) and (5) (exemption of incidental overnight expenses and benefits),

section 252(3) (exception from exemption of work-related training provision for non-deductible travel expenses),

section 257(3) (exception from exemption for individual learning account training provision for non-deductible travel expenses),

section 305(5) (offshore oil and gas workers: mainland transfers),

section 310(6)(b) (counselling and other outplacement services),

section 311(5)(b) (retraining courses),

section 361(b) (scope of Chapter 3 of this Part: cost of benefits deductible as if paid by employee),

section 362(1)(c) and (2)(b) (deductions where non-cash voucher provided),

section 363(1)(b) and (2)(b) (deductions where credit-token provided),

section 364(1)(b) and (2) (deductions where living accommodation provided),

section 365(1)(b) and (2) (deductions where employment-related benefit provided).

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## CHAPTER 2

DEDUCTIONS FOR EMPLOYEE'S EXPENSES

**Modifications etc. (not altering text)**

**C10** Pt. 5 Ch. 2 restricted (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 33 para. 1(5)** (with Sch. 36)

*Introduction*

### 333 Scope of this Chapter: expenses paid by the employee

(1) A deduction from a person's earnings for an amount is allowed under the following provisions of this Chapter only if the amount—

(a) is paid by the person, or

(b) is paid on the person's behalf by someone else and is included in the earnings.

(2) In the following provisions of this Chapter, in relation to a deduction from a person's earnings, references to the person paying an amount include references to the amount being paid on the person's behalf by someone else if or to the extent that the amount is included in the earnings.

(3) Subsection (1)(b) does not apply to the deductions under—

(a) section 351(2) and (3) (expenses of ministers of religion), and

(b) section 355 (deductions for corresponding payments by **[**F754qualifying new resident**]** employees with foreign employers),

and subsection (2) does not apply in the case of those deductions.

(4) Chapter 3 of this Part provides for deductions where—

(a) a person's earnings include an amount treated as earnings under Chapter 4, 5 or 10 of Part 3 (taxable benefits: vouchers etc., living accommodation and residual liability to charge), and

(b) an amount in respect of the benefit in question would be deductible under this Chapter if the person had incurred and paid it.

**Textual Amendments**

**F754** Words in s. 333(3)(b) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 1(5)** (with Sch. 8 Pt. 3)

### 334 Effect of reimbursement etc.

(1) For the purposes of this Chapter, a person may be regarded as paying an amount despite—

(a) its reimbursement, or

(b) any other payment from another person in respect of the amount.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) But where a reimbursement or such other payment is made in respect of an amount, a deduction for the amount is allowed under the following provisions of this Chapter only if or to the extent that—

(a) the reimbursement, or

(b) so much of the other payment as relates to the amount,

is included in the person's earnings.

(3) This section does not apply to a deduction allowed under section 351 (expenses of ministers of religion).

(4) This section is to be disregarded for the purposes of the deductibility provisions.

### 335 Application of deductions provisions: "earnings charged on receipt" and "earnings charged on remittance"

(1) The availability of certain deductions under this Chapter depends on whether the earnings are earnings charged on receipt or earnings charged on remittance.

(2) Sections 336 to 342—

(a) only apply if the earnings from which the deduction is to be made are earnings charged on receipt, and

(b) apply subject to section 354(1) if the earnings from the employment also include other earnings.

(3) Section 353 (which provides for a deduction for expenses of the kind to which sections 336 to 342 apply)—

(a) only applies if the earnings from which the deduction is to be made are earnings charged on remittance, and

(b) applies subject to section 354(2) if the earnings from the employment also include other earnings.

(4) In this Part—

"earnings charged on receipt" means earnings which are taxable earnings under section 15... or 27, and

"earnings charged on remittance" means earnings which are taxable earnings under section 22 or 26.

*General rule for deduction of employee's expenses*

### 336 Deductions for expenses: the general rule

(1) The general rule is that a deduction from earnings is allowed for an amount if—

(a) the employee is obliged to incur and pay it as holder of the employment, and

(b) the amount is incurred wholly, exclusively and necessarily in the performance of the duties of the employment.

(2) The following provisions of this Chapter contain additional rules allowing deductions for particular kinds of expenses and rules preventing particular kinds of deductions.

(3) No deduction is allowed under this section for an amount that is deductible under sections 337 to 342 (travel expenses).

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*Travel expenses*

### 337 Travel in performance of duties

(1) A deduction from earnings is allowed for travel expenses if—

(a) the employee is obliged to incur and pay them as holder of the employment, and

(b) the expenses are necessarily incurred on travelling in the performance of the duties of the employment.

(2) This section needs to be read with section 359 (disallowance of travel expenses: mileage allowances and reliefs).

### 338 Travel for necessary attendance

(1) A deduction from earnings is allowed for travel expenses if—

(a) the employee is obliged to incur and pay them as holder of the employment, and

(b) the expenses are attributable to the employee's necessary attendance at any place in the performance of the duties of the employment.

(2) Subsection (1) does not apply to the expenses of ordinary commuting or travel between any two places that is for practical purposes substantially ordinary commuting.

(3) In this section "ordinary commuting" means travel between—

(a) the employee's home and a permanent workplace, or

(b) a place that is not a workplace and a permanent workplace.

(4) Subsection (1) does not apply to the expenses of private travel or travel between any two places that is for practical purposes substantially private travel.

(5) In subsection (4) "private travel" means travel between—

(a) the employee's home and a place that is not a workplace, or

(b) two places neither of which is a workplace.

(6) This section needs to be read with section 359 (disallowance of travel expenses: mileage allowances and reliefs).

### 339 Meaning of "workplace" and "permanent workplace"

(1) In this Part "workplace", in relation to an employment, means a place at which the employee's attendance is necessary in the performance of the duties of the employment.

(2) In this Part "permanent workplace", in relation to an employment, means a place which—

(a) the employee regularly attends in the performance of the duties of the employment, and

(b) is not a temporary workplace.

This is subject to subsections (4) and (8).

(3) In subsection (2) "temporary workplace", in relation to an employment, means a place which the employee attends in the performance of the duties of the employment—

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(a) for the purpose of performing a task of limited duration, or

(b) for some other temporary purpose.

This is subject to subsections (4) and (5).

(4) A place which the employee regularly attends in the performance of the duties of the employment is treated as a permanent workplace and not a temporary workplace if—

(a) it forms the base from which those duties are performed, or

(b) the tasks to be carried out in the performance of those duties are allocated there.

(5) A place is not regarded as a temporary workplace if the employee's attendance is—

(a) in the course of a period of continuous work at that place—

(i) lasting more than 24 months, or

(ii) comprising all or almost all of the period for which the employee is likely to hold the employment, or

(b) at a time when it is reasonable to assume that it will be in the course of such a period.

(6) For the purposes of subsection (5), a period is a period of continuous work at a place if over the period the duties of the employment are performed to a significant extent at the place.

(7) An actual or contemplated modification of the place at which duties are performed is to be disregarded for the purposes of subsections (5) and (6) if it does not, or would not, have any substantial effect on the employee's journey, or expenses of travelling, to and from the place where they are performed.

(8) An employee is treated as having a permanent workplace consisting of an area if—

(a) the duties of the employment are defined by reference to an area (whether or not they also require attendance at places outside it),

(b) in the performance of those duties the employee attends different places within the area,

(c) none of the places the employee attends in the performance of those duties is a permanent workplace, and

(d) the area would be a permanent workplace if subsections (2), (3), (5), (6) and (7) referred to the area where they refer to a place.

### [F755 339A Travel for necessary attendance: employment intermediaries

(1) This section applies where an individual ("the worker")—

(a) personally provides services (which are not excluded services) to another person ("the client"), and

(b) the services are provided not under a contract directly between the client or a person connected with the client and the worker but under arrangements involving an employment intermediary.

This is subject to the following provisions of this section.

(2) Where this section applies, each engagement is for the purposes of sections 338 and 339 to be regarded as a separate employment.

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(3) This section does not apply if it is shown that the manner in which the worker provides the services is not subject to (or to the right of) supervision, direction or control by any person.

(4) Subsection (3) does not apply in relation to an engagement if—

(a) Chapter 8 of Part 2 applies in relation to the engagement,

(b) the conditions in section 51, 52 or 53 are met in relation to the employment intermediary, and

(c) the employment intermediary is not a managed service company.

(5) This section does not apply in relation to an engagement if—

(a) Chapter 8 of Part 2 does not apply in relation to the engagement merely because the circumstances in section 49(1)(c) are not met,

(b) assuming those circumstances were met, the conditions in section 51, 52 or 53 would be met in relation to the employment intermediary, and

(c) the employment intermediary is not a managed service company.

(6) In determining for the purposes of subsection (4) or (5) whether the conditions in section 51, 52 or 53 are or would be met in relation to the employment intermediary—

(a) in section 51(1)—

(i) disregard "either" in the opening words, and

(ii) disregard paragraph (b) (and the preceding or), and

(b) read references to the intermediary as references to the employment intermediary.

**[** F756(6A) Subsection (3) does not apply in relation to an engagement if—

(a) sections 61N to 61R in Chapter 10 of Part 2 apply in relation to the engagement,

(b) one of Conditions A to C in section 61N is met in relation to the employment intermediary, and

(c) the employment intermediary is not a managed service company.

(6B) This section does not apply in relation to an engagement if—

(a) sections 61N to 61R in Chapter 10 of Part 2 do not apply in relation to the engagement because the circumstances in section 61M(1)(d) are not met,

(b) assuming those circumstances were met, one of Conditions A to C in section 61N would be met in relation to the employment intermediary, and

(c) the employment intermediary is not a managed service company.

(6C) In determining for the purposes of subsection (6A) or (6B) whether one of Conditions A to C in section 61N is or would be met in relation to the employment intermediary, read references to the intermediary as references to the employment intermediary.**]**

(7) Subsection (8) applies if—

(a) the client or a relevant person provides the employment intermediary (whether before or after the worker begins to provide the services) with a fraudulent document which is intended to constitute evidence that, by virtue of subsection (3), this section does not or will not apply in relation to the services,

(b) that section is taken not to apply in relation to the services, and

(c) in consequence, the employment intermediary does not under PAYE regulations deduct and account for an amount that would have been deducted

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and accounted for under those regulations if this section had been taken to apply in relation to the services.

(8) For the purpose of recovering the amount referred to in subsection (7)(c) ("the unpaid tax")—

(a) the worker is to be treated as having an employment with the client or relevant person who provided the document, the duties of which consist of the services, and

(b) the client or relevant person is under PAYE regulations to account for the unpaid tax as if it arose in respect of earnings from that employment.

(9) In subsections (7) and (8) "relevant person" means a person, other than the client, the worker or a person connected with the employment intermediary, who—

(a) is resident, or has a place of business, in the United Kingdom, and

(b) is party to a contract with the employment intermediary or a person connected with the employment intermediary under or in consequence of which—

(i) the services are provided, or

(ii) the employment intermediary, or a person connected with the employment intermediary, makes payments in respect of the services.

(10) In determining whether this section applies, no regard is to be had to any arrangements the main purpose, or one of the main purposes, of which is to secure that this section does not to any extent apply.

(11) In this section—

"arrangements" includes any scheme, transaction or series of transactions, agreement or understanding, whether or not enforceable, and any associated operations;

"employment intermediary" means a person, other than the worker or the client, who carries on a business (whether or not with a view to profit and whether or not in conjunction with any other business) of supplying labour;

"engagement" means any such provision of service as is mentioned in subsection (1)(a);

"excluded services" means services provided wholly in the client's home;

"managed service company" means a company which—

(a) is a managed service company within the meaning given by section 61B, or

(b) would be such a company disregarding subsection (1)(c) of that section.**]**

**Textual Amendments**

**F755** S. 339A inserted (with effect in accordance with s. 14(6) of the amending Act) by Finance Act 2016 (c. 24), **s. 14(1)**

**F756** Ss. 339A(6A)-(6C) inserted (with effect in accordance with Sch. 1 para. 15 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 1 para. 12**

## 340 Travel between group employments

(1) A deduction from earnings from an employment is allowed for travel expenses if conditions A to D are met.

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(2) Condition A is that the employee is obliged to incur and pay the expenses.

(3) Condition B is that the travel is for the purpose of performing duties of the employment at the destination.

(4) Condition C is that the employee has performed duties of another employment at the place of departure.

(5) Condition D is that the employments are with companies in the same group.

(6) In this section "group" means a company and its 51% subsidiaries.

(7) For the purposes of sections 353 and 354 (special rules for earnings with a foreign element), the expenses are treated as incurred in the performance of the duties to be performed at the destination.

(8) This section needs to be read with section 359 (disallowance of travel expenses: mileage allowances and reliefs).

### [F757 340A Travel between linked employments

(1) A deduction from earnings from an employment is allowed for travel expenses if conditions A to E are met.

(2) Condition A is that the employee is obliged to incur and pay the expenses.

(3) Condition B is that the travel—

(a) takes place within the United Kingdom, and

(b) is for the purpose of performing duties of the employment at the destination.

(4) Condition C is that the employee has performed duties of another employment at the place of departure.

(5) Condition D is that—

(a) at least one of the employments is as a director of a company ("company X"), and

(b) the other employment is also with a company ("company Y") but not necessarily as a director of it.

(6) Condition E is that the employee was appointed as a director of company X because company Y, or a company in the same group as company Y, has a shareholding or other financial interest in company X.

(7) This section needs to be read with section 359 (disallowance of travel expenses: mileage allowances and reliefs).

(8) In this section—

"director" has the same meaning as in the benefits code (see section 67), and

"group" means a company and its 51% subsidiaries.**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F757** S. 340A inserted (with effect in accordance with art. 4 of the amending S.I.) by The Enactment of Extra-Statutory Concessions Order 2014 (S.I. 2014/211), arts. 1, **2(2)**

## 341 Travel at start or finish of overseas employment

(1) A deduction from earnings from an employment is allowed for starting travel expenses and finishing travel expenses if conditions A to C are met.

(2) Condition A is that the duties of the employment are performed wholly outside the United Kingdom.

(3) Condition B is that the employee is **[**[F758]UK resident**]**.

(4) Condition C is that in a case where the employer is a foreign employer, the employee is **[**[F759]not a qualifying new resident for the purposes of Chapter 5C of Part 2 of this Act or Chapter 5 of Part 8 of ITTOIA 2005 (see section 845B of that Act).**]**

(5) If the travel is only partly attributable to the taking up or termination of the employment, this section applies only to the part of the expenses properly so attributable.

(6) Subsection (7) applies if in the tax year the employment is in substance one whose duties fall to be performed outside the United Kingdom.

(7) Duties of the employment performed in the United Kingdom, whose performance is merely incidental to the performance of duties outside the United Kingdom, are to be treated for the purposes of subsection (2) as performed outside the United Kingdom.

(8) In this section—

"starting travel expenses" means expenses incurred by the employee in travelling from a place in the United Kingdom to take up the employment,

"finishing travel expenses" means expenses incurred by the employee in travelling to a place in the United Kingdom on the termination of the employment, and

"employee" includes a person who is to be, or has ceased to be, an employee.

(9) This section needs to be read with section 359 (disallowance of travel expenses: mileage allowances and reliefs).

**Textual Amendments**

**F758** Words in s. 341(3) substituted (with effect in accordance with Sch. 46 para. 72 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 33**

**F759** Words in s. 341(4) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 1(6)** (with Sch. 8 Pt. 3)

## 342 Travel between employments where duties performed abroad

(1) A deduction from earnings from an employment is allowed for travel expenses incurred by the employee if conditions A to F are met.

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(2) Condition A is that the travel is for the purpose of performing duties of the employment at the destination.

(3) Condition B is that the employee has performed duties of another employment at the place of departure.

(4) Condition C is that the place of departure or the destination or both are outside the United Kingdom.

(5) Condition D is that the duties of one or both of the employments are performed wholly or partly outside the United Kingdom.

(6) Condition E is that the employee is **[**F760UK resident**]**.

(7) Condition F is that in a case where the employer is a foreign employer, the employee is **[**F761not a qualifying new resident for the purposes of Chapter 5C of Part 2 of this Act or Chapter 5 of Part 8 of ITTOIA 2005 (see section 845B of that Act).**]**

(8) If the travel is only partly attributable to the purpose of performing duties of the employment at the destination, this section applies only to the part of the expenses properly so attributable.

(9) This section needs to be read with section 359 (disallowance of travel expenses: mileage allowances and reliefs).

**Textual Amendments**

**F760** Words in s. 342(6) substituted (with effect in accordance with Sch. 46 para. 72 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 34**

**F761** Words in s. 342(7) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 1(7)** (with Sch. 8 Pt. 3)

*Fees and subscriptions*

## 343 Deduction for professional membership fees

(1) A deduction from earnings from an employment is allowed for an amount paid in respect of a professional fee if—

(a) the duties of the employment involve the practice of the profession to which the fee relates, and

(b) the registration, certification, licensing or other matter in respect of which the fee is payable is a condition, or one of alternative conditions, which must be met if that profession is to be practised in the performance of those duties.

(2) In this section "professional fee" means a fee mentioned in the following Table.

*Table*

*Health professionals*

(1) Fee payable for entry or retention of a name in any of the following—

(a) . . . . . .

(b) the register maintained by the Registrar of Chiropractors,

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**[**F762(c) the dental care professionals register,**]**

(d) the dentists register,

(e) the register of dispensing opticians,

(f) the register maintained by **[**F763the Health and Care Professions Council**]** ,

(g) . . . . . .

(h) the register of medical practitioners,

(i) the register maintained by the Nursing and Midwifery Council,

(j) either of the registers of opthalmic opticians,

(k) the register maintained by the Registrar of Osteopaths,

**[**F764(l) the register maintained under article 19 of the Pharmacy Order 2010 so far as relating to pharmacists or pharmacy technicians,**]**

**[**F765(n) the register of pharmaceutical chemists kept under Articles 6 and 9 of the Pharmacy (Northern Ireland) Order 1976.**]**

**[**F766(o) . . . . . .

(p) the register maintained by the Care Council for Wales,

(q) the register maintained by the Scottish Social Services Council,

(r) the register maintained by the Northern Ireland Social Care Council,**]**

**[**F767(s) the register of social workers in England kept under section 39(1) of the Children and Social Work Act 2017,**]**

**[**F768(t) the register kept under the Anaesthesia Associates and Physician Associates Order 2024.**]**

**[**F769(1A) Trainee registration fee payable by a specialty registrar to a body which recommends specialty registrars to the registrar of the General Medical Council for the award of a certificate of completion of training under section 34L of the Medical Act 1983.**]**

**[**F770(1B) Trainee registration fee payable by a person listed in the dentists register to a body which provides evidence to the General Dental Council relating to a person's suitability to be awarded a Certificate of Completion of Specialist Training in a specialist branch of dentistry pursuant to regulations made under section 26(3) and (4) of the Dentists Act 1984**]**

(2) . . . . . .

(3) Fee payable for entry or retention of a name in any of the following—

(a) the register maintained by the registrar appointed by the Farriers Registration Council,

(b) the supplementary veterinary register,

(c) the register of veterinary surgeons.

**[**F771(ca) any list or register of veterinary nurses maintained by the Royal College of Veterinary Surgeons,**]**

**[**F772(d) the register maintained by the Animal Medicines Training Regulatory Authority pursuant to paragraph 13 of Schedule 3 to the Veterinary Medicines Regulations 2006.**]**

*Legal professionals*

(4) Fee payable to the Council for Licensed Conveyancers on the issue of a licence to practise as a licensed conveyancer.

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(5) Fee and contribution to the compensation fund or Guarantee Fund payable on the issue of a solicitor's practising certificate.

**[**F773(5A) Fee payable to the Costs Lawyer Standards Board on applying for a costs lawyer practising certificate.**]**

*Architects*

(6) Fee payable for entry or retention of a name in the Register of Architects.

*Teachers **[**F774etc**]***

(7) Fee payable for entry or retention of a name in any of the following—

(a) . . . . . .

(b) the register maintained by the General Teaching Council for Scotland,

(c) the register maintained by the **[**F775Education Workforce Council**]**.

**[**F776(d) the register maintained by the General Teaching Council for Northern Ireland.**]**

***[**F777Patent attorneys**]** and **[**F778trade mark attorneys**]***

(8) Registration fee payable by—

(a) a registered **[**F777patent attorney**]**,

(b) a registered **[**F778trade mark attorney**]**.

(9) Practising fee payable by—

(a) a registered **[**F777patent attorney**]**,

(b) a registered **[**F778trade mark attorney**]**.

*Occupations in the transport sector*

(10) Fee payable by a driving instructor for entry or retention of a name in the register of approved instructors or on the issue or renewal of a licence authorising its holder to give paid instruction in the driving of a motor car.

(11) Fee (including any related medical or technical examination fee) payable, on the issue or renewal of a licence by the Civil Aviation Authority, by—

(a) an aircraft maintenance engineer,

(b) an air traffic controller or student air traffic controller,

(c) a member of the flight crew of an aircraft registered in the United Kingdom,

(d) a flight information service officer.

(12) Fee (including any related medical examination fee) payable—

(a) on the issue or renewal of a licence authorising its holder to drive a large goods vehicle or a passenger-carrying vehicle,

(b) by an officer or other seaman on the issue, renewal or endorsement of a certificate, licence or other document which is required as evidence of his qualification or competence to serve in a ship.

(13) Fee payable by a seafarer employed in a sea-going United Kingdom ship on the issue or renewal of a medical fitness certificate.

**[**F779(14) Fee payable by a person employed or to be employed at a United Kingdom airport for a criminal records check required for the issue of a security pass authorising him to enter areas within the airport.**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*[F780Occupations in the private security industry*

(15) Fee payable on applying for a licence from the Security Industry Authority under the Private Security Industry Act 2001.**]**

*[F781Occupations in the gambling industry*

(16) Fee payable—

(a) on applying for a personal licence from the Gambling Commission under the Gambling Act 2005, or

(b) on applying to vary such a licence.

(17) Any fee payable to the Gambling Commission under section 132 of that Act.**]**

(3) The Board of Inland Revenue may make an order adding such fee as is specified in the order to the Table of fees mentioned in subsection (2).

(4) The **[**F782Commissioners**]** may make an order if they consider that such fee is payable in respect of any registration, certification, licensing or other matter if it is required as a condition, or one of alternative conditions, of the practice of a profession.

**Textual Amendments**

**F762** Words in s. 343(2) substituted (31.7.2006 - see the London Gazette, issue no. 58050 dated 21.7.2006) by The Dentists Act 1984 (Amendment) Order 2005 (S.I. 2005/2011), art. 1(4)-(7), **Sch. 6 para. 5** (with Sch. 7) (with transitional provisions in S.I. 2006/1671)

**F763** Words in section 343(2) Table substituted (1.8.2012) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 15 para. 56(d)**; S.I. 2012/1319, art. 2(4)

**F764** Words in s. 343(2) substituted (27.9.2010) by The Pharmacy Order 2010 (S.I. 2010/231), art. 1(5), **Sch. 4 para. 11**; S.I. 2010/1621, art. 2(1)

**F765** Words in s. 343(2) Table substituted (coming into force in accordance with art. 1(2)(3) of the amending S.I.) by The Pharmacists and Pharmacy Technicians Order 2007 (S.I. 2007/289), art. 1(2)(3), **Sch. 1 para. 9** (which substitution is, as respects para. (n), continued (11.2.2010) by The Pharmacy Order 2010 (S.I. 2010/231), art. 1(2)(c), **Sch. 6 para. 2**)

**F766** Words in s. 343(2) Table added (6.4.2008) by The Income Tax (Professional Fees) Order 2008 (S.I. 2008/836), arts. 1, **2(2)**

**F767** Words in s. 343(2) Table inserted (2.12.2019) by Children and Social Work Act 2017 (c. 16), s. 70(2), **Sch. 5 para. 29**; S.I. 2019/1436, reg. 2(s)

**F768** Words in s. 343(2) Table inserted (13.12.2024) by The Anaesthesia Associates and Physician Associates Order 2024 (S.I. 2024/374), art. 1(3), **Sch. 5 para. 5**

**F769** Words in s. 343(2) inserted (10.5.2013) by The Income Tax (Professional Fees) Order 2013 (S.I. 2013/1126), arts. 1, **2(2)**

**F770** Words in s. 343(2) Table inserted (6.4.2014) by The Income Tax (Professional Fees) Order 2014 (S.I. 2014/859), arts. 1, **2(a)**

**F771** Words in s. 343(2) Table inserted (6.4.2014) by The Income Tax (Professional Fees) Order 2014 (S.I. 2014/859), arts. 1, **2(b)**

**F772** Words in s. 343(2) Table added (6.4.2008) by The Income Tax (Professional Fees) Order 2008 (S.I. 2008/836), arts. 1, **2(3)**

**F773** Words in s. 343(2) inserted (10.5.2013) by The Income Tax (Professional Fees) Order 2013 (S.I. 2013/1126), arts. 1, **2(3)**

**F774** Word in s. 343(2) Table inserted (1.4.2015) by The Income Tax (Professional Fees) Order 2015 (S.I. 2015/886), arts. 1, **2(b)**

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**F775** Words in s. 343(2) Table substituted (1.4.2015) by The Income Tax (Professional Fees) Order 2015 (S.I. 2015/886), arts. 1, **2(a)**

**F776** Words in s. 343(2) added (6.4.2005) by The Income Tax (Professional Fees) Order 2005 (S.I. 2005/1091), arts. 1, **2**

**F777** Words in s. 343(2) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), s. 211(2), **Sch. 21 para. 137(a)** (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(h)

**F778** Words in s. 343(2) substituted (1.1.2010) by Legal Services Act 2007 (c. 29), s. 211(2), **Sch. 21 para. 137(b)** (with ss. 29, 192, 193); S.I. 2009/3250, art. 2(h)

**F779** Words in s. 343(2) added (1.7.2003) by The Income Tax (Professional Fees) Order 2003 (S.I. 2003/1652), arts. 1, **2**

**F780** Words in s. 343(2) added (17.5.2004) by The Income Tax (Professional Fees) Order 2004 (S.I. 2004/1360), arts. 1, **2**

**F781** Words in s. 343(2) Table inserted (1.12.2012) by The Income Tax (Professional Fees) Order 2012 (S.I. 2012/3004), arts. 1, **2**

**F782** Words in s. 343 substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(2)(3)(e)**; S.I. 2005/1126, art. 2(2)(h)

## 344 Deduction for annual subscriptions

(1) A deduction from earnings from an employment is allowed for an amount paid in respect of an annual subscription if—

(a) it is paid to a body of persons approved under this section, and

(b) the activities of the body which are directed to one or more of the objects within subsection (2) are of direct benefit to, or concern the profession practised in, the performance of the duties of the employment.

(2) The objects are—

(a) the advancement or dissemination of knowledge (whether generally or among persons belonging to the same or similar professions or occupying the same or similar positions),

(b) the maintenance or improvement of standards of conduct and competence among the members of a profession,

(c) the provision of indemnity or protection to members of a profession against claims in respect of liabilities incurred by them in the exercise of their profession.

(3) **[**F154An officer of Revenue and Customs**]** may approve a body of persons under this section if, on an application by the body, **[**F783the officer**][**F784is satisfied**]** that—

(a) the body is not of a mainly local character,

(b) its activities are carried on otherwise than for profit, and

(c) its activities are wholly or mainly directed to objects within subsection (2).

(4) **[**F154An officer of Revenue and Customs**]** must give notice to the body of their decision on the application.

(5) If the activities of the body are to a significant extent directed to objects other than objects within subsection (2), **[**F154an officer of Revenue and Customs**]** may—

(a) determine the proportion of the activities directed to objects within subsection (2), and

(b) determine that only such corresponding part of the subscription as is specified by **[**F154an officer of Revenue and Customs**]** is allowable under this section.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) In determining that part, **[**F154an officer of Revenue and Customs**]** must have regard to the proportion of expenditure of the body attributable to objects other than objects within subsection (2) and all other relevant circumstances.

(7) If a body applies for approval under this section and is approved, a subscription paid to it—

(a) before it has applied but in the same tax year as the application, or

(b) after it has applied but before it is approved,

is treated for the purposes of this section as having been paid to an approved body.

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F783** Words in s. 344(3) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 103(1)(g)**; S.I. 2005/1126, art. 2(2)(h)

**F784** Words in s. 344(3) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 112**; S.I. 2005/1126, art. 2(2)(h)

## 345 Decisions of [F154an officer of Revenue and Customs] under section 344

(1) **[**F154An officer of Revenue and Customs**]** may by notice to the body in question—

(a) withdraw an approval given under section 344, and

(b) withdraw or vary a determination made under that section,

to take account of any change in circumstances.

(2) A body aggrieved by a decision of **[**F154an officer of Revenue and Customs**]** under section 344 or subsection (1) may appeal ....

(3) The notice of appeal must be given to **[**F154an officer of Revenue and Customs**]** within 30 days after the date on which notice of their decision was given to the body.

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

*Employee liabilities and indemnity insurance*

## 346 Deduction for employee liabilities [F785and expenses]

(1) A deduction from earnings from an employment is allowed for any or all of the following—

A. Payment in or towards the discharge of a liability related to the employment.

B. Payment of any costs or expenses incurred in connection with—

(a) a claim that the employee is subject to a liability related to the employment, or

(b) proceedings relating to or arising out of a claim that the employee is subject to a liability related to the employment.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**[**[F786]BA. Payment of any costs or expenses not falling within paragraph B which are incurred in connection with the employee giving evidence about matters related to the employment in, or for the purposes of—

(a) a proceeding or other process (whether or not involving the employee), or

(b) an investigation (whether or not likely to lead to any proceeding or other process involving the employee).

BB. Payment of any costs or expenses not falling within paragraph B or BA which are incurred in connection with a proceeding or other process, or an investigation, in which—

(a) acts of the employee related to the employment, or

(b) any other matters related to the employment,

are being or are likely to be considered.**]**

C. Payment of a premium under a qualifying insurance contract, but only to the extent that the premium relates to—

(a) provision in the contract for the employee to be indemnified against a payment falling within paragraph A, or

(b) provision in the contract for the payment of any costs or expenses falling within paragraph B **[**[F787], BA or BB**]** .

(2) But a deduction is not allowed for a payment which falls within paragraph A **[**[F788]B, BA or BB**]** if it would be unlawful for the employer to enter into a contract of insurance in respect of the liability, or costs or expenses, in question.

**[**[F789](2A) Nor is a deduction allowed for a payment which falls within **[**[F790]any of paragraphs A to C**]** if the payment is made in pursuance of arrangements the main purpose, or one of the main purposes, of which is the avoidance of tax.**]**

(3) In this Chapter—

(a) "premium", in relation to a qualifying insurance contract, means an amount payable to the insurer under the contract, and

(b) where a qualifying insurance contract relates to more than one person, employment or risk, the part of the premium to be treated as relating to each of them is to be determined by apportionment on a just and reasonable basis.

**[**[F791](4) In this section and section 349—

(a) "acts" includes failures to act and acts are "related to the employment" if the employee was acting—

(i) in the employee's capacity as holder of the employment, or

(ii) in any other capacity in which the employee was acting in the performance of the duties of the employment,

(b) "giving evidence" includes making a formal or informal statement or answering questions,

(c) "proceeding or other process" includes any civil, criminal or arbitration proceedings, any disciplinary or regulatory proceedings of any kind and any process operated for resolving disputes or adjudicating on complaints, and

(d) references to a proceeding or other process or an investigation include a reference to a proceeding or other process or an investigation that is likely to take place.**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F785** Words in s. 346 heading inserted (with effect in accordance with s. 4(8) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 4(2)(a)**

**F786** Words in s. 346(1) inserted (with effect in accordance with s. 4(8) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 4(2)(b)**

**F787** Words in s. 346(1) inserted (with effect in accordance with s. 4(8) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 4(2)(c)**

**F788** Words in s. 346(2) substituted (with effect in accordance with s. 4(8) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 4(2)(d)**

**F789** S. 346(2A) inserted (with effect in accordance with s. 67(4) of the amending Act) by Finance Act 2009 (c. 10), **s. 67(2)**

**F790** Words in s. 346(2A) substituted (with effect in accordance with s. 4(8) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 4(2)(e)**

**F791** S. 346(4) inserted (with effect in accordance with s. 4(8) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 4(2)(f)**

## 347 Payments made after leaving the employment

(1) A deduction for a payment is not allowed under section 346 if—

(a) the employee has ceased to hold the employment, and

(b) the payment is made after the day on which the employee ceased to hold the employment.

(2) If subsection (1) applies, see section 555 (former employee entitled to deduction **[**[F792]in calculating net income**]**).

**Textual Amendments**

**F792** Words in s. 347(2) substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 435** (with Sch. 2)

## 348 Liabilities related to the employment

For the purposes of this Chapter each of the following kinds of liability is related to the employment— A. Liability imposed upon the employee because he did an act, or failed to do an act—

(a) in his capacity as holder of the employment, or

(b) in any other capacity in which he acted in the performance of the duties of the employment.

B. Liability imposed upon the employee in connection with any proceedings relating to, or arising from, a claim that he is subject to a liability because he did an act, or failed to do an act—

(a) in his capacity as holder of the employment, or

(b) in any other capacity in which he acted in the performance of the duties of the employment.

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## 349 Meaning of "qualifying insurance contract"

(1) In section 346 "qualifying insurance contract" means a contract of insurance which meets conditions A, B, C and D.

(2) Condition A is that, so far as the risks insured against are concerned, the contract only relates to one or more of the following—

(a) the indemnification of an employee against a liability related to the employment,

(b) the indemnification of a person against vicarious liability in respect of a liability related to another person's employment,

(c) the payment of costs or expenses incurred—

(i) in connection with a claim that a person is subject to a liability to which the insurance relates, or

(ii) in connection with any proceedings relating to or arising out of a claim that a person is subject to a liability to which the insurance relates,

**[**F793(ca) the payment of costs or expenses incurred in connection with an employee giving evidence about matters related to the employee's employment in, or for the purposes of—

(i) a proceeding or other process (whether or not involving the employee), or

(ii) an investigation (whether or not likely to lead to any proceeding or other process involving the employee),

(cb) the payment of any costs or expenses incurred in connection with a proceeding or other process, or an investigation, in which—

(i) acts of an employee related to the employment, or

(ii) any other matters related to the employment of an employee,

are being or are likely to be considered,**]**

(d) the indemnification of an employer against loss from a payment made by the employer to an employee in respect of—

(i) a liability related to the employment, or

(ii) any costs or expenses incurred as mentioned in paragraph (c) **[**F794, (ca) or (cb)**]**.

(3) Condition B is that—

(a) the period of insurance under the contract does not exceed 2 years or, if it does, it does so only because of one or more renewals, each for a period of 2 years or less, and

(b) the insured is not required to renew the contract for any period.

(4) Condition C is—

(a) that the insured is not entitled under the contract to receive any payment or other benefit in addition to—

(i) cover for the risks insured against, and

(ii) any right to renew the contract, or

(b) if the insured is so entitled, that the part of the premium reasonably attributable to the entitlement is not a significant part of the whole premium.

(5) Condition D is that the contract is not connected with another contract.

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**Textual Amendments**

**F793** S. 349(2)(ca)(cb) inserted (with effect in accordance with s. 4(8) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 4(3)(a)**

**F794** Words in s. 349(2)(d) inserted (with effect in accordance with s. 4(8) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 4(3)(b)**

## 350 Connected contracts

(1) An insurance contract is connected with another contract for the purposes of section 349 if conditions E and F are met—

(a) at the time when both contracts are first in force, or

(b) at any time after that time.

(2) Condition E is that one of the contracts was entered into—

(a) by reference to the other, or

(b) with a view to enabling or facilitating entry into the other on particular terms.

(3) Condition F is that the terms on which one of the contracts was entered into are significantly different from what they would have been if—

(a) it had not been entered into in anticipation of the other being entered into, or

(b) the other had not also been entered into.

(4) If—

(a) there is only one such significant difference in terms, and

(b) the contracts meet conditions A, B and C specified in section 349,

the difference may be disregarded in the following cases.

(5) The first case is where the difference is a reduction in premiums under the contract that is reasonably attributable only to the contract—

(a) containing a right to renew, or

(b) being entered into by way of renewal.

(6) The second case is where—

(a) two or more contracts have been entered into as part of a single transaction, and

(b) the difference is reductions in their premiums that are reasonably attributable only to the premium under each of them having been fixed by reference to the appropriate proportion of the combined premium.

(7) In subsection (6) "the combined premium" means the amount that would have been the total premium under a single contract relating to all the risks covered by the contracts.

*Expenses of ministers of religion*

## 351 Expenses of ministers of religion

(1) A deduction is allowed from any earnings from any employment as a minister of a religious denomination for amounts incurred by the minister wholly, exclusively and necessarily in the performance of duties of such an employment.

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(2) If a minister of a religious denomination pays rent in respect of a dwelling-house, part of which is used mainly and substantially for the purposes of such duties, a deduction is allowed from the minister's earnings from any employment as such a minister for—

(a) one quarter of the rent, or

(b) if less, the part of the rent that, on a just and reasonable apportionment, is attributable to that part of the dwelling-house.

(3) If—

(a) an interest in premises belongs to a charity or an ecclesiastical corporation, and

(b) because of that interest and by reason of holding an employment as a minister of a religious denomination, the minister has a residence in the premises from which to perform the duties of the employment,

a deduction is allowed from the minister's earnings from any such employment for part of any expenses borne by the minister on the maintenance, repair, insurance or management of the premises.

(4) The amount of the deduction is—

$$\frac{A}{4} - B$$

where—

A is the amount of the expenses borne by the minister on the maintenance, repair, insurance or management of the premises, and

B is the amount of those expenses that are allowed under subsection (1).

(5) . . . . . .

(6) Subsection (1) needs to be read with section 359 (disallowance of travel expenses: mileage allowances and reliefs).

*Agency fees paid by entertainers*

### 352 Limited deduction for agency fees paid by entertainers

(1) A deduction is allowed from earnings from an employment as an entertainer for agency fees (and any value added tax on them) if the fees are calculated as a percentage of the whole or part of the earnings from the employment.

This is subject to the limit in subsection (2).

(2) Amounts may be deducted under this section in calculating the net taxable earnings from an employment in a tax year only to the extent that, in aggregate, they do not exceed 17.5% of the taxable earnings from the employment in the tax year.

(3) Subsections (4) and (5) apply for the purposes of this section.

(4) "Entertainer" means an actor, dancer, musician, singer or theatrical artist.

(5) "Agency fees", in relation to an employment, means—

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(a) fees paid under a contract between the employee and another person, to whom the fees are paid, who—

(i) agrees under the contract to act as an agent of the employee in connection with the employment, and

(ii) at the time the fees are paid is carrying on an employment agency with a view to profit, and

(b) fees paid under an arrangement under which a co-operative society or the members of such a society agree to act as the employee's agent in connection with the employment.

(6) For the purposes of subsection (5)—

"co-operative society" does not include a society which carries on or intends to carry on business with the object of making profits mainly for the payment of interest, dividends or bonuses on money invested or deposited with or lent to the society or any other person, and

"employment agency" has the meaning given by section 13(2) of the Employment Agencies Act 1973 (c. 35).

*Special rules for earnings with a foreign element*

### 353 Deductions from earnings charged on remittance

(1) A deduction is allowed from earnings charged on remittance for expenses within subsection (2) if the condition in subsection (3) is met.

(2) The expenses are—

(a) any expenses—

(i) paid by the employee out of the earnings, or

(ii) paid on the employee's behalf by another person and included in the earnings, and

(b) any other expenses paid in the United Kingdom in the tax year or an earlier tax year in which the employee has been resident in the United Kingdom.

(3) The condition is that the expenses would have been deductible under sections 336 to 342 if the earnings had been earnings charged on receipt in the tax year in which the expenses were incurred.

(4) Where—

(a) any of the deductibility provisions refers to amounts or expenses that would be deductible from earnings if they were paid by a person, and

(b) the earnings in question are earnings charged on remittance,

it is assumed for the purposes of those provisions that the person pays the amounts or expenses out of those earnings.

### 354 Disallowance of expenses relating to earnings taxed on different basis or untaxed

(1) If the earnings from an employment for a tax year include both earnings charged on receipt and other earnings (except earnings charged under section 22), no deduction is allowed under sections 336 to 342 from the earnings charged on receipt for an amount paid in respect of duties of the employment to which the other earnings relate.

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) If the earnings from an employment for a tax year include both earnings charged on remittance under section 26 and other earnings, no deduction is allowed under section 353 from the earnings charged on remittance for an amount paid in respect of duties of the employment to which the other earnings relate.

(3) This section is to be disregarded for the purposes of the deductibility provisions.

### 355 Deductions for corresponding payments by [F795qualifying new resident] employees with foreign employers

(1) An employee may make a claim to **[**F104the Commissioners for Her Majesty's Revenue and Customs**]** under this section if conditions A to D are met.

(2) Condition A is that the employee is **[**F796a qualifying new resident for the purposes of Chapter 5C of Part 2 of this Act or Chapter 5 of Part 8 of ITTOIA 2005 (see section 845B of that Act).**]**

(3) Condition B is that the employment is with a foreign employer.

(4) Condition C is that the employee has made a payment out of earnings from the employment.

(5) Condition D is that the payment does not reduce the employee's liability to United Kingdom income tax, but was made in circumstances corresponding to those in which it would do so.

(6) If the **[**F797Commissioners**]** are satisfied that conditions A to D are met, they may allow the payment as a deduction under this Chapter.

**Textual Amendments**

**F104** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(2)**; S.I. 2005/1126, art. 2(2)(h)

**F795** Words in s. 355 heading substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 1(8)(a)** (with Sch. 8 Pt. 3)

**F796** Words in s. 355(2) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 1(8)(b)** (with Sch. 8 Pt. 3)

**F797** Word in s. 355 substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(3)(f)**; S.I. 2005/1126, art. 2(2)(h)

*Disallowance of business entertainment and gifts expenses*

### 356 Disallowance of business entertainment and gifts expenses

(1) No deduction from earnings is allowed under this Part for expenses incurred in providing entertainment or a gift in connection with the employer's trade, business, profession or vocation.

(2) Subsection (1) is subject to the exceptions in—

(a) section 357 (exception where employer's expenses disallowed), and

(b) section 358 (other exceptions).

(3) For the purposes of this section and those sections—

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) "entertainment" includes hospitality of any kind, and

(b) expenses incurred in providing entertainment or a gift include expenses incurred in providing anything incidental to the provision of entertainment or a gift.

## 357 Business entertainment and gifts: exception where employer's expenses disallowed

(1) The prohibition in section 356 on deducting expenses does not apply if—

(a) the earnings include an amount in respect of the expenses,

(b) the employer—

(i) paid the amount to, or on behalf of, the employee, or

(ii) put it at the employee's disposal,

exclusively for meeting expenses incurred or to be incurred by the employee in providing the entertainment or gift, and

(c) condition A, B or C is met.

(2) Condition A is that the deduction of the amount falls to be disallowed under **[**F798section 45 or 867 of ITTOIA 2005 or under**][**F799section 1298 of CTA 2009**]** in calculating the employer's profits from the trade, profession or vocation in question for the purposes of the Tax Acts (or it would do so apart from the exemption in ... **[**F800section 524 of ITA 2007**][**F801or section 478 of CTA 2010**]** or any relief applying in respect of those profits).

**[**F802(3) Condition B is that the inclusion of the amount falls to be disallowed (or would be disallowed apart from some other relief applying to the employer) under **[**F803section 1298 of CTA 2009**]** in calculating—

(a) the employer's expenses of management for the purposes of giving relief under the Tax Acts, or

**[**F804(b) the ordinary BLAGAB management expenses of the employer for the purposes of section 76 of FA 2012.**]]**

(4) Condition C is that—

(a) the employer is a tonnage tax company during the whole or part of the tax year, and

(b) apart from the tonnage tax election, the deduction of the amount included in the employee's earnings would fall to be disallowed in calculating the employer's relevant shipping profits.

(5) In subsection (4) "tonnage tax company", "tonnage tax election" and "relevant shipping profits" have the same meaning as in Schedule 22 to FA 2000.

**Textual Amendments**

**F798** Words in s. 357(2) inserted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 593** (with Sch. 2)

**F799** Words in s. 357(2) substituted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), **Sch. 1 para. 552(2)** (with Sch. 2 Pts. 1, 2)

**F800** Words in s. 357(2) inserted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 436** (with Sch. 2)

**F801** Words in s. 357(2) inserted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 385(b)** (with Sch. 2)

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F802** S. 357(3) substituted (with effect in accordance with art. 1(2) of the amending S.I.) by The Finance Act 2004, Sections 38 to 40 and 45 and Schedule 6 (Consequential Amendment of Enactments) Order 2004 (S.I. 2004/2310), art. 1(2), **Sch. para. 68(2)**

**F803** Words in s. 357(3) substituted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), **Sch. 1 para. 552(3)** (with Sch. 2 Pts. 1, 2)

**F804** S. 357(3)(b) substituted (17.7.2012) by Finance Act 2012 (c. 14), **Sch. 16 para. 111**

## 358 Business entertainment and gifts: other exceptions

(1) The prohibition in section 356 on deducting expenses does not apply if the expenses are incurred in providing entertainment or gifts for the employer's employees unless—

(a) they are also provided for others, and

(b) their provision for the employees is incidental to their provision for the others.

(2) For this purpose directors and persons engaged in the management of a company are regarded as employed by it.

(3) The prohibition in section 356 on deducting expenses does not apply if the expenses are incurred in providing a gift which incorporates a conspicuous advertisement for the employer or, if the employer is a company, another company which belongs to the same group as the employer, unless—

(a) the gift is food, drink, tobacco or a token or voucher exchangeable for goods, or

(b) the cost of the gift to the donor, together with any other gifts (except food, drink, tobacco or tokens or vouchers exchangeable for goods) given to the same person in the same tax year, is more than £50.

(4) In subsection (3) "group" means a body corporate and its 51% subsidiaries.

*Other rules preventing deductions of particular kinds*

## 359 Disallowance of travel expenses: mileage allowances and reliefs

(1) No deduction may be made under the travel deductions provisions in respect of travel expenses incurred in connection with the use by the employee of a vehicle that is not a company vehicle if condition A or B is met.

(2) Condition A is that mileage allowance payments are made to the employee in respect of the use of the vehicle.

(3) Condition B is that mileage allowance relief is available in respect of the use of the vehicle by the employee (see section 231).

(4) In this section—

"company vehicle" has the meaning given by section 236(2),

"mileage allowance payments" has the meaning given by section 229(2), and

"the travel deductions provisions" means sections 337 to 342, 370, 371, 373 and 374 (travel expenses) and section 351 (expenses of ministers of religion).

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## 360 Disallowance of certain accommodation expenses of MPs and other representatives

(1) No deduction from earnings is allowed under this Chapter or section 373 (**[**F805non-resident or qualifying new resident**]** employee's travel costs and expenses where duties performed in UK) for accommodation expenses incurred by a member of—

(a) the House of Commons,

(b) the Scottish Parliament,

(c) the National Assembly for Wales, or

(d) the Northern Ireland Assembly.

(2) In this section "accommodation expenses" means expenses incurred in, or in connection with, the provision or use of residential or overnight accommodation to enable the member to perform duties as a member of the Parliament or Assembly in or about—

(a) the place where it sits, or

(b) the constituency or region which the member represents.

**[**F806(3) In relation to a member of the House of Commons, subsection (3) of section 292 applies for the purposes of this section as it applies for the purposes of that section.**]**

**Textual Amendments**

**F805** Words in s. 360(1) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 1(9)** (with Sch. 8 Pt. 3)

**F806** S. 360(3) inserted (with effect in accordance with Sch. 4 para. 1(6) of the amending Act) by Finance (No. 2) Act 2010 (c. 31), **Sch. 4 para. 1(3)**

## **[**F807360ASocial security contributions

(1) No deduction from earnings is allowed under this Chapter for any contribution paid by any person under Part 1 of SSCBA 1992 or Part 1 of SSCB(NI)A 1992.

(2) But this prohibition does not apply to an employer's contribution (see subsection (3)) which is allowable as a deduction—

(a) under section 336 (the general rule),

(b) under any of sections 337 to 342 (travel expenses), or

(c) under section 351(1) (expenses of ministers of religion).

(3) For this purpose "an employer's contribution" means—

(a) a secondary Class 1 contribution,

(b) a Class 1A contribution, or

(c) a Class 1B contribution,

within the meaning of Part 1 of SSCBA 1992 or Part 1 of SSCB(NI)A 1992.**]**

**Textual Amendments**

**F807** S. 360A inserted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 594** (with Sch. 2)

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### [F808 360B Additional household expenses

(1) No deduction from earnings is allowed under this Chapter for additional household expenses which the employee incurs in the performance of the duties of the employment at home.

(2) In this section, "household expenses" has the same meaning as in section 316A.**]**

**Textual Amendments**

**F808** S. 360B inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), **s. 21**

## CHAPTER 3

DEDUCTIONS FROM BENEFITS CODE EARNINGS

*Introduction*

### 361 Scope of this Chapter: cost of benefits deductible as if paid by employee

A deduction from a person's earnings is allowed under the following provisions of this Chapter where—

(a) the earnings include an amount treated as earnings under—

(i) Chapter 4 of Part 3 (taxable benefits: vouchers and credit-tokens),

(ii) Chapter 5 of Part 3 (taxable benefits: living accommodation), or

(iii) Chapter 10 of Part 3 (taxable benefits: residual liability to charge), and

(b) an amount in respect of the benefit in question would be deductible under Chapter 2 or 5 of this Part if the person had incurred and paid it.

*Deductions where amounts treated as earnings under the benefits code*

### 362 Deductions where non-cash voucher provided

(1) A deduction from earnings is allowed if—

(a) the earnings include an amount treated as earnings under section **[**F809 87(1) or 87A(1) (amount in respect**]** of benefit of non-cash voucher treated as earnings),

(b) the voucher is exchanged for goods or services (whether in the tax year or a later year), and

(c) had the employee incurred and paid the cost of the goods or services in the tax year, the whole or part of the amount paid would have been deductible from the earnings under Chapter 2 or 5 of this Part.

(2) The deduction is equal to the lesser of—

(a) the amount treated as earnings, and

(b) the amount that would have been so deductible.

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**Textual Amendments**

**F809** Words in s. 362(1)(a) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 54**

### 363 Deductions where credit-token provided

(1) A deduction from earnings is allowed if—

(a) the earnings include an amount treated as earnings under section **[**F810**]**94(1) or 94A(1) (amount in respect**]** of benefit of credit-token treated as earnings), and

(b) had the employee incurred and paid the cost of the goods or services obtained by using the token, the whole or part of the amount paid would have been deductible from the earnings under Chapter 2 or 5 of this Part.

(2) The deduction is equal to the lesser of—

(a) the amount treated as earnings, and

(b) the amount that would have been so deductible.

**Textual Amendments**

**F810** Words in s. 363(1)(a) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 56**

### 364 Deductions where living accommodation provided

(1) A deduction from earnings is allowed if—

(a) the earnings include an amount treated as earnings under Chapter 5 of Part 3 (taxable benefits: living accommodation), and

(b) had the employee incurred and paid an amount equal to that amount for the accommodation in the tax year, the whole or part of the amount paid would have been deductible under Chapter 2 or 5 of this Part.

(2) The deduction is equal to the amount that would have been so deductible.

### 365 Deductions where **[**F811**]**certain employment-related benefits**]** provided

(1) A deduction from earnings is allowed if—

(a) the earnings include an amount treated as earnings under Chapter 10 of Part 3 (taxable benefits: residual liability to charge) in respect of a benefit, ...

**[**F812**]**(aa) the cost of the benefit was determined under section 204 or 206, and **]**

(b) had the employee incurred and paid the cost of the benefit, the whole or part of the amount paid would have been deductible under Chapter 2 or 5 of this Part.

(2) The deduction is equal to the amount that would have been so deductible.

(3) For the purposes of this section, the cost of the benefit is determined in accordance with **[**F813**]**section 204 or 206**]** .

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F811** Words in s. 365 heading substituted (with effect in accordance with s. 8(5) of the amending Act) by Finance Act 2017 (c. 10), **s. 8(4)(c)**

**F812** S. 365(1)(aa) inserted (with effect in accordance with s. 8(5) of the amending Act) by Finance Act 2017 (c. 10), **s. 8(4)(a)(ii)**

**F813** Words in s. 365(3) substituted (with effect in accordance with s. 8(5) of the amending Act) by Finance Act 2017 (c. 10), **s. 8(4)(b)**

## CHAPTER 4

FIXED ALLOWANCES FOR EMPLOYEE'S EXPENSES

*Introduction*

### 366 Scope of this Chapter: amounts fixed by Treasury

A deduction from an employee's earnings for an amount is allowed under this Chapter where the amount has been fixed by the Treasury by reference to the employee's employment.

*Fixed sum deductions*

### 367 Fixed sum deductions for repairing and maintaining work equipment

(1) A deduction is allowed for the sum, if any, fixed by the Treasury as in their opinion representing the average annual expenses incurred by employees of the class to which the employee belongs in respect of the repair and maintenance of work equipment.

(2) The Treasury may only fix such a sum for a class of employees if they are satisfied that—

(a) the employees are generally responsible for the whole or part of the expense of repairing and maintaining the work equipment, and

(b) the expenses for which they are generally responsible would be deductible from the employees' earnings under section 336 if paid by them.

(3) No deduction is allowed under this section if the employer pays or reimburses the expenses in respect of which the sum is fixed or would do so if requested.

(4) If the employer pays or reimburses part of those expenses or would do so if requested, the amount of the deduction is reduced by the amount which is or would be paid or reimbursed.

(5) In this section "work equipment" means tools or special clothing.

(6) This section needs to be read with section 330(2) (prevention of double deductions).

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### 368 Fixed sum deductions from earnings payable out of public revenue

(1) A deduction is allowed from earnings payable out of the public revenue for the employee's fixed sum expenses in respect of the duties to which the earnings relate.

(2) "Fixed sum expenses" means the sum, if any, fixed by the Treasury as in their opinion representing the average annual expenses which employees of the employee's description are obliged to pay wholly, exclusively and necessarily in the performance of duties to which such earnings relate.

(3) This section needs to be read with section 330(2) (prevention of double deductions).

## CHAPTER 5

DEDUCTIONS FOR EARNINGS REPRESENTING BENEFITS OR REIMBURSED EXPENSES

*Introduction*

### 369 Scope of this Chapter: earnings representing benefits or reimbursed expenses

(1) A deduction from a person's earnings for an amount is allowed under the following provisions of this Chapter where the amount is included in the earnings in respect of—

(a) provision made for the person, or

(b) expenses reimbursed by another person.

(2) In this Chapter references to "the included amount" are references to the amount so included.

(3) If the included amount is an amount treated as earnings under—

(a) Chapter 4 of Part 3 (taxable benefits: vouchers and credit-tokens),

(b) Chapter 5 of Part 3 (taxable benefits: living accommodation), or

(c) Chapter 10 of Part 3 (taxable benefits: residual liability to charge),

a deduction may be allowed instead in respect of the benefit in question under Chapter 3 of this Part (deductions from benefits code earnings).

*Travel costs and expenses where duties performed abroad*

### 370 Travel costs and expenses where duties performed abroad: employee's travel

(1) A deduction is allowed from earnings which are **[**[F814]relevant taxable earnings**]** if—

(a) the earnings include an amount in respect of—

(i) the provision of travel facilities for a journey made by the employee, or

(ii) the reimbursement of expenses incurred by the employee on such a journey, and

(b) the circumstances fall within Case A, B or C.

(2) The deduction is equal to the included amount.

(3) Case A is where—

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(a) the employee is absent from the United Kingdom wholly and exclusively for the purpose of performing the duties of one or more employments,

(b) the duties concerned can only be performed outside the United Kingdom, and

(c) the journey is—

(i) a journey from a place outside the United Kingdom where such duties are performed to a place in the United Kingdom, or

(ii) a return journey following such a journey.

(4) Case B is where—

(a) the duties of the employment are performed partly outside the United Kingdom,

(b) those duties are not performed on a vessel,

(c) the journey is between a place in the United Kingdom and a place outside the United Kingdom where duties of the employment are performed,

(d) the duties performed outside the United Kingdom can only be performed there, and

(e) the journey is made wholly and exclusively for the purpose of performing them or returning after performing them.

(5) Case C is where—

(a) the duties of the employment are performed partly outside the United Kingdom,

(b) those duties are performed on a vessel,

(c) the journey is between a place in the United Kingdom and a place outside the United Kingdom where duties of the employment are performed,

(d) the duties performed outside the United Kingdom can only be performed there, and

(e) the journey is made wholly and exclusively for the purpose of performing those duties, or those duties and other duties of the employment, or returning after performing them.

**[**F815(6) In this section "relevant taxable earnings" means general earnings for a tax year ... that—

(a) are taxable earnings under section 15, and

**[**F816(b) either—

(i) if the tax year is tax year 2024-2025 or an earlier tax year, would be taxable earnings under section 15 even if the employee made a claim under section 809B of ITA 2007 (claim for remittance basis) for that year, or

(ii) if the tax year is tax year 2025-2026 or a later tax year and the employee is a qualifying new resident for the purposes of Chapter 5C of Part 2 for that tax year, are not qualifying foreign general earnings within the meaning of section 41T (qualifying foreign general earnings).**]]**

**Textual Amendments**

**F814** Words in s. 370(1) substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 27(2)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F815** S. 370(6) inserted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 27(3)**

**F816** S. 370(6)(b) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 1(10)** (with Sch. 8 Pt. 3)

## 371 Travel costs and expenses where duties performed abroad: visiting spouse's [F817, civil partner's] or child's travel

(1) A deduction is allowed from earnings which are **[**F818relevant taxable earnings**]** if—

(a) the earnings include an amount in respect of—

(i) the provision of travel facilities for a journey made by the employee's spouse **[**F819, civil partner**]** or child, or

(ii) the reimbursement of expenses incurred by the employee on such a journey, and

(b) conditions A to C are met.

(2) The deduction is equal to the included amount.

(3) Condition A is that the employee is absent from the United Kingdom for a continuous period of at least 60 days for the purpose of performing the duties of one or more employments.

(4) Condition B is that the journey is between a place in the United Kingdom and a place outside the United Kingdom where such duties are performed.

(5) Condition C is that the employee's spouse **[**F820, civil partner**]** or child is—

(a) accompanying the employee at the beginning of the period of absence,

(b) visiting the employee during that period, or

(c) returning to a place in the United Kingdom after so accompanying or visiting the employee.

(6) A deduction is not allowed under this section for more than two outward and two return journeys by the same person in a tax year.

(7) In this section "child" includes a stepchild and an illegitimate child, but not a person who is 18 or over at the beginning of the outward journey.

**[**F821(8) In this section "relevant taxable earnings" has the meaning given by section 370(6).**]**

**Textual Amendments**

**F817** Words in s. 371 heading inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **146(3)**

**F818** Words in s. 371(1) substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 28(2)**

**F819** Words in s. 371(1)(a)(i) inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **146(2)**

**F820** Words in s. 371(5) inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **146(2)**

**F821** S. 371(8) inserted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 28(3)**

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### 372 Where seafarers' duties are performed

For the purposes of—

(a) section 370 (employee's travel costs and expenses where duties performed abroad), and

(b) section 371 (visiting spouse's **[**F822, civil partner's**]** or child's travel costs and expenses where duties performed abroad),

whether duties performed on a vessel are performed in or outside the United Kingdom is determined without regard to section 40(2) (certain duties treated as performed in UK).

**Textual Amendments**

**F822** Words in s. 372(b) inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **147**

*Travel costs and expenses of **[**F823non-resident or qualifying new resident**]** employees where duties performed in UK*

**Textual Amendments**

**F823** Words in s. 373 cross-heading substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 1(11)** (with Sch. 8 Pt. 3)

### 373 **[**F824**Non-resident or qualifying new resident]** employee's travel costs and expenses where duties performed in UK

(1) This section applies if a person ("the employee") who is **[**F825non-UK resident or a qualifying new resident for the purposes of Chapter 5C of Part 2 of this Act or Chapter 5 of Part 8 of ITTOIA 2005 (see section 845B of that Act)**]**—

(a) receives earnings from an employment for duties performed in the United Kingdom, and

(b) an amount is included in the earnings in respect of—

(i) the provision of travel facilities for a journey made by the employee, or

(ii) the reimbursement of expenses incurred by the employee on such a journey.

(2) A deduction is allowed from earnings from the employment which are earnings charged on receipt if the journey meets conditions A and B.

(3) Condition A is that the journey ends on, or during the period of 5 years beginning with, a date that is a qualifying arrival date in relation to the employee (see section 375).

(4) Condition B is that the journey is made—

(a) from **[**F826a country**]** outside the United Kingdom in which the employee normally lives **[**F827at the time the journey is made**]** to a place in the United Kingdom in order to perform duties of the employment, or

(b) to **[**F828such a**]** country from a place in the United Kingdom in order to return to **[**F828such a**]** country after performing such duties.

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(5) If the journey is wholly for a purpose specified in subsection (4), the deduction is equal to the included amount.

(6) If the journey is only partly for such a purpose, the deduction is equal to so much of the included amount as is properly attributable to that purpose.

(7) . . . . . .

**Textual Amendments**

**F824** Words in s. 373 heading substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 1(12)(a)** (with Sch. 8 Pt. 3)

**F825** Words in s. 373(1) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 1(12)(b)** (with Sch. 8 Pt. 3)

**F826** Words in s. 373(4)(a) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 1(12)(c)(i)** (with Sch. 8 Pt. 3)

**F827** Words in s. 373(4)(a) inserted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 1(12)(c)(ii)** (with Sch. 8 Pt. 3)

**F828** Words in s. 373(4)(b) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 1(12)(d)** (with Sch. 8 Pt. 3)

## 374 [F829Non-resident or qualifying new resident] employee's spouse's [F830, civil partner's] or child's travel costs and expenses where duties performed in UK

(1) This section applies if a person ("the employee") who is **[**F831non-UK resident or a qualifying new resident for the purposes of Chapter 5C of Part 2 of this Act or Chapter 5 of Part 8 of ITTOIA 2005 (see section 845B of that Act)**]**—

(a) receives earnings from an employment for duties performed in the United Kingdom, and

(b) an amount is included in the earnings in respect of—

(i) the provision of travel facilities for a journey made by the employee's spouse **[**F832, civil partner**]** or child, or

(ii) the reimbursement of expenses incurred by the employee on such a journey.

(2) A deduction is allowed from earnings from the employment which are earnings charged on receipt if conditions A to C are met.

(3) Condition A is that the journey—

(a) is made between **[**F833a country**]** outside the United Kingdom in which the employee normally lives **[**F834at the time the journey is made**]** and a place in the United Kingdom, and

(b) ends on, or during the period of 5 years beginning with, a date that is a qualifying arrival date in relation to the employee (see section 375).

(4) Condition B is that the employee is in the United Kingdom for a continuous period of at least 60 days for the purpose of performing the duties of one or more employments from which the employee receives earnings for duties performed in the United Kingdom.

(5) Condition C is that the employee's spouse **[**F835, civil partner**]** or child is—

(a) accompanying the employee at the beginning of that period,

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(b) visiting the employee during that period, or

(c) returning to **[**F836a country**]** outside the United Kingdom in which the employee normally lives **[**F837at the time the journey is made**]**, after so accompanying or visiting the employee.

(6) If the journey is wholly for the purpose of so accompanying or visiting the employee or so returning, the deduction is equal to the included amount.

(7) If the journey is only partly for that purpose, the deduction is equal to so much of the included amount as is properly attributable to that purpose.

(8) A deduction is not allowed under this section for more than two inward journeys and two return journeys by the same person in a tax year.

(9) In this section "child" includes a stepchild and an illegitimate child, but not a person who is 18 or over at the beginning of the inward journey.

(10) . . . . . .

**Textual Amendments**

**F829** Words in s. 374 heading substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 1(13)(a)** (with Sch. 8 Pt. 3)

**F830** Words in s. 374 heading inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **148(3)**

**F831** Words in s. 374(1) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 1(13)(b)** (with Sch. 8 Pt. 3)

**F832** Words in s. 374(1)(b)(i) inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **148(2)**

**F833** Words in s. 374(3)(a) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 1(13)(c)(i)** (with Sch. 8 Pt. 3)

**F834** Words in s. 374(3)(a) inserted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 1(13)(c)(ii)** (with Sch. 8 Pt. 3)

**F835** Words in s. 374(5) inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **148(2)**

**F836** Words in s. 374(5)(c) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 1(13)(d)(i)** (with Sch. 8 Pt. 3)

**F837** Words in s. 374(5)(c) inserted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 1(13)(d)(ii)** (with Sch. 8 Pt. 3)

## 375 Meaning of "qualifying arrival date"

(1) For the purposes of sections 373(3) and 374(3), a date is a qualifying arrival date in relation to a person if—

(a) it is a date on which the person arrives in the United Kingdom to perform duties of an employment from which the person receives earnings for duties performed in the United Kingdom, and

(b) condition A or B is met.

(2) Condition A is that the person has not been in the United Kingdom for any purpose during the period of 2 years ending with the day before the date.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) Condition B is that the person was not resident in the United Kingdom in either of the 2 tax years preceding the tax year in which the date falls.

(4) If, in a case where condition B applies, there are 2 or more dates in the tax year on which the person arrives in the United Kingdom to perform duties of an employment from which the person receives earnings for duties performed in the United Kingdom, the qualifying arrival date is the earliest of them.

*Foreign accommodation and subsistence costs and expenses*

### 376 Foreign accommodation and subsistence costs and expenses (overseas employments)

(1) A deduction from earnings from an employment is allowed if—

(a) the duties of the employment are performed wholly outside the United Kingdom,

(b) the employee is **[**F838UK resident**]**,

(c) in a case where the employer is a foreign employer, the employee is **[**F839not a qualifying new resident for the purposes of Chapter 5C of Part 2 of this Act or Chapter 5 of Part 8 of ITTOIA 2005 (see section 845B of that Act)**]**, and

(d) the earnings include an amount in respect of—

(i) the provision of accommodation or subsistence outside the United Kingdom for the employee for the purpose of enabling the employee to perform the duties of the employment, or

(ii) the reimbursement of expenses incurred by the employee on such accommodation or subsistence for that purpose.

(2) If the accommodation or subsistence is wholly for that purpose, the deduction is equal to the included amount.

(3) If the accommodation or subsistence is only partly for that purpose, the deduction is equal to so much of the included amount as is properly attributable to that purpose.

(4) Subsection (5) applies if in the tax year the employment is in substance one whose duties fall to be performed outside the United Kingdom.

(5) Duties of the employment performed in the United Kingdom, whose performance is merely incidental to the performance of duties outside the United Kingdom, are to be treated for the purposes of subsection (1)(a) as performed outside the United Kingdom.

(6) . . . . . .

**Textual Amendments**

**F838** Words in s. 376(1)(b) substituted (with effect in accordance with Sch. 46 para. 72 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 36**

**F839** Words in s. 376(1)(c) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 1(14)(a)** (with Sch. 8 Pt. 3)

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Personal security assets and services*

### 377 Costs and expenses in respect of personal security assets and services

(1) This section applies if—

(a) there is a special threat to an employee's personal physical security which arises wholly or mainly because of the employee's employment,

(b) an asset or service which improves personal security is provided for or used by the employee to meet the threat,

(c) the employee's earnings include an amount in respect of—

(i) the provision or use, or

(ii) expenses connected with it,

because the whole or part of the cost of the provision or use is borne, or the expenses are reimbursed to the employee, by or on behalf of another person ("the provider"), and

(d) the provider's sole object in bearing the whole or part of the cost or reimbursing the expenses is meeting the threat.

(2) In the case of such an asset, if the provider intends it to be used solely for the purpose of improving personal physical security, a deduction equal to the included amount is allowed.

(3) If the provider intends the asset to be used solely to improve personal physical security, any use of the asset incidental to that purpose is ignored.

(4) If the provider intends the asset to be used only partly to improve personal physical security, a deduction equal to the proportion of the included amount attributable to the intended use for that purpose is allowed.

(5) In determining whether or not this section applies in relation to an asset, it does not matter if—

(a) the asset becomes fixed to land (even a dwelling or grounds), or

(b) the employee is or becomes entitled—

(i) to the property in the asset, or

(ii) if the asset is a fixture, to any estate or interest in the land concerned.

(6) In the case of a service within subsection (1), if the benefit resulting to the employee consists wholly or mainly of an improvement of the employee's personal physical security, a deduction equal to the included amount is allowed.

(7) The fact that an asset or a service improves the personal physical security of a member of the employee's family or household, as well as that of the employee, does not prevent a deduction being allowed.

(8) In this section—

"asset" includes equipment or a structure (such as a wall), but not a car, ship or aircraft or a dwelling or grounds appurtenant to a dwelling, and

"service" does not include a dwelling or grounds appurtenant to a dwelling.

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## CHAPTER 6

DEDUCTIONS FROM SEAFARERS' EARNINGS

### 378 Deduction from seafarers' earnings: eligibility

(1) A deduction is allowed from earnings from an employment as a seafarer if—

(a) the earnings are **[**F840relevant general earnings**]**,

(b) the duties of the employment are performed wholly or partly outside the United Kingdom, and

(c) any of those duties are performed in the course of an eligible period.

(2) In this Chapter "eligible period" means a period consisting of at least 365 days which is either—

(a) a period of consecutive days of absence from the United Kingdom, or

(b) a combined period.

(3) A combined period is a period—

(a) at least half of the days in which are days of absence from the United Kingdom, and

(b) which consists of 3 consecutive periods, A, B and C, where—

A is a period of consecutive days of absence from the United Kingdom or a period which is itself a combined period,

B is a period of not more than 183 days, and

C is a period of consecutive days of absence from the United Kingdom.

(4) For this purpose a person is only regarded as being absent from the United Kingdom on any day if absent at the end of the day.

**[**F841(5) Relevant general earnings" means—

(a) taxable earnings under section 15, 22 or 26, or

(b) general earnings—

(i) to which section 27 applies, and

(ii) which are for a period in which the employee is liable under the law of an EEA State (other than the United Kingdom) to tax in that State by reason of domicile or residence.**]**

(6) . . . . . .

**Textual Amendments**

**F840** Words in s. 378(1) substituted (with effect in accordance with Sch. 46 para. 72 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 37(2)**

**F841** S. 378(5) substituted (with effect in accordance with Sch. 46 para. 72 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 37(3)**

### 379 Calculating the deduction

(1) The deduction under section 378—

(a) is allowed from the amount of the earnings from the employment attributable to the eligible period, and

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(b) is equal to that amount.

(2) Earnings from the employment for a period of leave immediately after the eligible period are to be regarded as earnings attributable to the eligible period if or to the extent that they are earnings for the tax year in which the eligible period ends.

(3) This section is subject to section 380 (limit on deduction where UK duties etc. make amount unreasonable).

### 380 Limit on deduction where UK duties etc. make amount unreasonable

(1) If—

(a) section 378 (deduction from seafarers' earnings: eligibility) applies to earnings for a tax year, and

(b) in the tax year the employee performs some of the duties of the employment as a seafarer or of any associated employments in the United Kingdom,

the amount of earnings in respect of which the deduction under this Chapter is allowed is subject to the following limitation.

(2) The amount is restricted to the proportion of the aggregate earnings for that year from the employment as a seafarer and all associated employments that is reasonable having regard to—

(a) the nature of and time devoted to the duties performed outside and in the United Kingdom, and

(b) all other relevant circumstances.

(3) In this section "associated employments" means employments with the same employer or with associated employers.

(4) The same rules for determining whether employers are associated apply for the purposes of this section as apply for section 24(4) (limit on chargeable overseas earnings where duties of associated employment performed in UK) (see section 24(5)).

### 381 Taking account of other deductions

For the purposes of sections 379 and 380, the amount of the earnings from an employment for a tax year is the amount remaining after any deductions under—

(a) section 232 (giving effect to mileage allowance relief),

(b) Chapter 2, 3, 4 or 5 of this Part,

**[**[F842](c) section 262 of CAA 2001 (capital allowances to be given effect by treating them as deductions from earnings), and

(d) sections 188 to 194 of FA 2004 (contributions to registered pension schemes).**]**

**Textual Amendments**

**F842** S. 381(c)(d) substituted for s. 381(c)-(e) (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 35 para. 61** (with Sch. 36)

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### 382 Duties on board ship

(1) Duties which a person performs on a ship engaged—

(a) on a voyage beginning or ending outside the United Kingdom (but excluding any part of it beginning and ending in the United Kingdom), or

(b) on a part beginning or ending outside the United Kingdom of any other voyage,

are treated as performed outside the United Kingdom for the purposes of this Chapter.

(2) Duties which a person performs on a vessel engaged on a voyage not extending to a port outside the United Kingdom are treated for the purposes of this Chapter as performed in the United Kingdom.

(3) For the purposes of subsection (1) the areas designated under section 1(7) of the Continental Shelf Act 1964 (c. 29) are treated as part of the United Kingdom.

(4) Subsection (1) applies despite anything to the contrary in section 40 (duties on board vessel or aircraft).

### 383 Place of performance of incidental duties

(1) For the purposes of section 378(1)(b) (deduction from seafarers' earnings: eligibility), duties of an employment as a seafarer which are performed outside the United Kingdom are treated as performed in the United Kingdom if conditions A and B are met.

(2) Condition A is that in the tax year in which the duties are performed the employment is in substance one whose duties fall to be performed in the United Kingdom.

(3) Condition B is that the performance of the duties performed outside the United Kingdom is merely incidental to the performance of duties in the United Kingdom.

(4) Section 39 (duties in UK merely incidental to duties outside UK) does not affect the question—

(a) where any duties are performed, or

(b) whether a person is absent from the United Kingdom,

for the purposes of section 378(1) to (3).

### 384 Meaning of employment "as a seafarer"

(1) In this Chapter employment "as a seafarer" means an employment (other than Crown employment) consisting of the performance of duties on a ship or of such duties and others incidental to them.

(2) In this section "Crown employment" means employment under the Crown—

(a) which is of a public nature,

**[**[F843](aa) which is not employment in the Royal Fleet Auxiliary Service,**]** and

(b) the earnings from which are payable out of the public revenue of the United Kingdom or of Northern Ireland.

**Textual Amendments**

**F843** S. 384(2)(aa) inserted (15.3.2018) by Finance Act 2018 (c. 3), **s. 7**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### [F844 385 Meaning of "ship"

In this Chapter "ship" does not include an offshore installation.]

**Textual Amendments**

**F844** S. 385 substituted (with effect in accordance with Sch. 27 para. 16 of the amending Act) by Finance Act 2004 (c. 12), **Sch. 27 para. 14**

## PART 6

EMPLOYMENT INCOME: INCOME WHICH IS NOT EARNINGS OR SHARE-RELATED

## F845 CHAPTER 1

PAYMENTS TO NON-APPROVED PENSION SCHEMES

**Textual Amendments**

**F845** Pt. 6 Ch. 1 repealed (6.4.2006) by Finance Act 2004 (c. 12), ss. 247, 284(1), **Sch. 42 Pt. 3** (with Sch. 36)

### 386 Charge on payments to non-approved retirement benefits schemes

. . . . . .

### 387 Meaning of "non-approved retirement benefits scheme"

. . . . . .

### 388 Apportionment of payments in respect of more than one employee

. . . . . .

### 389 Exception: employments where earnings charged on remittance

. . . . . .

### 390 Exception: non-domiciled employees with foreign employers

. . . . . .

### 391 Exception: seafarers with overseas earnings

. . . . . .

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### 392 Relief where no benefits are paid or payable

. . . . . .

## CHAPTER 2

BENEFITS FROM **[**F846EMPLOYER-FINANCED RETIREMENT BENEFITS**]**

**Textual Amendments**

**F846** Words in Pt. 6 Ch. 2 heading substituted (6.4.2006) by Finance Act 2004 (c. 12), **ss. 249(2)**, 284(1) (with Sch. 36)

*Benefits treated as employment income*

### [F847393 Application of this Chapter

(1) This Chapter applies to relevant benefits provided under an employer-financed retirement benefits scheme.

(2) Section 393A defines "employer-financed retirement benefits scheme" and section 393B defines "relevant benefits".**]**

**Textual Amendments**

**F847** Ss. 393-393B substituted for s. 393 (6.4.2006) by Finance Act 2004 (c. 12), **ss. 249(3)**, 284(1) (with Sch. 36)

### [F847393AEmployer-financed retirement benefits scheme

(1) In this Chapter "employer-financed retirement benefits scheme" means a scheme for the provision of benefits consisting of or including relevant benefits to or in respect of employees or former employees of an employer.

(2) But neither—

(a) a registered pension scheme, nor

(b) a section 615(3) scheme,

is an employer-financed retirement benefits scheme.

(3) "Section 615(3) scheme" means a superannuation fund to which section 615(3) of ICTA applies.

(4) "Scheme" includes a deed, agreement, series of agreements, or other arrangements.

**Textual Amendments**

**F847** Ss. 393-393B substituted for s. 393 (6.4.2006) by Finance Act 2004 (c. 12), **ss. 249(3)**, 284(1) (with Sch. 36)

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### 393B Relevant benefits

(1) In this Chapter "relevant benefits" means any lump sum, gratuity or other benefit (including a non-cash benefit) provided (or to be provided)—

(a) on or in anticipation of the retirement of an employee or former employee,

(b) on the death of an employee or former employee,

(c) after the retirement or death of an employee or former employee in connection with past service,

(d) on or in anticipation of, or in connection with, any change in the nature of service of an employee, or

(e) to any person by virtue of a pension sharing order or provision relating to an employee or former employee.

(2) But—

(a) benefits charged to tax under Part 9 (pension income) **[**F848, or that would be charged to tax under that Part but for section 573(2A) or (2B), 646D or 646E**][**F849or any deductions under section 574A(3)**]** ,

(b) benefits chargeable to tax by virtue of Schedule 34 to FA 2004 (which applies certain charges under Part 4 of that Act in relation to non-UK schemes), and

(c) excluded benefits,

are not relevant benefits.

(3) The following are "excluded benefits"—

(a) benefits in respect of ill-health or disablement of an employee during service,

(b) benefits in respect of the death by accident of an employee during service,

(c) benefits under a relevant life policy, and

(d) benefits of any description prescribed by regulations made by the Board of Inland Revenue.

(4) In subsection (3)(c) "relevant life policy" means—

**[**F850(a) an excepted group life policy as defined in section 480 of ITTOIA 2005,**]**

(b) a policy of life insurance the terms of which provide for the payment of benefits on the death of a single individual and with respect to which **[**F851—

(i) condition A in section 481 of that Act would be met if paragraph (a) in that condition referred to the death, in any circumstances or except in specified circumstances, of that individual (rather than the death in any circumstances of each of the individuals insured under the policy) and if the condition did not include paragraph (b), and

(ii) conditions C and D in that section and conditions A and C in section 482 of that Act are met, or**]**

(c) a policy of life insurance that would be within paragraph (a) or (b) but for the fact that it provides for a benefit which is an excluded benefit under or by virtue of paragraph (a), (b) or (d) of subsection (3).

**[** F852(4A) Regulations under subsection (3)(d) may include provision having effect in relation to times before they are made.**]**

(5) In subsection (1)(e) "pension sharing order or provision" means any such order or provision as is mentioned in section 28(1) of WRPA 1999 or Article 25(1) of WRP(NI)O 1999.**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F847** Ss. 393-393B substituted for s. 393 (6.4.2006) by Finance Act 2004 (c. 12), **ss. 249(3)**, 284(1) (with Sch. 36)

**F848** Words in s. 393B(2)(a) inserted (26.3.2015) by Finance Act 2015 (c. 11), **Sch. 4 para. 18**

**F849** Words in s. 393B(2)(a) inserted (with effect in accordance with Sch. 3 para. 13(2) of the amending Act) by Finance Act 2017 (c. 10), **Sch. 3 para. 13(1)**

**F850** S. 393B(4)(a) substituted by 2004 c. 12, s. 249(3) (as amended (6.4.2006) by Income Tax (Trading and Other Income) Act 2005 (c. 5), **Sch. 1 para. 651(2)(a)**, Sch. 2 para. 161 (with Sch. 2))

**F851** Words in s. 393B(4)(b) substituted by 2004 c. 12, s. 249(3) (as amended (6.4.2006) by Income Tax (Trading and Other Income) Act 2005 (c. 5), **Sch. 1 para. 651(2)(b)**, Sch. 2 para. 161 (with Sch. 2))

**F852** S. 393B(4A) inserted (19.7.2007) by Finance Act 2007 (c. 11), **Sch. 20 paras. 21**, 24(3)

## 394 Charge on benefit to which this Chapter applies

(1) If a benefit to which this Chapter applies is received by an individual, the amount of the benefit counts as employment income of the individual for the relevant tax year.

**[**F853(1A) Subsection (1) does not apply in relation to the benefit if the total amount of the benefits to which this Chapter applies received by the individual in the relevant tax year does not exceed £100.**]**

(2) If a benefit to which this Chapter applies is received by a person who is not an individual, the **[**F854person who is (or persons who are) the responsible person in relation to**]** the scheme under which the benefit is provided is chargeable **[**F855to income tax**]** on the amount of the benefit for the relevant tax year.

(3) In **[**F856this section**]** the "relevant tax year" is the tax year in which the benefit is received.

(4) For the purposes of subsection (2), the rate of tax is **[**F857**45%]** or such other rate as may for the time being be specified by the Treasury by order.

**[**F858(4A) Subsection (4B) applies if the receipt of a benefit to which this Chapter applies gives rise to other relevant income of the employee, or the former employee, to or in respect of whom the benefit is provided.

(4B) Subsection (1) or (2) (as the case may be) applies to the amount of the benefit only so far as that amount exceeds the other relevant income.

(4C) In subsections (4A) and (4B) "other relevant income" means—

(a) general earnings of the employee or former employee which are chargeable to income tax,

(b) an amount which counts as employment income of the employee or former employee under Chapter 2 of Part 7A, ...

**[**F859(ba) an amount which would count as employment income of the employee or former employee under that Chapter but for the application of section 554Z5 (overlap with earlier relevant step), or**]**

**[**F860(c) an amount which would be within paragraph (a), (b) or (ba) apart from—

(i) the employee or former employee having been non-UK resident for any tax year, or

(ii) any tax year having been a split year as respects the employee or former employee.**]]**

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) No liability to income tax arises by virtue of any other provision of this Act in respect of a benefit to which this Chapter applies.

**[**[F861](6) Subsection (5) does not affect—

(a) any liability to income tax on general earnings, or

(b) any liability to income tax on an amount which counts as employment income under Chapter 2 of Part 7A.**]**

**Textual Amendments**

**F853** S. 394(1A) inserted (6.4.2006) by Finance Act 2004 (c. 12), **ss. 249(5)**, 284(1) (with Sch. 36)

**F854** Words in s. 394(2) substituted (6.4.2006) by Finance Act 2004 (c. 12), **ss. 249(6)**, 284(1) (with Sch. 36)

**F855** Words in s. 394(2) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 595** (with Sch. 2)

**F856** Words in s. 394(3) substituted (6.4.2006) by Finance Act 2004 (c. 12), **ss. 249(7)**, 284(1) (with Sch. 36)

**F857** Word in s. 394(4) substituted (with effect in accordance with s. 1(6) of the amending Act) by Finance Act 2012 (c. 14), **s. 1(4)**

**F858** S. 394(4A)-(4C) inserted (with effect in accordance with Sch. 2 paras. 52-59, 60 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 14(2)**

**F859** S. 394(4C)(ba) inserted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 65(2)**

**F860** S. 394(4C)(c) substituted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 65(3)**

**F861** S. 394(6) inserted (with effect in accordance with Sch. 2 paras. 52-59, 60 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 14(3)**

## **[**[F862]394A Temporary non-residents

(1) This section applies if an individual is temporarily non-resident.

(2) Any benefits within subsection (3) are to be treated for the purposes of section 394(1) as if they were received by the individual in the period of return.

(3) A benefit is within this subsection if—

(a) this Chapter applies to it,

(b) it is in the form of a lump sum,

(c) it is received by the individual in the temporary period of non-residence, and

(d) ignoring this section—

(i) no charge to tax arises by virtue of section 394(1) in respect of it, but

(ii) such a charge would arise if the existence of any double taxation relief arrangements were disregarded.

(4) Subsection (3)(d)(i) includes a case where the charge could be prevented by making a DTR claim, even if no claim is in fact made.

(5) Subsection (2) does not affect the operation of section 394(1A) (and, accordingly, "the relevant tax year" for the purposes of section 394(1A) remains the tax year in which the benefit is actually received).

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) Nothing in any double taxation relief arrangements is to be read as preventing the individual from being chargeable to income tax in respect of any benefit treated by virtue of this section as received in the period of return (or as preventing a charge to that tax from arising as a result).

(7) Part 4 of Schedule 45 to FA 2013 (statutory residence test: anti-avoidance) explains—

(a) when an individual is to be regarded as "temporarily non-resident", and

(b) what "the temporary period of non-residence" and "the period of return" mean.

(8) In this section—

"double taxation relief arrangements" means arrangements that have effect under section 2(1) of TIOPA 2010;

"DTR claim" means a claim for relief under section 6 of that Act.**]**

**Textual Amendments**

**F862** S. 394A inserted (with effect in accordance with Sch. 45 para. 153(3) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 125**

### [F863 395 Reduction where employee has contributed

(1) This section applies in relation to a relevant benefit under an employer-financed retirement benefits scheme in the form of a lump sum where, under the scheme, an employee has paid any sum or sums by way of contribution to the provision of the lump sum.

(2) The amount which, by virtue of section 394, counts as employment income, or is chargeable to tax under **[**F864subsection (2) of that section**]**, is the amount of the lump sum reduced by the sum, or the aggregate of the sums, paid by the employee by way of contribution to the provision of the lump sum.

(3) A reduction under this section may not be claimed in respect of the same contribution in relation to more than one lump sum.

(4) It is to be assumed, unless the contrary is shown, that no reduction is applicable under this section.**]**

**Textual Amendments**

**F863** S. 395 substituted for ss. 395-397 (6.4.2006) by Finance Act 2004 (c. 12), **ss. 249(8)**, 284(1) (with Sch. 36)

**F864** Words in s. 395 substituted by 2004 c. 12, s. 249(8) (as amended (6.4.2006) by Income Tax (Trading and Other Income) Act 2005 (c. 5), **Sch. 1 para. 651(3)**, Sch. 2 para. 161 (with Sch. 2))

### [F865 395A Benefits under old section 222 schemes not taxed by virtue of section 394

Section 394 does not apply to a benefit provided under an employer–financed retirement benefits scheme if—

(a) immediately before 6th April 1980 the scheme was approved under section 222 of ICTA 1970,

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(b) the scheme was not approved under Chapter II of Part II of FA 1970,

(c) no material changes have been made to the terms on which benefits are provided under the scheme after 5th April 1980, and

(d) no contributions have been paid under the scheme after that date.**]**

**Textual Amendments**

**F865** S. 395A inserted (with effect in accordance with art. 2(2) of the amending S.I.) by The Enactment of Extra-Statutory Concessions Order 2009 (S.I. 2009/730), arts. 1(1), **2**

### [F866 395B Exemption or reduction for foreign service

(1) This section applies if—

(a) a benefit to which this Chapter applies is provided to or in respect of an employee or former employee in the form of a lump sum,

(b) the employer-financed retirement benefits scheme under which the lump sum is provided is established in a country or territory outside the United Kingdom,

(c) the lump sum is received by the employee or former employee or a related person,

**[**F867(ca) the recipient is not resident in the United Kingdom in the tax year in which the lump sum is received,**]**

(d) all or part of the lump sum ("the relevant part") would, but for this section, count as employment income by virtue of section 394(1) or be chargeable to income tax under section 394(2) (account having been taken of section 394(4B) and section 395), and

(e) the service in respect of which rights to receive the relevant part of the lump sum accrued (referred to as "reckonable service") is or includes foreign service.

(2) Section 394(1) or, as the case may be, section 394(2) does not apply to the relevant part of the lump sum if the condition in subsection (3) is met.

(3) The condition is that—

(a) three-quarters or more of the period of reckonable service is made up of foreign service,

(b) if the period of reckonable service exceeds 10 years, the whole of the last 10 years of that period is made up of foreign service, or

(c) if the period of reckonable service exceeds 20 years, one-half or more of that period, including any 10 of the last 20 years, is made up of foreign service.

(4) If the condition in subsection (3) is not met, the amount that counts as employment income by virtue of section 394(1) or, as the case may be, is chargeable to income tax under section 394(2) is to be reduced by the appropriate proportion.

(5) The appropriate proportion is a proportion of the relevant part of the lump sum equal to the proportion that the period of foreign service included in the reckonable service bears to the period of reckonable service.

(6) In determining the service in respect of which rights to receive the relevant part of the lump sum accrued—

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(a) service in a previous employment or with a previous employer is to be taken into account if rights to receive the relevant part of the lump sum also accrued in respect of that service, and

(b) it does not matter if the rights originally accrued under a different employer-financed retirement benefits scheme (whether one established in the United Kingdom or in a country or territory outside the United Kingdom).

(7) "Related person", in relation to an employee or former employee (E), means any of the following—

(a) E's spouse or civil partner or E's widow or widower or surviving civil partner,

(b) a person who is financially dependent on E, whose financial relationship with E is one of mutual dependence or who is dependent on E because of physical or mental impairment (or, if the lump sum is paid after E's death, anyone who was such a person at the time of E's death), and

(c) E's personal representatives.

(8) In this section "foreign service" has the meaning given by section **[**F868395C**].]**

**Textual Amendments**

**F866** S. 395B inserted (with effect in accordance with art. 6 of the amending S.I.) by The Enactment of Extra-Statutory Concessions Order 2014 (S.I. 2014/211), arts. 1, **5(2)**

**F867** S. 395B(1)(ca) inserted (with effect in accordance with Sch. 3 para. 5(4) of the amending Act) by Finance Act 2017 (c. 10), **Sch. 3 para. 5(2)**

**F868** Word in s. 395B(8) substituted (with effect in accordance with Sch. 3 para. 5(4) of the amending Act) by Finance Act 2017 (c. 10), **Sch. 3 para. 5(3)**

## **[**F869**395CMeaning of "foreign service" in section 395B**

(1) In section 395B "foreign service" means service to which subsection (2), (3), (6) or (8) applies.

(2) This subsection applies to service in or after the tax year 2013–14—

(a) to the extent that it consists of duties performed outside the United Kingdom in respect of which earnings would not be relevant earnings, or

(b) if a deduction equal to the whole amount of the earnings from the employment was or would have been allowable under Chapter 6 of Part 5 (deductions from seafarers' earnings).

(3) This subsection applies to service in or after the tax year 2003–04 but before the tax year 2013–14 such that—

(a) any earnings from the employment would not be relevant earnings, or

(b) a deduction equal to the whole amount of the earnings from the employment was or would have been allowable under Chapter 6 of Part 5 (deductions from seafarers' earnings).

**[**F870(4) In subsection (2) "relevant earnings" means—

(a) for service in or after the tax year 2025-26, earnings—

(i) to which section 15 applies, and

(ii) if the employee is a qualifying new resident for the purposes of Chapter 5C of Part 2 for that tax year, which are not qualifying foreign

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general earnings within the meaning of section 41T (qualifying foreign general earnings), and

(b) for service before tax year 2025-26, earnings to which section 15 applies and to which that section would apply even if the employee made a claim under section 809B of ITA 2007 (claim for remittance basis) for that year.**]**

(5) In subsection (3) "relevant earnings" means—

(a) for service in or after the tax year 2008–09, earnings—

(i) which are for a tax year in which the employee is ordinarily UK resident,

(ii) to which section 15 applies, and

(iii) to which that section would apply even if the employee made a claim under section 809B of ITA 2007 (claim for remittance basis) for that year, and

(b) for service before the tax year 2008–09, general earnings to which section 15 or 21 as originally enacted applies.

(6) This subsection applies to service before the tax year 2003–04 and after the tax year 1973–74 such that—

(a) the emoluments from the employment were not chargeable under Case I of Schedule E, or would not have been so chargeable had there been any, or

(b) a deduction equal to the whole amount of the emoluments from the employment was or would have been allowable under a foreign earnings deduction provision.

(7) In subsection (6) "foreign earnings deduction provision" means—

(a) paragraph 1 of Schedule 2 to FA 1974,

(b) paragraph 1 of Schedule 7 to FA 1977, or

(c) section 192A or 193(1) of ICTA.

(8) This subsection applies to service before the tax year 1974-75 such that tax was not chargeable in respect of the emoluments of the employment—

(a) in the tax year 1956–57 or later, under Case I of Schedule E, or

(b) in earlier tax years, under Schedule E,

or it would not have been so chargeable had there been any such emoluments.**]**

**Textual Amendments**

**F869** S. 395C inserted (27.4.2017) by Finance Act 2017 (c. 10), **Sch. 3 para. 6**

**F870** S. 395C(4) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 1(15)** (with Sch. 8 Pt. 3)

## 396 Certain lump sums not taxed by virtue of section 394

. . . . . .

## 397 Certain lump sums: calculation of amount taxed by virtue of section 394

. . . . . .

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Valuation of benefits etc.*

## 398 Valuation of benefits

(1) In the case of a cash benefit, for the purposes of this Chapter the amount of a benefit is taken to be the amount received.

(2) In the case of a non-cash benefit, for the purposes of this Chapter the amount of a benefit is taken to be the greater of—

(a) the amount of earnings (as defined in Chapter 1 of Part 3) that the benefit would give rise to if it were received for performance of the duties of an employment (money's worth), and

(b) the cash equivalent of the benefit under the benefits code if it were so received and the code applied to it.

(3) For the purposes of subsection (2) the benefits code has effect with the modifications in subsections (4) to (6).

(4) References in the benefits code to the employee are to be taken as references to the person by whom the benefit is received.

(5) References in the benefits code to the employer are to be taken as including references to the former employer.

(6) Where—

(a) section 106 (cash equivalent: cost of accommodation over £75,000) applies, and

(b) the amount referred to in section 105(2)(b) (the sum made good) exceeds the amount referred to in section 105(2)(a) (the rental value),

the amount to be subtracted under paragraph (b) of step 4 of the calculation in section 106(2) is that excess (and not only the excess rent referred to there).

## 399 Employment-related loans: interest treated as paid

(1) This section applies if—

(a) an amount consisting of, or including, an amount representing the benefit of a loan ("a taxable amount") counts as employment income of an individual in a tax year under section 394(1), or

(b) the **[**F871person who is (or any of the persons who are) the responsible person in relation to**]** a scheme is charged to tax on a taxable amount ... under section 394(2).

(2) The individual or the **[**F872responsible person**]** is to be treated for all purposes of the Tax Acts (other than this Chapter) as having paid interest on the loan in the tax year equal to the amount representing the cash equivalent of the loan.

(3) The interest is to be treated—

(a) as accruing during the period in the tax year during which the loan is outstanding, and

(b) as paid at the end of the period.

(4) The interest is not to be treated—

(a) as income of the person making the loan, or

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(b) as relevant loan interest to which section 369 of ICTA applies (mortgage interest payable under deduction of tax).

**Textual Amendments**

**F871** Words in s. 399(1) substituted (6.4.2006) by Finance Act 2004 (c. 12), **ss. 249(9)**, 284(1) (with Sch. 36)

**F872** Words in s. 399(2) substituted (6.4.2006) by Finance Act 2004 (c. 12), **ss. 249(10)**, 284(1) (with Sch. 36)

*Interpretation*

### [F873 399A Responsible person

(1) The following heads specify the person who is, or persons who are, the responsible person in relation to an employer-financed retirement benefits scheme for the purposes of this Chapter.

(2) But if a person is, or persons are, the responsible person in relation to the scheme by virtue of being specified under one head, no-one is the responsible person in relation to the scheme by virtue of being specified under a later head.

*Head 1*

If there are one or more trustees of the scheme who are resident in the United Kingdom, that trustee or each of those trustees.

*Head 2*

If there are one or more persons who control the management of the scheme, that person or each of those persons.

*Head 3*

If alive or still in existence, the employer, or any of the employers, who established the scheme and any person by whom that employer, or any of those employers, has been directly or indirectly succeeded in relation to the provision of benefits under the scheme.

*Head 4*

Any employer of employees to or in respect of whom benefits are, or are to be, provided under the scheme.

*Head 5*

If there are one or more trustees of the scheme who are not resident in the United Kingdom, that trustee or each of those trustees.**]**

**Textual Amendments**

**F873** Ss. 399A, 400 substituted for s. 400 (6.4.2006) by Finance Act 2004 (c. 12), **ss. 249(11)**, 284(1) (with Sch. 36)

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### [F873 400 Interpretation

In this Chapter—

"employer-financed retirement benefits scheme" has the meaning given by section 393A;

"relevant benefits" has the meaning given by section 393B; and

"responsible person" has the meaning given by section 399A.**]**

**Textual Amendments**

**F873** Ss. 399A, 400 substituted for s. 400 (6.4.2006) by Finance Act 2004 (c. 12), **ss. 249(11)**, 284(1) (with Sch. 36)

## CHAPTER 3

PAYMENTS AND BENEFITS ON TERMINATION OF EMPLOYMENT ETC.

*Preliminary*

### 401 Application of this Chapter

(1) This Chapter applies to payments and other benefits which are received directly or indirectly in consideration or in consequence of, or otherwise in connection with—

(a) the termination of a person's employment,

(b) a change in the duties of a person's employment, or

(c) a change in the earnings from a person's employment,

by the person, or the person's spouse **[**F874or civil partner**]**, blood relative, dependant or personal representatives.

(2) Subsection (1) is subject to subsection (3) and sections 405 to **[**F875414A**]** (exceptions for certain payments and benefits).

(3) This Chapter does not apply to any payment or other benefit chargeable to income tax apart from this Chapter.

(4) For the purposes of this Chapter—

(a) a payment or other benefit which is provided on behalf of, or to the order of, the employee or former employee is treated as received by the employee or former employee, and

(b) in relation to a payment or other benefit—

(i) any reference to the employee or former employee is to the person mentioned in subsection (1), and

(ii) any reference to the employer or former employer is to be read accordingly.

**Textual Amendments**

**F874** Words in s. 401(1) inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **152**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F875** Word in s. 401(2) substituted (with effect in accordance with art. 6 of the amending S.I.) by The Enactment of Extra-Statutory Concessions Order 2014 (S.I. 2014/211), arts. 1, **5(3)(a)**

### 402 Meaning of "benefit"

(1) In this Chapter "benefit" includes anything in respect of which, were it received for performance of the duties of the employment, an amount—

(a) would be taxable earnings from the employment, or

(b) would be such earnings apart from an earnings-only exemption.

This is subject to subsections (2) to (4).

(2) In this Chapter "benefit" does not include a benefit received in connection with the termination of a person's employment that is a benefit which, were it received for performance of the duties of the employment, would fall within—

(a) section 239(4) (exemption of benefits connected with taxable cars and vans and exempt heavy goods vehicles), so far as that section applies to a benefit connected with a car or van,

(b) section 269 (exemption where benefits or money obtained in connection with taxable car or van or exempt heavy goods vehicle),

(c) section 319 (mobile telephones), or

(d) section 320 (limited exemption for computer equipment).

(3) In this Chapter "benefit" does not include a benefit received in connection with any change in the duties of, or earnings from, a person's employment to the extent that it is a benefit which, were it received for performance of the duties of the employment, would fall within section 271(1) (limited exemption of removal benefits and expenses).

(4) The right to receive a payment or benefit is not itself a benefit for the purposes of this Chapter.

*Payments and benefits treated as employment income*

### [F876 402A Split of payments and other benefits between sections 402B and 403

(1) In this Chapter "termination award" means a payment or other benefit to which this Chapter applies because of section 401(1)(a).

(2) Section 402B (termination awards not benefiting from threshold treated as earnings) applies to termination awards to the extent determined under section 402C.

(3) Section 403 (charge on payment or benefit where threshold applies) applies to termination awards so far as they are not ones to which section 402B applies.

(4) Section 403 also applies to payments and other benefits to which this Chapter applies because of section 401(1)(b) or (c) (change in duties or earnings).

**Textual Amendments**

**F876** Ss. 402A-402E inserted (with effect in accordance with s. 5(10) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 5(3)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### 402B Termination awards not benefiting from threshold to be treated as earnings

(1) The amount of a termination award to which this section applies—

**[**[F877](a)**]** is treated as an amount of earnings of the employee, or former employee, from the employment ,...

(b) . . . . . .

(2) See also section 7(3)(b) and (5)(ca) (which cause amounts treated as earnings under this section to be included in general earnings).

(3) Section 403(3) (when benefits are received) does not apply in relation to payments or other benefits to which this section applies.

**Textual Amendments**

**F876** Ss. 402A-402E inserted (with effect in accordance with s. 5(10) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 5(3)**

**F877** Words in s. 402B(1) renumbered as s. 402B(1)(a) (with effect in accordance with s. 22(8) of the amending Act) by Finance Act 2021 (c. 26), **s. 22(6)(a)**

### 402C The termination awards to which section 402B applies

(1) This section has effect for the purpose of identifying the extent to which section 402B applies to termination awards in respect of the termination of the employment of the employee.

(2) In this section "relevant termination award" means a termination award that is neither—

(a) a redundancy payment, nor

(b) so much of an approved contractual payment as is equal to or less than the amount which would have been due if a redundancy payment had been payable.

(3) If the post-employment notice pay (see section 402D) in respect of the termination is greater than, or equal to, the total amount of the relevant termination awards in respect of the termination, section 402B applies to all of those relevant termination awards.

(4) If the post-employment notice pay in respect of the termination is less than the total amount of the relevant termination awards in respect of the termination but is not nil—

(a) section 402B applies to a part of those relevant termination awards, and

(b) the amount of that part is equal to the post-employment notice pay.

(5) Section 309(4) to (6) (meaning of "redundancy payment" and "approved contractual payment" etc) apply for the purposes of subsection (2) as they apply for the purposes of section 309.

**Textual Amendments**

**F876** Ss. 402A-402E inserted (with effect in accordance with s. 5(10) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 5(3)**

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### 402D "Post-employment notice pay"

(1) "The post-employment notice pay" in respect of a termination is (subject to subsection (11)) given by—

$$( BP \times D P ) - T$$

where—

BP, D and P are given by subsections (3) to (7), and

T is the total of the amounts of any payment or benefit received in connection with the termination which—

(a) would fall within section 401(1)(a) but for section 401(3),

(b) is taxable as earnings under Chapter 1 of Part 3,

(c) is not pay in respect of holiday entitlement for a period before the employment ends, and

(d) is not a bonus payable for termination of the employment.

(2) If the amount given by the formula in subsection (1) is a negative amount, the post-employment notice pay is nil.

(3) Subject to subsections (5) **[**F878, (6) and (6A)**]**—

BP is the employee's basic pay (see subsection (7)) from the employment in respect of the last pay period of the employee to end before the trigger date,

P is the number of days in that pay period, and

D is the number of days in the post-employment notice period.

(4) See section 402E for the meaning of "trigger date" and "post-employment notice period".

(5) If there is no pay period of the employee which ends before the trigger date then—

BP is the employee's basic pay from the employment in respect of the period starting with the first day of the employment and ending with the trigger date,

P is the number of days in that period, and

D is the number of days in the post-employment notice period.

(6) If the last pay period of the employee to end before the trigger date is a month, **[**F879the employee's basic pay is paid in equal monthly instalments,**]** the minimum notice (see section 402E) is given by contractual terms and is expressed to be a whole number of months, and the post-employment notice period is equal in length to the minimum notice or is otherwise a whole number of months, then—

BP is the employee's basic pay from the employment in respect of the last pay period of the employee to end before the trigger date,

P is 1, and

D is the length of the post-employment notice period expressed in months.

**[**F880(6A) In any other case where the last pay period of the employee to end before the trigger date is a month and the employee's basic pay is paid in equal monthly instalments, then—

BP is the employee's basic pay from the employment in respect of the last pay period of the employee to end before the trigger date,

P is 30.42, and

D is the number of days in the post-employment notice period.**]**

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(7) In this section "basic pay" means—

(a) employment income of the employee from the employment but disregarding—

(i) any amount received by way of overtime, bonus, commission, gratuity or allowance,

(ii) any amount received in connection with the termination of the employment,

(iii) any amount treated as earnings under Chapters 2 to 10 of Part 3 (the benefits code) or which would be so treated apart from section 64,

(iv) any amount which is treated as earnings under Chapter 12 of Part 3 (amounts treated as earnings),

(v) any amount which counts as employment income by virtue of Part 7 (income relating to securities and securities options), and

(vi) any employment-related securities that constitute earnings under Chapter 1 of Part 3 (earnings), and

(b) any amount which the employee has given up the right to receive but which would have fallen within paragraph (a) had the employee not done so.

(8) In subsection (7) "employment-related securities" has the same meaning as it has in Chapter 1 of Part 7 (see section 421B).

(9) The Treasury may by regulations amend this section for the purpose of altering the meaning of "basic pay".

(10) A statutory instrument containing regulations under subsection (9) may not be made unless a draft of it has been laid before, and approved by a resolution of, the House of Commons.

(11) Where the purpose, or one of the purposes, of any arrangements is the avoidance of tax by causing the post-employment notice pay calculated under subsection (1) to be less than it would otherwise be, the post-employment notice pay is to be treated as the amount which the post-employment notice pay would have been but for the arrangements.

(12) In subsection (11) "arrangements" includes any scheme, arrangement or understanding of any kind, whether or not legally enforceable, involving a single transaction or two or more transactions.

**Textual Amendments**

**F876** Ss. 402A-402E inserted (with effect in accordance with s. 5(10) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 5(3)**

**F878** Words in s. 402D(3) substituted (with effect in accordance with s. 22(8) of the amending Act) by Finance Act 2021 (c. 26), **s. 22(7)(a)**

**F879** Words in s. 402D(6) inserted (with effect in accordance with s. 22(8) of the amending Act) by Finance Act 2021 (c. 26), **s. 22(7)(b)**

**F880** S. 402D(6A) inserted (with effect in accordance with s. 22(8) of the amending Act) by Finance Act 2021 (c. 26), **s. 22(7)(c)**

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### 402E Meaning of "trigger date" and "post-employment notice period" in section 402D

(1) Subsections (2) and (4) to (6) have effect for the purposes of section 402D (and subsection (4) has effect also for the purposes of this section).

(2) The "trigger date" is—

(a) if the termination is not a notice case, the last day of the employment, and

(b) if the termination is a notice case, the day the notice is given.

(3) For the purposes of this section, the termination is a "notice case" if the employer or employee gives notice to the other to terminate the employment, and here it does not matter—

(a) whether the notice is more or less than, or the same as, the minimum notice, or

(b) if the employment ends before the notice expires.

(4) The "minimum notice" is the minimum notice required to be given by the employer to terminate the employee's employment by notice in accordance with the law and contractual terms effective—

(a) where the termination is not a notice case—

(i) immediately before the employment ends, or

(ii) where the employment ends by agreement entered into after the start of the employment, immediately before the agreement is entered into, and

(b) where the termination is a notice case, immediately before the notice is given.

(5) The "post-employment notice period" is the period—

(a) beginning at the end of the last day of the employment, and

(b) ending with the earliest lawful termination date.

(But see subsection (8) for provision about limited-term contracts.)

(6) If the earliest lawful termination date is, or precedes, the last day of the employment, the number of days in the post-employment notice period is nil.

(7) "The earliest lawful termination date" is the last day of the period which—

(a) is equal in length to the minimum notice, and

(b) begins at the end of the trigger date.

(8) In the case of a contract of employment which is a limited-term contract and which does not include provision for termination by notice by the employer, the post-employment notice period is the period—

(a) beginning at the end of the last day of the employment, and

(b) ending with the day of the occurrence of the limiting event.

(9) If, in a case to which subsection (8) applies, on the last day of the employment the day of the occurrence of the limiting event is not ascertained or ascertainable (because, for example, the limiting event is the performance of a task), then subsection (8) has effect as if for paragraph (b) there were substituted—

"(b) ending with the day on which notice would have expired if the employer had, on the last day of the employment, given to the employee the minimum notice required to terminate the contract under section 86 of the Employment Rights Act 1996 (assuming that that section applies to the employment)."

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(10) In this section "limited-term contract" and "limiting event" have the same meaning as in the Employment Rights Act 1996 (see section 235(2A) and (2B)).**]**

**Textual Amendments**

**F876** Ss. 402A-402E inserted (with effect in accordance with s. 5(10) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 5(3)**

## 403 Charge on payment or other benefit [F881where threshold applies]

(1) The amount of a payment or benefit to which this **[**F882section**]** applies counts as employment income of the employee or former employee for the relevant tax year if and to the extent that it exceeds the £30,000 threshold.

(2) In this section "the relevant tax year" means the tax year in which the payment or other benefit is received.

(3) For the purposes of this Chapter **[**F883(but see section 402B(3))**]** —

(a) a cash benefit is treated as received—

(i) when it is paid or a payment is made on account of it, or

(ii) when the recipient becomes entitled to require payment of or on account of it, and

(b) a non-cash benefit is treated as received when it is used or enjoyed.

(4) For the purposes of this Chapter the amount of a payment or benefit in respect of an employee or former employee exceeds the £30,000 threshold if and to the extent that, **[**F884when aggregated with—

(a) other payments or benefits in respect of the employee or former employee that are payments or benefits to which this section applies, and

(b) other payments or benefits in respect of the employee or former employee that are payments or benefits—

(i) received in the tax year 2017-18 or an earlier tax year, and

(ii) to which this Chapter applied in the tax year of receipt,

it exceeds**]** £30,000 according to the rules in section 404 (how the £30,000 threshold applies).

(5) If it is received after the death of the employee or former employee—

(a) the amount of a payment or benefit to which this **[**F885section**]** applies counts as the employment income of the personal representatives for the relevant year if or to the extent that it exceeds £30,000 according to the rules in section 404, and

(b) the tax is accordingly to be assessed and charged on them and is a debt due from and payable out of the estate.

(6) In this Chapter references to the taxable person are to the person in relation to whom subsection (1) or (5) provides for an amount to count as employment income **[**F886or, as the case may be, in relation to whom section 402B(1) provides for an amount to be treated as an amount of earnings**]** .

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F881** Words in s. 403 heading inserted (with effect in accordance with s. 5(10) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 5(4)(f)**

**F882** Word in s. 403(1) substituted (with effect in accordance with s. 5(10) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 5(4)(a)**

**F883** Words in s. 403(3) inserted (with effect in accordance with s. 5(10) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 5(4)(b)**

**F884** Words in s. 403(4) substituted (with effect in accordance with s. 5(10) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 5(4)(c)**

**F885** Word in s. 403(5)(a) substituted (with effect in accordance with s. 5(10) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 5(4)(d)**

**F886** Words in s. 403(6) inserted (with effect in accordance with s. 5(10) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 5(4)(e)**

## 404 How the £30,000 threshold applies

(1) For the purpose of the £30,000 threshold in section 403(4) and (5), the payments and other benefits provided in respect of an employee or former employee which are to be aggregated are those provided—

(a) in respect of the same employment,

(b) in respect of different employments with the same employer, and

(c) in respect of employments with employers who are associated.

(2) For this purpose employers are "associated" if on a termination or change date—

(a) one of them is under the control of the other, or

(b) one of them is under the control of a third person who on that termination or change date or another such date controls or is under the control of the other.

(3) In subsection (2)—

(a) references to an employer, or to a person controlling or controlled by an employer, include the successors of the employer or person, and

(b) "termination or change date" means a date on which a termination or change occurs in connection with which a payment or other benefit to which **[**[F887]section 403**]** applies is received in respect of the employee or former employee.

(4) If payments and other benefits are received in different tax years, the £30,000 is set against the amount of payments and other benefits received in earlier years before those received in later years.

(5) If more than one payment or other benefit is received in a tax year in which the threshold is exceeded—

(a) the £30,000 (or the balance of it) is set against the amounts of cash benefits as they are received, and

(b) any balance at the end of the year is set against the aggregate amount of non-cash benefits received in the year.

**[**[F888](6) In subsection (3)(b), the reference to a payment or other benefit to which section 403 applies includes a reference to a payment or other benefit—

(a) received in the tax year 2017-18 or an earlier tax year, and

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) to which this Chapter applied in the tax year of receipt.**]**

**Textual Amendments**

**F887** Words in s. 404(3)(b) substituted (with effect in accordance with s. 5(10) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 5(5)(a)**

**F888** S. 404(6) inserted (with effect in accordance with s. 5(10) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 5(5)(b)**

### [F889 404A Amounts charged to be treated as highest part of total income

(1) A payment or other benefit which counts as a person's employment income as a result of section 403 is treated as the highest part of the person's total income.

(2) Subsection (1) has effect for all income tax purposes except the purposes of sections 535 to 537 of ITTOIA 2005 (gains from contracts for life insurance etc: top slicing relief).

(3) See section 1012 of ITA 2007 (relationship between highest part rules) for the relationship between—

(a) the rule in subsection (1), and

(b) other rules requiring particular income to be treated as the highest part of a person's total income.**]**

**Textual Amendments**

**F889** S. 404A inserted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 437** (with Sch. 2)

### [F890 404B Power to vary threshold

(1) The Treasury may by regulations amend the listed provisions by substituting, for the amount for the time being mentioned in those provisions, a different amount.

(2) The listed provisions are—

subsections (1), (4) and (5) of section 403, and

subsections (1), (4) and (5) of section 404 and its heading.

(3) Regulations under this section may include transitional provision.

(4) A statutory instrument containing regulations under this section which reduce the mentioned amount may not be made unless a draft of it has been laid before, and approved by a resolution of, the House of Commons.**]**

**Textual Amendments**

**F890** S. 404B inserted (with effect in accordance with s. 5(10) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 5(6)**

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Exceptions and reductions*

## 405 Exception for certain payments exempted when received as earnings

(1) This Chapter does not apply to any payment received in connection with the termination of a person's employment which, were it received for the performance of the duties of the employment, would fall within section 308 (exemption of contributions to approved personal pension arrangements).

(2) This Chapter does not apply to any payment received in connection with any change in the duties of, or earnings from, a person's employment to the extent that, were it received for the performance of the duties of the employment, it would fall within section 271(1) (limited exemption of removal benefits and expenses).

## 406 Exception for death or disability payments and benefits

**[**F891(1) This Chapter does not apply to a payment or other benefit provided—

(a) in connection with the termination of employment by the death of an employee, or

(b) on account of injury to, or disability of, an employee.**]**

**[**F892(2) Although "injury" in subsection (1) includes psychiatric injury, it does not include injured feelings.**]**

**Textual Amendments**

**F891** S. 406 renumbered as s. 406(1) (with effect in accordance with s. 5(10) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 5(7)(a)**

**F892** S. 406(2) inserted (with effect in accordance with s. 5(10) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 5(7)(b)**

## 407 Exception for payments and benefits under tax-exempt pension schemes

(1) This Chapter does not apply to a payment or other benefit provided under a tax-exempt pension scheme if—

(a) the payment or other benefit is by way of compensation—

(i) for loss of employment, or

(ii) for loss or diminution of earnings, and

the loss or diminution is due to ill-health, or

(b) the payment or other benefit is properly regarded as earned by past service.

(2) For this purpose "tax-exempt pension scheme" means—

**[**F893(a) a registered pension scheme,

(aa) a scheme set up by a government outside the United Kingdom for the benefit of employees or primarily for their benefit, or**]**

(b) any such scheme or fund as was described in section 221(1) and (2) of ICTA 1970 (schemes to which payments could be made without charge to tax under section 220 of ICTA 1970).

(3) . . . . . .

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F893** S. 407(2)(a)(aa) substituted for s. 407(2)(a) (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 35 para. 62(2)** (with Sch. 36)

## 408 Exception for contributions to [F894registered pension schemes]

(1) This Chapter does not apply to a contribution to a **[**F895registered pension scheme**][**F896or an employer-financed retirement benefit scheme**]** if the contribution is made—

(a) as part of an arrangement relating to the termination of a person's employment, and

(b) in order to provide benefits for the person in accordance with the terms of the scheme or approved personal pension arrangements.

(2) . . . . . .

**Textual Amendments**

**F894** Words in s. 408 heading substituted (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 35 para. 63(4)** (with Sch. 36)

**F895** Words in s. 408(1) substituted (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 35 para. 63(2)** (with Sch. 36)

**F896** Words in s. 408(1) inserted (with effect in relation to any time on or after 6.4.2006 in accordance with art. 1(2) of the amending S.I.) by The Taxation of Pension Schemes (Consequential Amendments) (No. 2) Order 2006 (S.I. 2006/1963), arts. 1(1), **2(2)**

## 409 Exception for payments and benefits in respect of [F897certain legal expenses etc] and indemnity insurance

(1) This Chapter does not apply to a payment or other benefit received by an individual if or to the extent that—

(a) in the case of a cash benefit, it is provided for meeting the cost of a deductible amount, or

(b) in the case of a non-cash benefit, it is or represents a benefit equivalent to the cost of paying a deductible amount.

(2) For the purposes of this section "deductible amount" means an amount which meets conditions A to C.

(3) Condition A is that the amount is paid by the individual **[**F898or by the employer or former employer on behalf of the individual**]**.

(4) Condition B is that a deduction for the amount would have been allowed under section 346 from earnings from the relevant employment, if the individual still held the employment when the amount was paid.

(5) Condition C is that the amount is paid at a time which falls within the run-off period.

(6) In this section and section 410—

"relevant employment" means the employment mentioned in section 401(1);

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"run-off period" means the period which—

(a) starts with the day on which the relevant employment terminated, and

(b) ends with the last day of the sixth tax year following the tax year in which the period started.

**Textual Amendments**

**F897** Words in s. 409 heading substituted (with effect in accordance with s. 4(8) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 4(4)(a)**

**F898** Words in s. 409(3) inserted (with effect in accordance with s. 4(8) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 4(4)(b)**

## 410 Exception for payments and benefits in respect of [F899certain legal expenses etc] and indemnity insurance: individual deceased

(1) This Chapter does not apply to a payment or other benefit received by an individual's personal representatives if or to the extent that—

(a) in the case of a cash benefit, it is provided for meeting the cost of a deductible amount, or

(b) in the case of a non-cash benefit, it is or represents a benefit equivalent to the cost of paying a deductible amount.

(2) For the purposes of this section "deductible amount" means an amount which meets conditions A to C.

(3) Condition A is that the amount is paid by the individual's personal representatives **[**F900or by the former employer on behalf of the individual's personal representatives**]** .

(4) Condition B is that a deduction for the amount would have been allowed under section 346 from earnings from the relevant employment, if—

(a) the individual had not died,

(b) the amount had been paid by the individual, and

(c) the individual still held the employment when the amount was paid.

(5) Condition C is that the amount is paid at a time which falls within the run-off period.

**Textual Amendments**

**F899** Words in s. 410 heading substituted (with effect in accordance with s. 4(8) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 4(5)(a)**

**F900** Words in s. 410(3) inserted (with effect in accordance with s. 4(8) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 4(5)(b)**

## 411 Exception for payments and benefits for forces

**[**F901(1)**]** This Chapter does not apply to a payment or other benefit provided—

(a) under a Royal Warrant, Queen's Order or Order in Council relating to members of Her Majesty's forces, or

(b) by way of payment in commutation of annual or other periodical payments authorised by any such Warrant or Order.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**[**F902(2) This Chapter does not apply to a payment or other benefit provided under a scheme established by an order under section 1(1) of the Armed Forces (Pensions and Compensation) Act 2004.**]**

**Textual Amendments**

**F901** S. 411 renumbered as s. 411(1) (with effect in accordance with s. 63(2) of the amending Act) by Finance Act 2007 (c. 11), **s. 63(1)**

**F902** S. 411(2) inserted (with effect in accordance with s. 63(2) of the amending Act) by Finance Act 2007 (c. 11), **s. 63(1)**

## 412 Exception for payments and benefits provided by foreign governments etc.

(1) This Chapter does not apply to—

(a) a benefit provided under a pension scheme administered by the government of an overseas territory within the Commonwealth, or

(b) a payment of compensation for loss of career, interruption of service or disturbance made—

(i) in connection with any change in the constitution of any such overseas territory, and

(ii) to a person who was employed in the public service of the territory before the change.

(2) References in subsection (1) to—

(a) an overseas territory,

(b) the government of such a territory, and

(c) employment in the public service of such a territory,

have the meanings given in section 615 of ICTA.

## 413 Exception in certain cases of foreign service

**[**F903(A1) This section applies to a payment or other benefit if—

(a) the payment or other benefit is within section 401(1)(a), and the employee or former employee is non-UK resident for the tax year in which the employment terminates, or

(b) the payment or other benefit is within section 401(1)(b) or (c).**]**

(1) This Chapter does not apply if the service of the employee or former employee in the employment in respect of which the payment or other benefit is received included foreign service comprising—

(a) three-quarters or more of the whole period of service ending with the date of the termination or change in question, or

(b) if the period of service ending with that date exceeded 10 years, the whole of the last 10 years, or

(c) if the period of service ending with that date exceeded 20 years, one-half or more of that period, including any 10 of the last 20 years.

(2) In subsection (1) "foreign service" means service to which subsection **[**F904(2A),**]** (3), (4) or (6) applies.

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**[**F905(2A) This subsection applies to service in or after the tax year 2013-14—

(a) to the extent that it consists of duties performed outside the United Kingdom in respect of which earnings would not be relevant earnings, or

(b) if a deduction equal to the whole amount of the earnings from the employment was or would have been allowable under Chapter 6 of Part 5 (deductions from seafarers' earnings).**]**

(3) This subsection applies to service in or after the tax year 2003-04 **[**F906but before the tax year 2013-14**]** such that—

**[**F907(a) any earnings from the employment would not be relevant earnings, or**]**

(b) a deduction equal to the whole amount of the earnings from the employment was or would have been allowable under Chapter 6 of Part 5 (deductions from seafarers' earnings).

**[**F908(3ZA) In subsection (2A)(a) "relevant earnings" means—

(a) for service in or after the tax year 2025-26, earnings—

(i) to which section 15 applies, and

(ii) if the employee is a qualifying new resident for the purposes of Chapter 5C of Part 2 for that tax year, which are not qualifying foreign general earnings within the meaning of section 41T (qualifying foreign general earnings), and

(b) for service before tax year 2025-26, earnings to which section 15 applies and to which that section would apply even if the employee made a claim under section 809B of ITA 2007 (claim for remittance basis) for that year.**]**

**[**F909(3A) In subsection (3)(a) "relevant earnings" means—

(a) for service in or after the tax year 2008-09, earnings—

(i) which are for a tax year in which the employee is ordinarily UK resident,

(ii) to which section 15 applies, and

(iii) to which that section would apply, even if the employee made a claim under section 809B of ITA 2007 (claim for remittance basis) for that year, and

(b) for service before the tax year 2008-09, general earnings to which section 15 or 21 as originally enacted applies.**]**

(4) This subsection applies to service before the tax year 2003-04 and after the tax year 1973-74 such that—

(a) the emoluments from the employment were not chargeable under Case I of Schedule E, or would not have been so chargeable had there been any, or

(b) a deduction equal to the whole amount of the emoluments from the employment was or would have been allowable under a foreign earnings deduction provision.

(5) In subsection (4) "foreign earnings deduction provision" means—

(a) paragraph 1 of Schedule 2 to FA 1974,

(b) paragraph 1 of Schedule 7 to FA 1977, or

(c) section 192A or 193(1) of ICTA.

(6) This subsection applies to service before the tax year 1974-75 such that tax was not chargeable in respect of the emoluments of the employment—

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(a) in the tax year 1956-57 or later, under Case I of Schedule E, or

(b) in earlier tax years, under Schedule E,

or it would not have been so chargeable had there been any such emoluments.

**Textual Amendments**

**F903** S. 413(A1) inserted (with effect in accordance with s. 10(5) of the amending Act) by Finance Act 2018 (c. 3), **s. 10(2)**

**F904** Word in s. 413(2) inserted (with effect in accordance with Sch. 46 para. 72 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 38(2)** (with Sch. 46 para. 73)

**F905** S. 413(2A) inserted (with effect in accordance with Sch. 46 para. 72 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 38(3)** (with Sch. 46 para. 73)

**F906** Words in s. 413(3) inserted (with effect in accordance with Sch. 46 para. 72 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 38(4)** (with Sch. 46 para. 73)

**F907** S. 413(3)(a) substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 30(2)**

**F908** S. 413(3ZA) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 1(16)** (with Sch. 8 Pt. 3)

**F909** S. 413(3A) inserted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 30(3)**

## [F910 413A Exception for payment of certain legal costs

(1) This Chapter does not apply to a payment which meets conditions A and B.

(2) Condition A is that the payment meets the whole or part of legal costs incurred by the employee exclusively in connection with the termination of the employee's employment.

(3) Condition B is that either—

(a) the payment is made pursuant to an order of a court or tribunal, or

(b) the termination of the employee's employment results in a **[**F911settlement**]** agreement between the employer and the employee and —

(i) the **[**F911settlement**]** agreement provides for the payment to be made by the employer, and

(ii) the payment is made directly to the employee's lawyer.

(4) In this section—

...

"lawyer" has the same meaning as "qualified lawyer" in section 203(4) of the Employment Rights Act 1996 or article 245(4) of the Employment Rights (Northern Ireland) Order 1996;

"legal costs" means fees payable for the services and disbursements of a lawyer.**]**

**Textual Amendments**

**F910** S. 413A inserted (with effect in accordance with art. 10(4) of the amending S.I.) by The Enactment of Extra-Statutory Concessions Order 2011 (S.I. 2011/1037), arts. 1, **10(3)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F911** Word in s. 413A(3)(b) substituted (1.3.2013) by The Enactment of Extra-Statutory Concessions Order 2013 (S.I. 2013/234), arts. 1, **3(1)(a)** (with art. 3(2))

## 414 Reduction in other cases of foreign service

(1) This section applies if—

**[**F912(za) either—

(i) the payment or other benefit is within section 401(1)(a), and the employee or former employee is non-UK resident for the tax year in which the employment terminates, or

(ii) the payment or other benefit is within section 401(1)(b) or (c),**]**

(a) the service of the employee or former employee in the employment in respect of which the payment or other benefit is received includes foreign service, and

**[**F913(b) section 413(1) does not except the payment or other benefit from the application of this Chapter.**]**

(2) The taxable person may claim relief in the form of a proportionate reduction of the amount that would **[**F914otherwise—

(a) be treated as earnings by section 402B(1), or

(b) count as employment income as a result of section 403**]**

(3) The proportion is that which the length of the foreign service bears to the whole length of service in the employment before the date of the termination or change in question.

(4) A person's entitlement to relief under this section is limited as mentioned in subsection (5) if the person is entitled—

(a) to deduct, retain or satisfy income tax out of a payment which the person is liable to make, or

(b) to charge any income tax against another person.

(5) The relief must not reduce the amount of income tax for which the person is liable below the amount the person is entitled so to deduct, retain, satisfy or charge.

(6) In this section "foreign service" has the same meaning as in section 413(2).

**Textual Amendments**

**F912** S. 414(1)(za) inserted (with effect in accordance with s. 10(5) of the amending Act) by Finance Act 2018 (c. 3), **s. 10(3)(a)**

**F913** S. 414(1)(b) substituted (with effect in accordance with s. 10(5) of the amending Act) by Finance Act 2018 (c. 3), **s. 10(3)(b)**

**F914** Words in s. 414(2) substituted (with effect in accordance with s. 5(10) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 5(8)**

## **[**F915414AException for payments and benefits under section 615(3) schemes

(1) This Chapter does not apply to a payment or other benefit provided in the form of a lump sum under a section 615(3) scheme.

(2) In this section, "section 615(3) scheme" means a superannuation fund to which section 615(3) of ICTA applies.**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F915** S. 414A inserted (with effect in accordance with art. 6 of the amending S.I.) by The Enactment of Extra-Statutory Concessions Order 2014 (S.I. 2014/211), arts. 1, **5(3)(b)**

## [F916 414B Exception in certain cases of foreign service as seafarer

(1) This section applies to a payment or other benefit if—

(a) the payment or other benefit is within section 401(1)(a), and

(b) the employee or former employee is UK resident for the tax year in which the employment terminates.

(2) This Chapter does not apply if the service of the employee or former employee in the employment in respect of which the payment or other benefit is received included foreign seafaring service comprising—

(a) three-quarters or more of the whole period of service ending with the date of the termination in question, or

(b) if the period of service ending with that date exceeded 10 years, the whole of the last 10 years, or

(c) if the period of service ending with that date exceeded 20 years, one-half or more of that period, including any 10 of the last 20 years.

(3) In subsection (2) "foreign seafaring service" means service to which subsection (4), (5) or (7) applies.

(4) This subsection applies to service in or after the tax year 2003-04 such that a deduction equal to the whole amount of the earnings from the employment was or would have been allowable under Chapter 6 of Part 5 (deductions from seafarers' earnings).

(5) This subsection applies to service before the tax year 2003-04 and after the tax year 1973-74 such that a deduction equal to the whole amount of the emoluments from the employment was or would have been allowable under a seafarers' earnings deduction provision.

(6) In subsection (5) "seafarers' earnings deduction provision" means—

(a) paragraph 1 of Schedule 2 to FA 1974 so far as relating to employment as a seafarer,

(b) paragraph 1 of Schedule 7 to FA 1977 so far as relating to employment as a seafarer,

(c) section 192A of ICTA, or

(d) section 193(1) of ICTA so far as relating to employment as a seafarer.

(7) This subsection applies to service before the tax year 1974-75 in an employment as a seafarer such that tax was not chargeable in respect of the emoluments of the employment—

(a) in the tax year 1956-57 or later, under Case I of Schedule E, or

(b) in earlier tax years, under Schedule E,

or it would not have been so chargeable had there been any such emoluments.

(8) In this section "employment as a seafarer" is to be read in accordance with section 384.

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F916** Ss. 414B, 414C inserted (with effect in accordance with s. 10(5) of the amending Act) by Finance Act 2018 (c. 3), **s. 10(4)**

### 414C Reduction in other cases of foreign service as seafarer

(1) This section applies if—

(a) the payment or other benefit is within section 401(1)(a),

(b) the employee or former employee is UK resident for the tax year in which the employment terminates,

(c) the service of the employee or former employee in the employment in respect of which the payment or other benefit is received includes foreign service, and

(d) section 414B(2) does not except the payment or other benefit from the application of this Chapter.

(2) The taxable person may claim relief in the form of a proportionate reduction of the amount that would otherwise—

(a) be treated as earnings by section 402B(1), or

(b) count as employment income as a result of section 403.

(3) The proportion is that which the length of the foreign seafaring service bears to the whole length of service in the employment before the date of the termination in question.

(4) A person's entitlement to relief under this section is limited as mentioned in subsection (5) if the person is entitled—

(a) to deduct, retain or satisfy income tax out of a payment which the person is liable to make, or

(b) to charge any income tax against another person.

(5) The relief must not reduce the amount of income tax for which the person is liable below the amount the person is entitled so to deduct, retain, satisfy or charge.

(6) In this section "foreign seafaring service" has the same meaning as in section 414B(2).**]**

**Textual Amendments**

**F916** Ss. 414B, 414C inserted (with effect in accordance with s. 10(5) of the amending Act) by Finance Act 2018 (c. 3), **s. 10(4)**

*General and supplementary provisions*

### 415 Valuation of benefits

(1) In the case of a cash benefit, for the purposes of this Chapter the amount of a payment or other benefit is taken to be the amount received.

(2) In the case of a non-cash benefit, for the purposes of this Chapter the amount of a payment or other benefit is taken to be the greater of—

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(a) the amount of earnings (as defined in Chapter 1 of Part 3) that the benefit would give rise to if it were received by an employee within section 15 for performance of the duties of an employment (money's worth), and

(b) the cash equivalent of the benefit under the benefits code if it were so received and the code applied to it.

(3) For the purposes of subsection (2), the benefits code has effect with the modifications in subsections (4), (6) and (7).

(4) References in the benefits code to the employee are to be taken as references to the taxable person and any other person by whom the benefit is received.

(5) For the purposes of subsection (4), section 401(4)(a) is to be disregarded.

(6) References in the benefits code to the employer are to be taken as including references to the former employer.

(7) Where—

(a) section 106 (cash equivalent: cost of accommodation over £75,000) applies, and

(b) the sum referred to in section 105(2)(b) (the sum made good) exceeds the amount referred to in section 105(2)(a) (the rental value),

the amount to be subtracted under paragraph (b) of step 4 of the calculation in section 106(2) is that excess (and not only the excess rent referred to there).

### 416 Notional interest treated as paid if amount charged for beneficial loan

(1) This section applies if an amount ("the taxable amount") consisting of, or including, an amount representing the benefit of a loan counts as a person's employment income in a tax year under section 403.

(2) That person is to be treated for the purposes of the Tax Acts (other than this Chapter) as having paid interest on the loan in the tax year equal to the lesser of—

(a) the amount representing the cash equivalent of the loan, and

(b) the taxable amount.

(3) The interest is to be treated—

(a) as accruing during the period in the tax year during which the loan is outstanding, and

(b) as paid at the end of the period.

(4) The interest is not to be treated—

(a) as income of the person making the loan, or

(b) as relevant loan interest to which section 369 of ICTA applies (mortgage interest payable under deduction of tax).

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

# PART 7

## [F917EMPLOYMENT INCOME: INCOME AND EXEMPTIONS RELATING TO SECURITIES]

**Textual Amendments**

**F917** Pt. 7 heading substituted (with effect in accordance with Sch. 22 para. 2(2) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 22 para. 2(1)**

**Modifications etc. (not altering text)**

**C11** Pt. 7: power to modify conferred (7.4.2005) by Finance Act 2005 (c. 7), **s. 21(8)-(10)**

## [F918CHAPTER 1

## INTRODUCTION

**Textual Amendments**

**F918** Pt. 7 Ch. 1 substituted (with effect in accordance with Sch. 22 para. 2(2) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 22 para. 2(1)**

*General*

### 417 Scope of Part 7

(1) This Part contains special rules about cases where securities, interests in securities or securities options are acquired in connection with an employment.

(2) The rules are contained in—

Chapter 2 (restricted securities),
Chapter 3 (convertible securities),
Chapter 3A (securities with artificially depressed market value),
Chapter 3B (securities with artificially enhanced market value),
Chapter 3C (securities acquired for less than market value),
Chapter 3D (securities disposed of for more than market value),
Chapter 4 (post-acquisition benefits from securities),
Chapter 5 (securities options),
Chapter 6 (... share incentive plans),
Chapter 7 (...SAYE option schemes),
Chapter 8 (...CSOP schemes),
Chapter 9 (enterprise management incentives), and
Chapter 10 (priority share allocations).

(3) The following make provision for amounts to count as employment income—

Chapters 2 to 6, and
Chapter 8.

(4) The following make provision for exemptions and reliefs from income tax—

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Chapters 2 and 3, and
Chapters 5 to 10.

(5) Chapter 11 contains supplementary provisions relating to employee benefit trusts.

(6) Section 5(1) (application of employment income Parts to office-holders generally) does not apply to Chapters 6 to 10; and section 549(5) makes provision about its application to Chapter 11.

### 418 Other related provisions

**[**F919(A1) This Part needs to be read with Chapter 5B of Part 2 (taxable specific income from employment-related securities etc: internationally mobile employees).**]**

(1) In Part 3—

Chapter 1 (earnings), and
Chapter 10 (taxable benefits: residual liability to charge),

may also have effect in relation to securities and interests in securities ....

**[**F920(1A) But Chapters 1 and 10 of Part 3 do not have effect in relation to—

(a) the acquisition of employment-related securities options (within the meaning of Chapter 5 of Part 7), or

(b) chargeable events (within the meaning given by section 477) occurring in relation to such options.**]**

(2) Part 7 of Schedule 7 (transitional provisions relating to securities and securities options) may also be relevant.

(3) In view of section 49 of FA 2000 (phasing out of APS schemes) the following are not rewritten in this Act and continue in force unaffected by the repeals made by this Act—

section 186 of ICTA (APS schemes) and section 187 of that Act (interpretation) so far as relating to APS schemes, and

Schedule 9 to ICTA (approval of share schemes) so far as relating to APS schemes and Schedule 10 to that Act (further provisions about APS schemes).

"APS schemes" means profit sharing schemes approved under Schedule 9 to ICTA.

(4) . . . . . .

**Textual Amendments**

**F919** S. 418(A1) inserted (with effect in accordance with Sch. 9 para. 48 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 9 paras. 7**, 47

**F920** S. 418(1A) inserted (6.4.2016) by Finance Act 2016 (c. 24), **s. 17(2)**(4)

### 419 Negative amounts treated as nil

If the result given by any formula under any provision of this Part would otherwise be a negative amount, the result is to be taken to be nil instead.

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*Interpretation of Chapters 1 to 5*

## 420 Meaning of "securities" etc

(1) Subject to subsections (5) and (6), for the purposes of this Chapter and Chapters 2 to 5 the following are "securities"—

(a) shares in any body corporate (wherever incorporated) or in any unincorporated body constituted under the law of a country or territory outside the United Kingdom,

**[**F921(aa) rights under contracts of insurance other than excluded contracts of insurance,**]**

(b) debentures, debenture stock, loan stock, bonds, certificates of deposit and other instruments creating or acknowledging indebtedness **[**F922(other than contracts of insurance)**]**,

(c) warrants and other instruments entitling their holders to subscribe for securities (whether or not in existence or identifiable),

(d) certificates and other instruments conferring rights in respect of securities held by persons other than the persons on whom the rights are conferred and the transfer of which may be effected without the consent of those persons,

(e) units in a collective investment scheme,

(f) **[**F923options and**]** futures, ...

(g) rights under contracts for differences or contracts similar to contracts for differences **[**F924(other than contracts of insurance)**][**F925, **[**F926and

(h) arrangements to which section 564G of ITA 2007 (alternative finance arrangements: investment bond arrangements) applies.**]]**

**[**F927(1A) For the purposes of subsection (1)(aa) a contract of insurance is an excluded contract of insurance if it is—

(a) a contract for an annuity which is (or will be) pension income (see Part 9),

(b) a contract of long-term insurance, other than an annuity contract, which does not have a surrender value and is not capable of acquiring one (whether on conversion or in any other circumstances), or

(c) a contract of general insurance other than one which falls, in accordance with generally accepted accounting practice, to be accounted for as a financial asset or liability.

(1B) In this section—

"contract of insurance",

"contract of long-term insurance", and

"contract of general insurance",

have the same meaning as in the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001.**]**

(2) In subsection (1)(e) "collective investment scheme" means arrangements—

(a) which are made with respect to property of any description, including money, and

(b) the purpose or effect of which is to enable persons taking part in the arrangements (whether by becoming owners of the property or any part of it or otherwise) to participate in or receive profits or income arising from the acquisition, holding, management or disposal of the property or sums paid out of such profits or income.

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(3) In subsection (1)(f) "futures" means rights under a contract for the sale of a commodity or other property under which delivery is to be made at a future date at a price agreed when the contract is made; and for this purpose a price is to be taken to be agreed when the contract is made—

(a) if it is left to be determined by reference to the price at which a contract is to be entered into on a market or exchange or could be entered into at a time and place specified in the contract, and

(b) in a case where the contract is expressed to be by reference to a standard lot and quality, even if provision is made for a variation in the price to take account of any variation in quantity or quality on delivery.

(4) For the purposes of subsection (1)(g) a contract similar to a contract for differences is a contract—

(a) which is not a contract for differences, but

(b) the purpose or pretended purpose of which is to secure a profit or avoid a loss by reference to fluctuations in the value or price of property or an index or other factor designated in the contract.

(5) The following are not "securities" for the purposes of this Chapter or Chapters 2 to 5—

(a) cheques and other bills of exchange, bankers' drafts and letters of credit (other than bills of exchange accepted by a banker),

(b) money and statements showing balances on a current, deposit or savings account,

(c) leases and other dispositions of property and heritable securities, **[**F928and**]**

(d) . . . . . .

(e) **[**F929securities**]** options.

(6) The Treasury may by order amend subsections (1) to (5).

(7) An order under subsection (6) may include any appropriate consequential provision (including provision amending any enactment).

(8) In this Chapter and Chapters 2 to 5—

"interest", in relation to securities (or shares), means an interest in them less than full beneficial ownership and includes an interest in proceeds of their sale, but does not include a right to acquire them,

"securities option" means a right to acquire securities **[**F930other than a right to acquire securities which is acquired pursuant to a right or opportunity made available under arrangements the main purpose (or one of the main purposes) of which is the avoidance of tax or national insurance contributions**]**, and

"shares" includes stock.

**Textual Amendments**

**F921** S. 420(1)(aa) inserted (with effect in accordance with Sch. 2 para. 2(8) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 2 para. 2(2)**

**F922** Words in s. 420(1)(b) inserted (with effect in accordance with Sch. 2 para. 2(8) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 2 para. 2(3)**

**F923** Words in s. 420(1)(f) inserted (with effect in accordance with s. 92(5) of the amending Act) by Finance Act 2006 (c. 25), **s. 92(2)**

**F924** Words in s. 420(1)(g) inserted (with effect in accordance with Sch. 2 para. 2(8) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 2 para. 2(4)**

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F925** S. 420(1)(h) and word inserted (14.8.2007) by The Employment Income (Meaning of Securities) Order 2007 (S.I. 2007/2130), arts. 1, **2(b)**

**F926** S. 420(1)(h) and preceding word substituted (with effect in accordance with s. 381(1) of the amending Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), s. 381(1), **Sch. 8 para. 204** (with Sch. 9 paras. 1-9, 22)

**F927** S. 420(1A)(1B) inserted (with effect in accordance with Sch. 2 para. 2(8) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 2 para. 2(5)**

**F928** Word in s. 420(5)(c) inserted (with effect in accordance with Sch. 2 para. 2(8) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 2 para. 2(6)(a)**

**F929** Word in s. 420(5)(e) inserted (with effect in accordance with s. 92(5) of the amending Act) by Finance Act 2006 (c. 25), **s. 92(3)**

**F930** Words in s. 420(8) inserted (with effect in accordance with s. 92(5) of the amending Act) by Finance Act 2006 (c. 25), **s. 92(4)**

## 421 Meaning of "market value" etc

(1) In this Chapter and Chapters 2 to 5 "market value" has the same meaning as it has for the purposes of TCGA 1992 by virtue of Part 8 of that Act.

(2) Where consideration for anything is given in the form of an asset (as opposed to a payment), any reference in this Chapter or any of Chapters 2 to 5 to the amount of the consideration is to the market value of the asset.

## 421A Meaning of "consideration"

(1) This section applies for determining for the purposes of Chapters 2 to 5 the amount of the consideration given for anything.

(2) If any consideration is given partly in respect of one thing and partly in respect of another, the amount given in respect of the different things is to determined on a just and reasonable apportionment.

(3) The consideration which is taken to be given wholly or partly for anything does not include the performance of any duties of, or in connection with, an employment.

(4) No amount is to be counted more than once in calculating the amount of any consideration.

*Application of Chapters 2 to* ***[****F931****4A]***

**Textual Amendments**

**F931** Word in s. 421B cross-heading substituted (with effect in accordance with s. 20(5) of the amending Act) by Finance Act 2005 (c. 7), **s. 20(3)(b)**

## 421B Application of Chapters 2 to [F932 4A]

(1) Subject as follows (and to any provision contained in Chapters 2 to **[**F933 4A**]** ) those Chapters apply to securities, or an interest in securities, acquired by a person where the right or opportunity to acquire the securities or interest is available by reason of an employment of that person or any other person.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) For the purposes of subsection (1)—

(a) securities are, or an interest in securities is, acquired at the time when the person acquiring the securities or interest becomes beneficially entitled to those securities or that interest (and not, if different, the time when the securities are, or interest is, conveyed or transferred), and

(b) "employment" includes a former or prospective employment.

(3) A right or opportunity to acquire securities or an interest in securities made available by a person's employer, or by a person connected with a person's employer, is to be regarded for the purposes of subsection (1) as available by reason of an employment of that person unless—

(a) the person by whom the right or opportunity is made available is an individual, and

(b) the right or opportunity is made available in the normal course of the domestic, family or personal relationships of that person.

(4) Chapters 2 to **[**F934**]** 4A **]** cease to apply to securities, or an interest in securities, when subsection (5), (6) or (7) is satisfied.

(5) This subsection is satisfied immediately after the securities are, or the interest in securities is, disposed of otherwise than to an associated person.

(6) This subsection is satisfied immediately before the death of the employee.

(7) This subsection is satisfied 7 years after the first date after the acquisition on which the employee is an employee of none of the following—

(a) the employer,

(b) (if the securities are, or the interest in securities is an interest in, securities issued by a company) the company by which they are issued, or

(c) a person connected with a person within paragraph (a) or (b).

(8) In this Chapter and Chapters 2 to **[**F935**]** 4A **]** —

"the acquisition", in relation to employment-related securities, means the acquisition of the employment-related securities pursuant to the right or opportunity available by reason of the employment,

"the employment", in relation to employment-related securities, means the employment by reason of which the right or opportunity to acquire the employment-related securities is available ("the employee" and "the employer" being construed accordingly unless otherwise indicated), and

"employment-related securities" means securities or an interest in securities to which Chapters 2 to 4 apply (ignoring any provision of any of those Chapters which limits the application of the Chapter to a particular description or descriptions of employment-related securities).

**Textual Amendments**

**F932** Word in s. 421B heading substituted (with effect in accordance with s. 20(5) of the amending Act) by Finance Act 2005 (c. 7), **s. 20(3)(b)**

**F933** Word in s. 421B(1) substituted (with effect in accordance with s. 20(5) of the amending Act) by Finance Act 2005 (c. 7), **s. 20(3)(a)**

**F934** Word in s. 421B(4) substituted (with effect in accordance with s. 20(5) of the amending Act) by Finance Act 2005 (c. 7), **s. 20(3)(a)**

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F935** Word in s. 421B(8) substituted (with effect in accordance with s. 20(5) of the amending Act) by Finance Act 2005 (c. 7), **s. 20(3)(a)**

### 421C Associated persons

(1) For the purposes of this Chapter and Chapters 2 to 4 the following are "associated persons" in relation to employment-related securities—

(a) the person who acquired the employment-related securities on the acquisition,

(b) (if different) the employee, and

(c) any relevant linked person.

(2) A person is a relevant linked person if—

(a) that person (on the one hand), and

(b) either the person who acquired the employment-related securities on the acquisition or the employee (on the other),

**[**F936are or have been connected or (without being or having been connected) are or have been**]** members of the same household.

(3) But a company which would otherwise be a relevant linked person is not if it is—

(a) the employer,

(b) the person from whom the employment-related securities were acquired,

(c) the person by whom the right or opportunity to acquire the employment-related securities was made available, or

(d) the person by whom the employment-related securities (or the securities in which they are an interest) were issued.

**Textual Amendments**

**F936** Words in s. 421C(2) substituted (18.6.2004 with application in accordance with s. 90(5) of the amending Act) by Finance Act 2004 (c. 12), **s. 90(2)**

### 421D Replacement and additional securities and changes in interests

(1) Subsections (2) and (3) apply where an associated person is entitled to employment-related securities (the "original securities") and either—

(a) as a result of the conversion of the original securities (or the securities in which they are an interest), or of any other transaction or series of transactions, that person ceases to be entitled to the original securities but that person or another associated person acquires securities or an interest in securities (the "replacement securities"), or

(b) by virtue of that person being entitled to the original securities, that person or another associated person acquires other securities or an interest in other securities (the "additional securities").

(2) The replacement securities or the additional securities are to be regarded for the purposes of section 421B(1) (securities acquired pursuant to a right or opportunity available by reason of an employment) as acquired pursuant to the same right or opportunity as the original securities.

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(3) Where the market value of the original securities is reduced by reason of the issue of, or of securities including, the replacement securities or the additional securities (or the securities in which they are an interest), the amount of that reduction is to be treated for the purposes of Chapters 2 and 3 as consideration or additional consideration given for the acquisition of the replacement securities or the additional securities **[**F937and for the purposes of Chapter 3C as a payment made for their acquisition at or before the time of the acquisition**]**.

(4) Subsections (2) and (3) apply whether or not the replacement securities, or the additional securities, were acquired for consideration **[**F938or a payment was made for their acquisition at or before the time of the acquisition**]**.

(5) Where Chapters 2 to **[**F939**4A]** apply to an interest in securities, an increase of that interest is to be treated for the purposes of section 421B(1) (securities acquired pursuant to a right or opportunity available by reason of an employment) as a separate interest acquired pursuant to the same right or opportunity as the original interest.

(6) Where Chapters 2 to **[**F940**4A]** apply to an interest in securities, a reduction of that interest (otherwise than by a disposal to an associated person) is to be treated for the purposes of those Chapters as the disposal otherwise than to an associated person of a separate interest proportionate to the reduction.

**Textual Amendments**

**F937** Words in s. 421D(3) inserted (17.7.2014) by Finance Act 2014 (c. 26), **Sch. 9 para. 35(2)**

**F938** Words in s. 421D(4) inserted (17.7.2014) by Finance Act 2014 (c. 26), **Sch. 9 para. 35(3)**

**F939** Word in s. 421D(5) substituted (with effect in accordance with s. 20(5) of the amending Act) by Finance Act 2005 (c. 7), **s. 20(3)(c)**

**F940** Word in s. 421D(6) substituted (with effect in accordance with s. 20(5) of the amending Act) by Finance Act 2005 (c. 7), **s. 20(3)(c)**

## 421E Exclusions: residence etc

. . . . . .

## 421F Exclusions: public offers

(1) **[**F941Chapters 2, 3 and 3C**]** do not apply in relation to employment-related securities that are shares acquired under the terms of an offer to the public or an interest in shares so acquired.

**[**F942(1A) But subsection (1) does not disapply those Chapters if the main purpose (or one of the main purposes)—

(a) of the arrangements under which the right or opportunity under which the shares were acquired, or

(b) for which the shares are held,

is the avoidance of tax or national insurance contributions.**]**

(2) In a case within subsection (1) of section 544 (exemption for priority share allocations where offer to employees separate from public offer), any acquisition made under the terms of either the public offer or the employee offer within the meaning of that

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subsection is to be treated for the purposes of this section as made under the terms of an offer to the public.

(3) Subsection (2) applies whether or not there is any benefit within section 544(2) (benefit derived from entitlement to priority allocation exempt from income tax).

**Textual Amendments**

**F941** Words in s. 421F(1) substituted (18.6.2004 with application in accordance with s. 89(4)(5) of the amending Act) by Finance Act 2004 (c. 12), **s. 89(2)**

**F942** S. 421F(1A) inserted (18.6.2004 with application in accordance with s. 89(4)(5) of the amending Act) by Finance Act 2004 (c. 12), **s. 89(3)**

### 421G Exclusions: approved plan or scheme securities

. . . . . .

### 421H Meaning of "employee-controlled" etc

(1) For the purposes of Chapters 2 to 4 a company is "employee-controlled" by virtue of shares of a class if—

(a) the majority of the company's shares of that class (other than any held by or for the benefit of an associated company) are held by or for the benefit of employees of the company or a company controlled by the company, and

(b) those employees are together able as holders of the shares to control the company.

In this subsection "employee" includes a person who is to be or has been an employee.

(2) In this section and Chapters 2 to 4 "associated company" has the **[**[F943]meaning given by section 449 of CTA 2010**]**.

**Textual Amendments**

**F943** Words in s. 421H(2) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 386** (with Sch. 2)

### 421I Consideration for acquisition of employment-related securities

(1) This section applies for determining for the purposes of Chapters 2 to 3A the amount of the consideration given for the acquisition of employment-related securities.

(2) References to consideration given for the acquisition of the employment-related securities are to consideration given by—

(a) the employee, or

(b) (if not the employee) the person by whom the employment-related securities were acquired.

(3) The amount of the consideration given by a person for the acquisition of the employment-related securities includes the amount of any consideration given for a right to acquire the employment-related securities.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) If the right to acquire the employment-related securities ("the new option") is the whole or part of the consideration for the assignment or release of another right to acquire them ("the old option"), the amount of the consideration given for the new option is to be treated as being the sum of—

(a) the amount by which the amount of the consideration given for the old option exceeds the amount of any consideration for the assignment or release of the old option, apart from the new option, and

(b) any valuable consideration given for the new option, apart from the old option.

(5) Two or more transactions are to be treated for the purposes of subsection (4) as a single transaction by which a right to acquire the employment-related securities is assigned for a consideration which consists of or includes another right to acquire the employment-related securities if—

(a) the transactions result in a person ceasing to hold a right to acquire the employment-related securities and that person or a connected person coming to hold another right to acquire them, and

(b) one or more of the transactions is effected under arrangements to which two or more persons who hold rights to acquire the employment-related securities, in respect of which there may be a liability to tax under Chapter 5 of this Part (securities options), are parties.

(6) Subsection (5) applies regardless of the order in which the assignment and the acquisition occur.

(7) In this section "release", in relation to a right to acquire the employment-related securities, includes agreeing to the restriction of the exercise of the right.

*Information*

### 421J Duty to provide information

(1) This section applies in relation to reportable events.

(2) Section 421K explains what are reportable events for the purposes of this section.

(3) . . . . . .

(4) **[**F154An officer of Revenue and Customs**]** may by notice require any person to provide **[**F944the officer**]** with such particulars of any reportable events—

(a) which take place in a period specified in the notice, and

(b) in relation to which that person is a responsible person,

as are required by the notice or, if no reportable event in relation to which that person is a responsible person has taken place in that period, to state that fact.

(5) A notice under subsection (4) must specify a date by which it must be complied with.

(6) That date must not be less than 30 days after the date when the notice is given.

(7) . . . . . .

(8) . . . . . .

(9) Section 421L explains who are the responsible persons in relation to a reportable event.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(10) The particulars required **[**[F945]by a notice under**]** this section must be provided in a form specified by **[**[F104]the Commissioners for Her Majesty's Revenue and Customs**]**.

(11) . . . . . .

(12) . . . . . .

**Textual Amendments**

**F104** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(2)**; S.I. 2005/1126, art. 2(2)(h)

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F944** Words in s. 421J(4) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 103(1)(i)**; S.I. 2005/1126, art. 2(2)(h)

**F945** Words in s. 421J(10) substituted (with effect in accordance with Sch. 8 para. 233 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 8 paras. 227(3)**, 232

## **[**[F946]421J Annual returns

(1) This section applies in relation to a person who is (or has been) a responsible person (see section 421L) in relation to reportable events (see section 421K).

(2) The person must give to Her Majesty's Revenue and Customs ("HMRC") a return for each tax year falling (wholly or partly) in the person's reportable event period.

(3) The person's "reportable event period" is the period—

(a) beginning when the first reportable event occurs in relation to which the person is a responsible person, and

(b) ending when the person will no longer be a responsible person in relation to reportable events.

(4) The return for a tax year must—

(a) contain, or be accompanied by, such information as HMRC may require, and

(b) be given on or before 6 July in the following tax year.

(5) The information which may be required under subsection (4)(a) includes (in particular) information to enable HMRC to determine the liability to tax, including capital gains tax, of any employee.

(6) If the person becomes aware that—

(a) anything which should have been included in, or should have accompanied, a return for a tax year was not included in, or did not accompany, the return,

(b) anything which should not have been included in, or should not have accompanied, a return for a tax year was included in, or accompanied, the return, or

(c) any other error or inaccuracy has occurred in relation to a return for a tax year,

the person must give an amended return correcting the position to HMRC without delay.

(7) A person's return for a tax year under this section need not contain, or be accompanied by, duplicate information and a person is not required to give a return for a tax

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year under this section if it would only contain, or be accompanied by, duplicate information.

(8) "Duplicate information" means information which is contained in or accompanies—

(a) a return which another person gives for the tax year under this section, or

(b) a return which any person gives for the tax year under any of the following provisions—

(i) paragraph 81B of Schedule 2 (annual return for Schedule 2 SIP);

(ii) paragraph 40B of Schedule 3 (annual return for Schedule 3 SAYE option scheme);

(iii) paragraph 28B of Schedule 4 (annual return for Schedule 4 CSOP scheme);

(iv) paragraph 52 of Schedule 5 (annual return for company whose shares are subject to qualifying options under the EMI code).

**Textual Amendments**

**F946** Ss. 421JA-421JF inserted (with effect in accordance with Sch. 8 para. 234 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 8 paras. 228**, 232

### 421JB Returns to be given electronically

(1) A return under section 421JA, and any information accompanying the return, must be given electronically.

(2) But, if HMRC consider it appropriate to do so, HMRC may allow a person to give a return or any accompanying information in another way; and, if HMRC do so, the return or information must be given in that other way.

(3) The Commissioners for Her Majesty's Revenue and Customs—

(a) must prescribe how returns and accompanying information are to be given electronically;

(b) may make different provision for different cases or circumstances.

**Textual Amendments**

**F946** Ss. 421JA-421JF inserted (with effect in accordance with Sch. 8 para. 234 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 8 paras. 228**, 232

### 421JC Penalties for late returns

(1) This section applies if a person fails to give a return under section 421JA for a tax year (containing, or accompanied by, all required information) on or before the date mentioned in section 421JA(4)(b) ("the date for delivery").

(2) The person is liable for a penalty of £100.

(3) If the person's failure continues after the end of the period of 3 months beginning with the date for delivery, the person is liable for a further penalty of £300.

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) If the person's failure continues after the end of the period of 6 months beginning with the date for delivery, the person is liable for a further penalty of £300.

(5) The person is liable for a further penalty under this subsection if—

(a) the person's failure continues after the end of the period of 9 months beginning with the date for delivery,

(b) HMRC decide that such a penalty should be payable, and

(c) HMRC give notice to the person specifying the period in respect of which the penalty is payable.

(The person may be liable for more than one penalty under this subsection.)

(6) The penalty under subsection (5) is £10 for each day that the failure continues during the period specified in the notice under subsection (5)(c).

(7) The period specified in the notice under subsection (5)(c)—

(a) may begin earlier than the date on which the notice is given, but

(b) may not begin until after the end of the period mentioned in subsection (5)(a) or, if relevant, the end of any period specified in any previous notice under subsection (5)(c) given in relation to the failure.

(8) Liability for a penalty under this section does not arise if the person satisfies HMRC (or, on an appeal under section 421JF, the tribunal) that there is a reasonable excuse for the person's failure.

(9) For the purposes of subsection (8)—

(a) an insufficiency of funds is not a reasonable excuse, unless attributable to events outside the person's control,

(b) where the person relies on any other person to do anything, that is not a reasonable excuse unless the (first mentioned) person took reasonable care to avoid the failure, and

(c) where the person had a reasonable excuse for the failure but the excuse ceased, the person is to be treated as having continued to have the excuse if the failure is remedied without unreasonable delay after the excuse ceased.

**Textual Amendments**

**F946** Ss. 421JA-421JF inserted (with effect in accordance with Sch. 8 para. 234 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 8 paras. 228**, 232

### 421JD Penalty if information not given correctly

(1) This section applies if a return under section 421JA, or any information accompanying such a return—

(a) is given otherwise than in accordance with section 421JB, or

(b) contains a material inaccuracy—

(i) which is careless or deliberate, or

(ii) which is not corrected as required by section 421JA(6).

(2) The person in question is liable for a penalty of an amount decided by HMRC.

(3) The penalty must not exceed £5,000.

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(4) For the purposes of subsection (1)(b)(i) an inaccuracy is careless if it is due to a failure by the person in question to take reasonable care.

**Textual Amendments**

**F946** Ss. 421JA-421JF inserted (with effect in accordance with Sch. 8 para. 234 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 8 paras. 228**, 232

### 421JE Assessment of penalties

(1) This section applies if a person is liable for a penalty under section 421JC or 421JD.

(2) HMRC must assess the penalty and notify the person of the assessment.

(3) Subject to subsection (4), the assessment must be made no later than 12 months after the date on which the person becomes liable for the penalty.

(4) In the case of a penalty under section 421JD(1)(b), the assessment must be made no later than—

(a) 12 months after the date on which HMRC become aware of the inaccuracy, and

(b) 6 years after the date on which the person becomes liable for the penalty.

(5) A penalty payable under this Part must be paid—

(a) no later than 30 days after the date on which the notice under subsection (2) is given to the person, or

(b) if notice of appeal is given against the penalty under section 421JF(1) or (2), no later than 30 days after the date on which the appeal is determined or withdrawn.

(6) The penalty may be enforced as if it were income tax or, if the person is a company within the charge to corporation tax, corporation tax charged in an assessment and due and payable.

(7) Sections 100 to 103 of TMA 1970 do not apply to a penalty under section 421JC or 421JD.

**Textual Amendments**

**F946** Ss. 421JA-421JF inserted (with effect in accordance with Sch. 8 para. 234 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 8 paras. 228**, 232

### 421JF Appeals

(1) A person may appeal against a decision of HMRC that the person is liable for a penalty under section 421JC or 421JD.

(2) A person may appeal against a decision of HMRC as to the amount of a penalty payable by the person under section 421JC or 421JD.

(3) Notice of appeal must be given to HMRC no later than 30 days after the date on which the notice under section 421JE(2) is given to the person.

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) On an appeal under subsection (1) which is notified to the tribunal, the tribunal may affirm or cancel the decision.

(5) On an appeal under subsection (2) which is notified to the tribunal, the tribunal may—

(a) affirm the amount of the penalty decided, or

(b) substitute another amount for that amount.

(6) Subject to this section and section 421JE, the provisions of Part 5 of TMA 1970 relating to appeals have effect in relation to an appeal under this section as they have effect in relation to an appeal against an assessment to income tax or, if the person is a company within the charge to corporation tax, corporation tax.**]**

**Textual Amendments**

**F946** Ss. 421JA-421JF inserted (with effect in accordance with Sch. 8 para. 234 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 8 paras. 228**, 232

### 421K Reportable events

(1) This section applies for the purposes of **[**F947sections 421J and 421JA (duties to provide information and annual returns)**]**.

(2) Each of the events mentioned in subsection (3) is a reportable event.

(3) The events are—

(a) an acquisition (or an event treated as an acquisition) of securities, an interest in securities or a securities option pursuant to a right or opportunity available by reason of the employment of the person who acquires the securities, interest in securities or securities option or of any other person,

(b) an event which is a chargeable event in relation to securities, or an interest in securities, for the purposes of section 426 (chargeable events in relation to restricted securities and restricted interests in securities),

(c) an event which is a chargeable event in relation to securities, or an interest in securities, for the purposes of section 438 (chargeable events in relation to convertible securities and interests in convertible securities),

(d) the doing of anything which gives rise to a taxable amount counting as employment income under section 446L (artificial enhancement of market value of securities),

(e) an event which discharges a notional loan relating to securities, or an interest in securities, under section 446U (securities and interests in securities acquired for less than market value),

(f) a disposal of securities, or an interest in securities, by virtue of which Chapter 3D of this Part applies (securities and interests in securities disposed of for more than market value),

(g) the receipt of a benefit which gives rise to a taxable amount counting as employment income under section 447 (charge on benefit from securities or interest in securities) **[**F948or would give rise to such an amount but for Chapter 4A (shares in research institution spin-out companies)**]**,

(h) the assignment or release of a securities option acquired pursuant to a right or opportunity available by reason of the employment of the person who acquires the securities option or any other person, and

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(i) the receipt of a benefit in money or money's worth which is (or by virtue of section 477(6) is to be regarded as being) received in connection with such a securities option.

**Textual Amendments**

**F947** Words in s. 421K(1) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 229**, 232

**F948** Words in s. 421K(3)(g) inserted (with effect in accordance with s. 20(5) of the amending Act) by Finance Act 2005 (c. 7), **s. 20(4)**

## 421L Persons to whom section 421J applies

(1) This section applies for the purposes of **[**F949sections 421J and 421JA (duties to provide information and annual returns)**]** .

(2) Each of the following persons is a responsible person in relation to a reportable event.

(3) The persons are—

(a) the employer in question,

(b) any host employer of the employee in question,

**[**F950(ba) if the employee in question is a continental shelf worker and PAYE regulations do not apply to the employer in question, any person who is a relevant person in relation to the employee in question,**]**

(c) the person from whom the securities in question were, or interest or option in question was, acquired, and

(d) in relation to a reportable event concerning securities or an interest in securities which are not excluded securities, the person by whom the securities were issued.

(4) In subsection (3)(b) "host employer" means a person other than the employer in question—

(a) for whom the employee in question works at the time of the reportable event, and

(b) who would, by virtue of subsection (2) of section 689 (employees of non-UK employers working for a person other than the employer), be treated for the purposes of PAYE regulations as making a payment of PAYE income of the employee in question if a payment to which subsection (5) would apply were made by the employer in question in respect of the period during which the employee works for the other person.

(5) For the purposes of subsection (4)(b) this subsection would apply to a payment if—

(a) it were a payment of PAYE income of the employee, and

(b) the conditions in subsection (1)(c) and (d) of section 689 were satisfied in relation to the payment.

**[**F951(5A) In subsection (3)(ba) "continental shelf worker" and "relevant person" have the meaning given by section 689A(11) (PAYE: oil and gas workers on the continental shelf).**]**

(6) For the purposes of subsection (3)(d) securities are excluded securities in relation to a reportable event if they are—

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(a) loan stock, bonds or other instruments creating or acknowledging indebtedness issued by or on behalf of any national or regional government or local authority (in the United Kingdom or elsewhere) or any body whose members consists of states, national or regional governments or local authorities, or

(b) securities which are issued by a person who, at the time of the reportable event, is not connected with the employer in question and which are listed **[**[F952]on a recognised stock exchange or dealt in on any designated market in the United Kingdom**]**.

**[**[F953](7) In subsection (6)(b) "designated" means designated by an order made by the Commissioners for Her Majesty's Revenue and Customs for the purposes of that provision.

(8) An order under subsection (7) may—

(a) designate a market by name or by reference to any class or description of market, and

(b) vary or revoke a previous order under that subsection.**]]**

**Textual Amendments**

**F949** Words in s. 421L(1) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 230**, 232

**F950** S. 421L(3)(ba) inserted (17.7.2014) by Finance Act 2014 (c. 26), **s. 21(3)(a)**

**F951** S. 421L(5A) inserted (17.7.2014) by Finance Act 2014 (c. 26), **s. 21(3)(b)**

**F952** Words in s. 421L(6)(b) substituted (19.7.2007) by Finance Act 2007 (c. 11), **Sch. 26 para. 10(2)(a)**

**F953** S. 421L(7)(8) inserted (19.7.2007) by Finance Act 2007 (c. 11), **Sch. 26 para. 10(2)(b)**

## **[**[F954]CHAPTER 2

RESTRICTED SECURITIES

**Textual Amendments**

**F954** Pt. 7 Ch. 2 substituted (1.9.2003 with effect in accordance with Sch. 22 para. 3(2)-(4) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 22 para. 3(1)**; S.I. 2003/1997, art. 2

*Introduction*

### 422 Application of this Chapter

This Chapter applies to employment-related securities if they are—

(a) restricted securities, or

(b) a restricted interest in securities,

at the time of the acquisition.

### 423 "Restricted securities" and "restricted interest in securities"

(1) For the purposes of this Chapter employment-related securities are restricted securities or a restricted interest in securities if—

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(a) there is any contract, agreement, arrangement or condition which makes provision to which any of subsections (2) to (4) applies, and

(b) the market value of the employment-related securities is less than it would be but for that provision.

(2) This subsection applies to provision under which—

(a) there will be a transfer, reversion or forfeiture of the employment-related securities, or (if the employment-related securities are an interest in securities) of the interest or the securities, if certain circumstances arise or do not arise,

(b) as a result of the transfer, reversion or forfeiture the person by whom the employment-related securities are held will cease to be beneficially entitled to the employment-related securities, and

(c) that person will not be entitled on the transfer, reversion or forfeiture to receive in respect of the employment-related securities an amount of at least their market value (determined as if there were no provision for transfer, reversion or forfeiture) at the time of the transfer, reversion or forfeiture.

(3) This subsection applies to provision under which there is a restriction on—

(a) the freedom of the person by whom the employment-related securities are held to dispose of the employment-related securities or proceeds of their sale,

(b) the right of that person to retain the employment-related securities or proceeds of their sale, or

(c) any other right conferred by the employment-related securities,

(not being provision to which subsection (2) applies).

(4) This subsection applies to provision under which the disposal or retention of the employment-related securities, or the exercise of a right conferred by the employment-related securities, may result in a disadvantage to—

(a) the person by whom the employment-related securities are held,

(b) the employee (if not the person by whom they are held), or

(c) any person connected with the person by whom they are held or with the employee,

(not being provision to which subsection (2) or (3) applies).

## 424 Exceptions

**[**[F955](1) Employment-related securities are not restricted securities or a restricted interest in securities by reason only that any one or more of the following is the case—

(a) the employment-related securities (or the securities in which they are an interest) are unpaid or partly paid shares which may be forfeited for non-payment of calls and there is no restriction on the meeting of calls by the person by whom they are held, **[**[F956]or**]**

(b) that person may be required to offer for sale or transfer the employment-related securities on the employee ceasing, as a result of misconduct, to be employed by the employer or a person connected with the employer, or

(c) . . . . . .**]**

**[**[F957](2) Subsection (1) does not apply if the main purpose (or one of the main purposes) of the arrangements under which the right or opportunity to acquire the employment-related securities is made available is the avoidance of tax or national insurance contributions.**]**

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**Textual Amendments**

**F955** S. 424 renumbered as s. 424(1) (with effect in accordance with Sch. 2 para. 4(4) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 2 para. 4(1)**

**F956** Word in s. 424(1)(a) inserted (with effect in accordance with Sch. 2 para. 4(4) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 2 para. 4(2)(a)**

**F957** S. 424(2) inserted (with effect in accordance with Sch. 2 para. 4(4) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 2 para. 4(3)**

*Tax exemption on acquisition*

## 425 No charge in respect of acquisition in certain cases

(1) Subsection (2) applies if the employment-related securities—

(a) are restricted securities, or a restricted interest in securities, by virtue of subsection (2) of section 423 (provision for transfer, reversion or forfeiture) at the time of the acquisition, and

(b) will cease to be restricted securities, or a restricted interest in securities, by virtue of that subsection within 5 years after the acquisition (whether or not they may remain restricted securities or a restricted interest in securities by virtue of the application of subsection (3) or (4) of that section).

(2) No liability to income tax arises in respect of the acquisition, except as provided by—

(a) Chapter 3 of this Part (acquisition by conversion),

(b) Chapter 3C of this Part (acquisition for less than market value), or

(c) Chapter 5 of this Part (acquisition pursuant to securities option).

(3) But the employer and the employee may elect that subsection (2) is not to apply to the employment-related securities.

(4) An election under subsection (3)—

(a) is to be made by agreement by the employer and the employee, and

(b) is irrevocable.

(5) Such an agreement—

(a) must be made in a form approved by **[**F104the Commissioners for Her Majesty's Revenue and Customs**]** , and

(b) may not be made more than 14 days after the acquisition.

**[**F958(6) No election may be made under subsection (3) unless, at the time of the acquisition, the earnings from the employment are (or would be if there were any) general earnings to which any of the charging provisions of Chapters 4 and 5 of Part 2 applies.**]**

**Textual Amendments**

**F104** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(2)**; S.I. 2005/1126, art. 2(2)(h)

**F958** S. 425(6) inserted (with effect in accordance with Sch. 9 para. 48 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 9 paras. 9**, 47

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Tax charge on post-acquisition chargeable events*

## 426 Charge on occurrence of chargeable event

**[**F959(1) If a chargeable event occurs in relation to the employment-related securities, the taxable amount counts as employment income of the employee for the relevant tax year.

(2) For this purpose—

(a) "chargeable event" has the meaning given by section 427,

(b) "the taxable amount"is the amount determined under section 428, and

(c) "the relevant tax year"is the tax year in which the chargeable event occurs.

(3) Relief may be available under section 428A (relief for secondary Class 1 contributions met by employee) against an amount counting as employment income under this section.**]**

(5) This section is subject to section 429 (case outside charge under this section).

**Textual Amendments**

**F959** S. 426(1)-(3) substituted for s. 426(1)-(4) (1.9.2004) by Finance Act 2004 (c. 12), s. 85(2), **Sch. 16 para. 1(2)**; S.I. 2004/1945, art. 2

## 427 Chargeable events

(1) This section applies for the purposes of section 426 (charge on occurrence of chargeable event).

(2) Any of the events mentioned in subsection (3) is a "chargeable event" in relation to the employment-related securities.

(3) The events are—

(a) the employment-related securities ceasing to be restricted securities, or a restricted interest in securities, in circumstances in which an associated person is beneficially entitled to the employment-related securities after the event,

(b) the variation of any restriction relating to the employment-related securities in such circumstances (without the employment-related securities ceasing to be restricted securities or a restricted interest in securities), and

(c) the disposal for consideration of the employment-related securities, or any interest in them, by an associated person otherwise than to another associated person (at a time when they are still restricted securities or a restricted interest in securities).

(4) For the purposes of this Chapter there is a variation of a restriction relating to the employment-related securities if any restriction in relation to them is removed or varied.

## 428 Amount of charge

(1) The taxable amount for the purposes of section 426 (charge on occurrence of chargeable event) is—

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

$$UMV \times (IUP - PCP - OP) - CE$$

(2) UMV is what would be the market value of the employment-related securities immediately after the chargeable event but for any restrictions.

(3) IUP is—

$$\frac{IUMV - DA}{IUMV}$$

where—

IUMV is what would have been the market value of the employment-related securities at the time of the acquisition but for any restrictions, and

DA is the total of any deductible amounts.

(4) PCP is the aggregate of the result of the application of the formula—

$$IUP - PCP - OP$$

on each previous event (if any) occurring since the acquisition that was a chargeable event for the purposes of section 426 in relation to the employment-related securities (and so is nil if there has not been such a previous event).

(5) OP is—

$$\frac{UMV - AMV}{UMV}$$

where AMV is the actual market value of the employment-related securities immediately after the chargeable event.

(6) CE is any expenses incurred by the holder of the employment-related securities in connection with—

(a) the employment-related securities ceasing to be restricted securities or a restricted interest in securities,

(b) the variation of a restriction relating to the employment-related securities, or

(c) the disposal of the employment-related securities,

together (if the chargeable event is one within section 427(3)(a) or (b) (lifting of restrictions and variation of restriction)) with any consideration given for the employment-related securities ceasing to be restricted securities or a restricted interest in securities or the variation of a restriction relating to the employment-related securities.

**[**F960(6A) CE also includes any amount that has counted as employment income of the employee in respect of the employment under Chapter 2 of Part 7A in relation to the employment-related securities where the relevant step (within the meaning of that Part) was taken before the chargeable event occurred.**]**

(7) For the purposes of this section each of the following is a "deductible amount"—

(a) the amount of any consideration given for the acquisition of the employment-related securities,

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(b) any amount that constituted earnings from the employee's employment under Chapter 1 of Part 3 (earnings) in respect of the acquisition of the employment-related securities **[**F961(other than an amount of exempt income)**]**,

**[**F962(ba) any amount treated as earnings from the employee's employment under section 226A (employee shareholder shares: amount treated as earnings) in respect of the acquisition of the employment-related securities (other than an amount of exempt income),**]**

**[**F963(bb) any amount that was charged to non-UK income tax in respect of the acquisition of the employment-related securities, but only so far as that amount exceeds any amount within paragraph (b) or (ba),**]**

(c) any amount that counted as employment income in relation to the employment-related securities under Chapter 2 or 4 of this Part as originally enacted,

(d) if the employment-related securities were acquired on a conversion of other employment-related securities, any amount that counted as employment income of the employee under Chapter 3 of this Part (including that Chapter as originally enacted) (convertible securities) by reason of the conversion, and

(e) if the acquisition of the employment-related securities was pursuant to a securities option, any amount that counted as employment income of the employee under section 476 (or section 476 or 477 as originally enacted) (acquisition of securities pursuant to securities option) by reason of the acquisition.

**[**F964(7A) In subsection (7)(b) and (ba) the references to an amount of exempt income, in a case in which the amount that constituted, or was treated as, earnings in respect of the acquisition was not an amount of general earnings to which any of the charging provisions of Chapters 4 and 5 of Part 2 applied, includes any amount that would have been an amount of exempt income if any of those charging provisions had applied.

(7B) In subsection (7)(bb) "non-UK income tax" means a tax chargeable on income under the law of a territory outside the United Kingdom that corresponds to United Kingdom income tax.

(7C) A tax is not outside the scope of subsection (7B) by reason only that it—

(a) is chargeable under the law of a province, state or other part of a country, or

(b) is levied by or on behalf of a municipality or other local body.**]**

(8) If the employment-related securities are convertible securities, or an interest in convertible securities, their market value is to be determined for the purposes of this section as if they were not.

(9) Where the chargeable event is one within section 427(3)(c) (disposal) and CD is less than AMV, the taxable amount for the purposes of section 426 is the amount determined under subsection (1) multiplied by—

$$\frac{CD}{AMV}$$

where—

CD is the consideration given for the employment-related securities, and

AMV is the actual market value of the employment-related securities immediately after the chargeable event.

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**[**F965(10) But subsection (9) does not apply if something which affects the employment-related securities has been done (at or before the time of the chargeable event) as part of a scheme or arrangement the main purpose (or one of the main purposes) of which is the avoidance of tax or national insurance contributions.**]**

**Textual Amendments**

**F960** S. 428(6A) inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 15**

**F961** Words in s. 428(7)(b) inserted (with effect in accordance with s. 49(11) of the amending Act) by Finance Act 2008 (c. 9), **s. 49(4)**

**F962** S. 428(7)(ba) inserted (1.9.2013) by Finance Act 2013 (c. 29), **Sch. 23 paras. 5**, 38; S.I. 2013/1755, art. 2

**F963** S. 428(7)(bb) inserted (with effect in accordance with Sch. 9 para. 48 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 9 paras. 10(2)**, 47

**F964** S. 428(7A)-(7C) inserted (with effect in accordance with Sch. 9 para. 48 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 9 paras. 10(3)**, 47

**F965** S. 428(10) inserted (with effect in accordance with Sch. 2 para. 5(2) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 2 para. 5**

## **[**F966**428A Relief for secondary Class 1 contributions met by employee**

(1) Relief is available under this section against an amount counting as employment income under section 426 ("the employment income amount") if—

(a) an agreement having effect under paragraph 3A of Schedule 1 to the Contributions and Benefits Act has been entered into allowing the secondary contributor to recover from the employee the whole or part of any secondary Class 1 contribution in respect of that amount, or

(b) an election having effect under paragraph 3B of that Schedule is in force which has the effect of transferring to the employee the whole or part of the liability to pay secondary Class 1 contributions in respect of that amount.

(2) The amount of the relief is the total of—

(a) any amount that under the agreement referred to in subsection (1)(a) is recovered in respect of the employment income amount by the secondary contributor before 5th June in the tax year following that in which the chargeable event occurs, and

(b) the amount of any liability in respect of the employment income amount that, by virtue of the election referred to in subsection (1)(b), has become the employee's liability.

(3) If notice of withdrawal of approval of the election is given, the amount of the liability referred to in subsection (2)(b) is limited to the amount met before 5th June in the tax year following that in which the chargeable event occurs.

(4) Relief under this section is given by way of deduction from the amount otherwise counting as employment income.

(5) Relief under this section does not affect the amount to be taken into account—

(a) as employment income in determining contributions payable under the Contributions and Benefits Act, or

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(b) as relevant employment income for the purposes of paragraph 3A or 3B of Schedule 1 to that Act.

(6) In this section—

"approval", in relation to an election, means approval by **[**F154an officer of Revenue and Customs**]** under paragraph 3B of Schedule 1 to the Contributions and Benefits Act, and

"secondary contributor" has the same meaning as in that Act (see section 7).**]**

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F966** S. 428A inserted (1.9.2004) by Finance Act 2004 (c. 12), s. 85(2), **Sch. 16 para. 1(3)**; S.I. 2004/1945, art. 2

## 429 Case outside charge under section 426

(1) Section 426 (charge on occurrence of chargeable event) does not apply if—

(a) the employment-related securities are shares (or an interest in shares) in a company of a class,

(b) the provision by virtue of which the employment-related securities are restricted securities, or a restricted interest in securities, applies to all the company's shares of the class,

**[**F967(ba) subsection (1A) is satisfied,**]**

(c) all the company's shares of the class (other than the employment-related securities) are affected by an event similar to that which is a chargeable event in relation to the employment-related securities, and

(d) subsection (3) or (4) is satisfied.

(1A) **[**F968This subsection is satisfied unless something which affects the employment-related securities has been done (at or before the time when section 426 would apply) as part of a scheme or arrangement the main purpose (or one of the main purposes) of which is the avoidance of tax or national insurance contributions.**]**

(2) For the purposes of subsection (1)(c) shares are affected by an event similar to that which is a chargeable event in relation to the employment-related securities—

(a) in the case of a chargeable event within section 427(3)(a) (lifting of restrictions), if the provision mentioned in subsection (1)(b) ceases to apply to them,

(b) in the case of a chargeable event within section 427(3)(b) (variation of restriction), if that provision is varied in relation to them in the same way as in relation to the employment-related securities, or

(c) in the case of a chargeable event within section 427(3)(c) (disposal), if they are disposed of.

(3) This subsection is satisfied if, immediately before the event that would be a chargeable event, the company is employee-controlled by virtue of holdings of shares of the class.

(4) This subsection is satisfied if, immediately before that event, the majority of the company's shares of the class are not **[**F969employment-related securities.**]**

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(5) . . . . . .

**Textual Amendments**

**F967** S. 429(1)(ba) inserted (retrospective to 7.5.2004) by Finance Act 2004 (c. 12), **ss. 86(2)(a)(3)(8)**, 86(1)

**F968** S. 429(1A) substituted (with effect in accordance with Sch. 2 para. 6(2) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 2 para. 6**

**F969** Words in s. 429(4) substituted (retrospective to 7.5.2004) by Finance Act 2004 (c. 12), **ss. 86(2)(a)(5)(8)**, 86(1)

## 430 Election for outstanding restrictions to be ignored

(1) The employer and the employee may elect that—

(a) on a chargeable event the taxable amount for the purposes of section 426 is to be determined by applying section 428(1) as if it did not include a reference to OP, and

(b) sections 426 to 429 are not to apply to the employment-related securities after that chargeable event.

(2) An election under this section—

(a) is to be made by agreement by the employer and the employee, and

(b) is irrevocable.

(3) Such an agreement—

(a) must be made in a form approved by **[**F104the Commissioners for Her Majesty's Revenue and Customs**]** , and

(b) may not be made more than 14 days after the chargeable event.

**[**F970(4) No election may be made under this section unless, at the time of the chargeable event, the earnings from the employment are (or would be if there were any) general earnings to which any of the charging provisions of Chapters 4 and 5 of Part 2 applies.**]**

**Textual Amendments**

**F104** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(2)**; S.I. 2005/1126, art. 2(2)(h)

**F970** S. 430(4) inserted (with effect in accordance with Sch. 9 para. 48 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 9 paras. 11**, 47

## **[**F971430A Application of this Chapter where securities exchanged for further securities

(1) This section applies if—

(a) an associated person disposes of the employment-related securities ("the old securities") for consideration, otherwise than to another associated person,

(b) the whole or part of the consideration consists of, or includes, other securities which are restricted securities ("the new securities") being acquired by an associated person,

(c) the value of the consideration determined in accordance with subsection (2) is no more than what would have been the market value of the old securities immediately before the disposal but for any restrictions, and

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(d) the avoidance of tax or national insurance contributions is not the main purpose (or one of the main purposes) of the disposal.

(2) The value of the consideration is the sum of—

(a) what would have been the market value of the new securities immediately before the disposal but for any restrictions, and

(b) the value of the rest of the consideration (if any).

(3) If the consideration consists partly of the new securities and partly of other consideration, the disposal is to be treated for the purposes of this Chapter as being two separate disposals as follows—

(a) a disposal, that is a chargeable event within section 427(3)(c), of the appropriate amount of the old securities (see subsection (4)) for such of the consideration as does not consist of the new securities, and

(b) a disposal, to which this section applies, of the remaining old securities for consideration consisting wholly of the new securities.

(4) In subsection (3)(a) the appropriate amount of the old securities is—

$$OS \times \frac{OC}{TC}$$

where—

OS is the total number of the old securities,

OC is the value of such of the consideration as does not consist of the new securities, and

TC is value of the consideration determined in accordance with subsection (2).

(5) If the consideration consists wholly of the new securities—

(a) neither the disposal of the old securities, nor the acquisition of the new securities, gives rise to any liability to income tax,

(b) the disposal is not a chargeable event within section 427(3)(c), and

(c) this Chapter applies to the new securities as it applies to the old securities, subject to subsections (6) to (17).

(6) Sections 425 and 431 do not apply in relation to the new securities.

(7) If, at the time of the disposal, sections 426 to 429 do not apply to the old securities by virtue of—

(a) an election made under section 430(1) or 431(1) in relation to the old securities, or

(b) this subsection,

sections 426 to 430 do not apply to the new securities.

(8) If there is a chargeable event for the purposes of section 426 in relation to any of the new securities, for the purposes of section 428 (amount of charge)—

(a) IUP (see subsection (3) of that section) is to be determined in accordance with subsection (9), and

(b) PCP (see subsection (4) of that section) is to be determined in accordance with subsection (10).

(9) IUP is equal to what IUP was, for the purposes of determining the taxable amount for the purposes of section 426, in relation to chargeable events relating to the old

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securities that occurred before the disposal (or what it would have been had there been any such chargeable events).

(10) PCP is the aggregate of—

(a) PCP determined in accordance with section 428(4), and

(b) what PCP would have been, for the purposes of determining the taxable amount for the purposes of section 426, if a chargeable event relating to the old securities had occurred immediately before the disposal but after any chargeable events relating to the old securities that actually did occur before the disposal.

(11) Subsections (12) to (14) apply if—

(a) section 425(2) (no liability to income tax on acquisition of certain securities subject to forfeiture etc) applied in relation to the old securities, and

(b) at the time of the disposal, there is still a restriction relating to those securities such that they are restricted securities by virtue of section 423(2) (provision for forfeiture etc).

(12) This Chapter has effect in relation to any of the new securities that are not restricted securities by virtue of section 423(2) as if—

(a) there were a restriction relating to them ("the deemed restriction") corresponding to the restriction relating to the old securities mentioned in subsection (11)(b), and

(b) immediately after their acquisition, the deemed restriction were removed.

(13) Subsection (14) applies if—

(a) there is a restriction by virtue of which some or all of the new securities are, at the time of the disposal, restricted securities, by virtue of subsection (2) of section 423, and

(b) within 5 years after the acquisition of the old securities, the restriction is not removed or varied such that the new securities to which it relates cease to be restricted securities by virtue of that subsection.

(14) For the purposes of this Chapter the restriction mentioned in subsection (13) is to be treated as being removed 5 years after the acquisition of the old securities.

(15) Subsection (16) applies if, at the time of the disposal—

(a) there is a restriction relating to the old securities such that they are restricted securities by virtue of section 423(2), and

(b) subsections (13) and (14) apply in relation to the old securities (including by virtue of subsection (16)).

(16) Subsections (12) to (14) apply in relation to the new securities, but—

(a) the reference in subsection (12)(a) to the restriction mentioned in subsection (11)(b) is to be read as a reference to the restriction mentioned in subsection (15)(a), and

(b) the references in subsections (13)(b) and (14) to the acquisition of the old securities are to be read as references to the acquisition of the original forfeitable securities.

(17) In subsection (16) "original forfeitable securities" means the restricted securities by virtue of the application to which of section 425(2) subsections (13) and (14) apply to the old securities.

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(18) In this section references to restricted securities include a restricted interest in securities.**]**

**Textual Amendments**

**F971** S. 430A inserted (17.7.2014) by virtue of Finance Act 2014 (c. 26), **Sch. 9 para. 36**

## 431 Election for full or partial disapplication of this Chapter

(1) The employer and the employee may elect in relation to employment-related securities which are restricted securities or a restricted interest in securities that—

(a) for the relevant tax purposes their market value at the time of the acquisition is to be calculated as if they were not, and

(b) sections 425 to 430 are not to apply to the employment-related securities.

(2) Or the employer and the employee may elect in relation to employment-related securities which are restricted securities or a restricted interest in securities that—

(a) for the relevant tax purposes their market value at the time of the acquisition is to be calculated, and

(b) sections 425 to 430 are to apply to the employment-related securities,

as if any specified restriction did not apply to the employment-related securities.

(3) For the purposes of subsections (1) and (2) "the relevant tax purposes" are—

(a) determining any amount that is to constitute earnings from the employment under Chapter 1 of Part 3 (earnings),

**[**F972(aa) determining any amount that is to be treated as earnings from the employment where section 226A applies (employee shareholder shares: amount treated as earnings),**]**

(b) determining the amount of any gain realised on the occurrence of an event that is a chargeable event by virtue of section 439(3)(a) (conversion),

(c) operating Chapter 3C of this Part (acquisition of securities for less than market value), ...

(d) determining any amount that counts as employment income of the employee under Chapter 5 of this Part (securities acquired pursuant to securities option) **[**F973, and

(e) determining any amount that counts as employment income of the employee in respect of the employment under Chapter 2 of Part 7A (employment income provided through third parties)**]**

(4) An election under this section—

(a) is to be made by agreement by the employer and the employee, and

(b) is irrevocable.

(5) Such an agreement—

(a) must be made in a form approved by **[**F104the Commissioners for Her Majesty's Revenue and Customs**]** and

(b) may not be made more than 14 days after the acquisition.

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**[**F974(6) No election may be made under this section unless, at the time of the acquisition, the earnings from the employment are (or would be if there were any) general earnings to which any of the charging provisions of Chapters 4 and 5 of Part 2 applies.**]**

**Textual Amendments**

**F104** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(2)**; S.I. 2005/1126, art. 2(2)(h)

**F972** S. 431(3)(aa) inserted (1.9.2013) by Finance Act 2013 (c. 29), **Sch. 23 paras. 6**, 38; S.I. 2013/1755, art. 2

**F973** S. 431(3)(e) and word inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 16(b)**

**F974** S. 431(6) inserted (with effect in accordance with Sch. 9 para. 48 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 9 paras. 12**, 47

## **[**F975431A Shares under [F976tax advantaged] plan or scheme

(1) Where employment-related securities are restricted securities or a restricted interest in securities, the employer and the employee are to be treated as making an election under section 431(1) in relation to the employment-related securities if they are shares, or an interest in shares, to which this subsection applies.

(2) Subsection (1) applies to—

(a) shares awarded or acquired under **[**F977a Schedule 2**]** share incentive plan (within the meaning of Chapter 6 of this Part) in circumstances in which (in accordance with section 490) no liability to income tax arises,

(b) shares acquired by the exercise of a share option granted under **[**F978a Schedule 3**]**SAYE option scheme (within the meaning of Chapter 7 of this Part) in circumstances in which (in accordance with section 519) no liability to income tax arises,

(c) shares acquired by the exercise of a share option granted under **[**F979a Schedule 4**]**CSOP scheme (within the meaning of Chapter 8 of this Part) in circumstances in which (in accordance with section 524) no liability to income tax arises, and

(d) shares acquired by the exercise of a qualifying option within the meaning of section 527(4) (enterprise management incentives) in circumstances in which (in accordance with section 530) no liability to income tax arises.**]**

**Textual Amendments**

**F975** S. 431A inserted (18.6.2004 with effect in accordance with s. 88(11)-(13) of the amending Act) by Finance Act 2004 (c. 12), **s. 88(3)**

**F976** Words in s. 431A heading substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 47(2)**, 89 (with Sch. 8 paras. 90-96)

**F977** Words in s. 431A(2)(a) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 47(3)**, 89 (with Sch. 8 paras. 90-96)

**F978** Words in s. 431A(2)(b) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 132**, 146 (with Sch. 8 paras. 147-157)

**F979** Words in s. 431A(2)(c) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 193**, 204 (with Sch. 8 paras. 205-215)

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### [F980 431B Securities acquired for purpose of avoidance

Where employment-related securities are restricted securities or a restricted interest in securities, the employer and the employee are to be treated as making an election under section 431(1) in relation to the employment-related securities if

F981 [ (a) the main purpose (or one of the main purposes) of the arrangements under which the right or opportunity to acquire the employment-related securities is made available is the avoidance of tax or national insurance contributions] [F982, and]

F983 [ (b) at the time of the acquisition, the earnings from the employment are (or would be if there were any) general earnings to which any of the charging provisions of Chapters 4 and 5 of Part 2 applies.]]

**Textual Amendments**

**F980** S. 431B inserted (with effect in accordance with Sch. 2 para. 7(2) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 2 para. 7(1)**

**F981** Words in s. 431B renumbered as s. 431B(a) (6.4.2015) by The Finance Act 2014, Schedule 9 (Employment-related Securities etc.) (Consequential etc. Amendments) Regulations 2015 (S.I. 2015/360), regs. 1(2), **2(a)**

**F982** Word in s. 431B(a) inserted (6.4.2015) by The Finance Act 2014, Schedule 9 (Employment-related Securities etc.) (Consequential etc. Amendments) Regulations 2015 (S.I. 2015/360), regs. 1(2), **2(b)**

**F983** S. 431B(b) inserted (6.4.2015) by The Finance Act 2014, Schedule 9 (Employment-related Securities etc.) (Consequential etc. Amendments) Regulations 2015 (S.I. 2015/360), regs. 1(2), **2(b)**

### 432 Definitions

(1) In this Chapter—

"interest", in relation to securities,
"securities",
"securities option", and
"shares",
have the meaning indicated in section 420.

(2) In this Chapter "market value" has the meaning indicated in section 421(1).

(3) For the purposes of this Chapter sections 421(2) and 421A apply for determining the amount of the consideration given for anything and section 421I applies for determining the amount of the consideration given for the acquisition of employment-related securities.

(4) In this Chapter—

"the acquisition",
"the employee" (except in section 429),
"the employer",
"the employment", and
"employment-related securities",
have the meaning indicated in section 421B(8).

(5) In this Chapter "associated person" has the meaning indicated in section 421C.

(6) In this Chapter—

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"associated company", and
"employee-controlled",
have the meaning indicated in section 421H.

(7) In this Chapter—
"restricted interest in securities", and
"restricted securities",
have the meaning indicated in sections 423 and 424.

(8) In this Chapter "restriction", in relation to securities or an interest in securities, means provision relating to the securities or interest which is made by any contract, agreement, arrangement or condition and to which any of subsections (2) to (4) of section 423 applies.

(9) In this Chapter "variation", in relation to a restriction, has the meaning indicated in section 427(4).

(10) In this Chapter "convertible securities" has the same meaning as in Chapter 3 of this Part (see section 436).**]**

## **[**F984**CHAPTER 3**

CONVERTIBLE SECURITIES

**Textual Amendments**

**F984** Pt. 7 Ch. 3 substituted (1.9.2003 with effect in accordance with Sch. 22 para. 4(2) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 22 para. 4(1)**; S.I. 2003/1997, art. 2

*Introduction*

### 435 Application of this Chapter

This Chapter applies to employment-related securities if they are—
(a) convertible securities, or
(b) an interest in convertible securities,
at the time of the acquisition.

### 436 "Convertible securities"

For the purposes of this Chapter securities are convertible securities if—
(a) they confer on the holder an **[**F985entitlement (whether immediate or deferred and whether conditional or unconditional)**]** to convert them into securities of a different description,
(b) a contract, agreement, arrangement or condition authorises or requires the grant of such an entitlement to the holder if certain circumstances arise, or do not arise, or

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(c) a contract, agreement, arrangement or condition makes provision for the conversion of the securities (otherwise than by the holder) into securities of a different description.

**Textual Amendments**

**F985** Words in s. 436(a) substituted (with effect in accordance with Sch. 2 para. 9(4) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 2 para. 9(1)**

*Tax relief on acquisition*

## 437 Adjustment of charge

**[**F986(1) For the purposes of—

(a) any liability to tax under Chapter 1 of Part 3 (earnings), Chapter 10 of Part 3 (taxable benefits: residual liability to charge) **[**F987, section 226A (employee shareholder shares: amount treated as earnings)**]** or Chapter 5 of this Part (acquisition of securities pursuant to securities option) **[**F988or Chapter 2 of Part 7A (employment income provided through third parties)**]**, and

(b) the operation of Chapter 3C of this Part (acquisition of securities for less than market value),

the market value of the employment-related securities is to be determined as if they were not convertible securities or an interest in convertible securities**]**

**[**F989(2) Subsection (1) does not apply if the main purpose (or one of the main purposes) of the arrangements under which the right or opportunity to acquire the employment-related securities is made available is the avoidance of tax or national insurance contributions unless the market value of the employment-related securities determined under subsection (1) would be greater than that determined under subsection (3).

(3) Where subsection (1) does not apply by virtue of subsection (2) the market value of the employment-related securities is to be determined—

(a) where the securities which are (or an interest in which is) the employment-related securities fall within paragraph (a) of section 436 and the entitlement to convert is not both immediate and unconditional, as if it were,

(b) where they fall within paragraph (b) of that section, as if the circumstances are such that an entitlement to convert arises immediately, and

(c) where they fall within paragraph (c) of that section, as if provision were made for their immediate conversion;

and in each case is to be determined as if they were immediately and fully convertible.

(4) In subsection (3) "immediately and fully convertible" means convertible immediately after the acquisition of the employment-related securities so as to obtain the maximum gain that would be possible on a conversion at that time (assuming, where the securities into which the securities may be converted were not in existence at that time and it is appropriate to do so, that they were) without giving any consideration for the conversion or incurring any expenses in connection with it.**]**

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F986** S. 437(1): s. 437 renumbered as s. 437(1) (with effect in accordance with Sch. 2 para. 9(4) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 2 para. 9(2)**

**F987** Words in s. 437(1)(a) inserted (1.9.2013) by Finance Act 2013 (c. 29), **Sch. 23 paras. 7**, 38; S.I. 2013/1755, art. 2

**F988** Words in s. 437(1)(a) inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 17**

**F989** S. 437(2)-(4) inserted (with effect in accordance with Sch. 2 para. 9(4) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 2 para. 9(3)**

*Tax charge on post-acquisition chargeable events*

## 438 Charge on occurrence of chargeable event

**[**F990(1) If a chargeable event occurs in relation to the employment-related securities, the taxable amount counts as employment income of the employee for the relevant tax year.

(2) For this purpose—

(a) "chargeable event" has the meaning given by section 439,

(b) "the taxable amount"is the amount determined under section 440, and

(c) "the relevant tax year"is the tax year in which the chargeable event occurs.

(3) Relief may be available under section 442A (relief for secondary Class 1 contributions met by employee) against an amount counting as employment income under this section.**]**

(5) This section is subject to section 443 (case outside charge under this section).

**Textual Amendments**

**F990** S. 438(1)-(3) substituted for s. 438(1)-(4) (1.9.2004) by Finance Act 2004 (c. 12), s. 85(2), **Sch. 16 para. 2(2)**; S.I. 2004/1945, art. 2

## 439 Chargeable events

(1) This section applies for the purposes of section 438 (charge on occurrence of chargeable event).

(2) Any of the events mentioned in subsection (3) is a "chargeable event" in relation to the employment-related securities.

(3) The events are—

(a) the conversion of the employment-related securities (or the securities in which they are an interest) into securities of a different description in circumstances in which an associated person is beneficially entitled to the securities into which the employment-related securities are converted,

(b) the disposal for consideration of the employment-related securities, or any interest in them, by an associated person otherwise than to another associated

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person (at a time when they are still convertible securities or an interest in convertible securities),

(c) the release for consideration of the entitlement to convert the employment-related securities (or the securities in which they are an interest) into securities of a different description, and

(d) the receipt by an associated person of a benefit in money or money's worth in connection with the entitlement to convert (other than securities acquired on the conversion of the employment-related securities or consideration such as is mentioned in paragraph (b) or (c)).

(4) A benefit received on account of any disability (within the meaning of **[**F991the Equality Act 2010 in England and Wales and Scotland, or**]** the Disability Discrimination Act 1995) of the employee is to be disregarded for the purposes of subsection (3)(d).

**Textual Amendments**

**F991** Words in s. 439(4) inserted by Equality Act 2010 (c. 15), **Sch. 26 para. 51** (as inserted (1.10.2010) by S.I. 2010/2279, art. 1(2), **Sch. 1 para. 5**) (with S.I. 2010/2317, **art. 2**)

## 440 Amount of charge

(1) The taxable amount for the purposes of section 438 (charge on occurrence of chargeable event) is—

$$AG - CE$$

(2) AG is the amount of any gain realised on the occurrence of the chargeable event.

(3) CE is the amount of any consideration given for the entitlement to convert the employment-related securities or the securities in which they are an interest together with the amount of any expenses incurred by the holder of the employment-related securities in connection with the conversion, disposal, release or receipt.

**[**F992(3A) If (because of subsection (2) of section 437) subsection (1) of that section did not apply in relation to the employment-related securities, the taxable amount is to be reduced by the amount by which—

(a) the market value of the employment-related securities for the purposes specified in that subsection, exceeded

(b) what it would have been had that subsection applied,

(less the aggregate of any amount by which the taxable amount on any previous chargeable event relating to the employment-related securities has been reduced under this subsection).**]**

(4) Section 441 explains what is the amount of any gain realised on the occurrence of a chargeable event.

(5) Section 442 explains whether consideration is given for the entitlement to convert the employment-related securities or the securities in which they are an interest and, if it is, what is its amount.

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**Textual Amendments**

**F992** S. 440(3A) inserted (with effect in accordance with Sch. 2 para. 10(2) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 2 para. 10(1)**

### 441 Amount of gain realised on occurrence of chargeable event

(1) This section applies for the purposes of section 440 (amount of charge on occurrence of chargeable event).

(2) The amount of the gain realised on the occurrence of an event that is a chargeable event by virtue of section 439(3)(a) (conversion) is—

$$CMVCS - (CMVERS + CC)$$

(3) The amount of the gain realised on the occurrence of an event that is a chargeable event by virtue of section 439(3)(b) (disposal) is—

$$DC - CMVERS$$

(4) The amount of the gain realised on the occurrence of an event that is a chargeable event by virtue of section 439(3)(c) (release of entitlement to convert) is the amount of the consideration received by an associated person in respect of the release.

(5) The amount of the gain realised on the occurrence of an event that is a chargeable event by virtue of section 439(3)(d) (receipt of benefit) is the amount or market value of the benefit.

(6) CMVCS—

(a) if the employment-related securities are securities, is the market value at the time of the chargeable event of the securities into which they are converted (determined, where those securities are themselves convertible securities, as if they were not), or

(b) if the employment-related securities are an interest in securities, is the same proportion of that market value as the market value of the interest in the securities in which the employment-related securities are an interest bears to the market value of those securities.

(7) CMVERS is the market value of the employment-related securities at the time of the chargeable event determined as if they were not convertible securities or an interest in convertible securities.

(8) CC is the amount of any consideration given for the conversion of the employment-related securities.

(9) DC is the amount of the consideration given on the disposal.

**[**F993(10) Subsection (11) applies for the purposes of subsection (2) or (3) if—

(a) prior to the acquisition, the employment-related securities were the subject of a relevant step within the meaning of Part 7A by reason of which Chapter 2 of that Part applied in respect of the employment, and

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(b) the amount mentioned in subsection (11)(a) is higher than the amount mentioned in subsection (11)(b).

(11) The amount of the gain realised is reduced (but not below nil) by the amount equal to—

(a) the amount that counted as employment income of the employee in respect of the employment under Chapter 2 of Part 7A, less

(b) the market value of the employment-related securities when the relevant step was taken determined as if they were not convertible securities or an interest in convertible securities.**]**

**Textual Amendments**

**F993** S. 441(10)(11) inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 18**

### 442 Amount of consideration given for entitlement to convert

(1) This section applies for the purposes of section 440 (amount of charge on occurrence of chargeable event).

(2) Consideration is to be regarded as given for the entitlement to convert the employment-related securities (or the securities in which they are an interest) if (and only if) ACS exceeds NCMV.

(3) The amount of the consideration to be regarded as so given is the amount of the excess.

(4) ACS is the amount of the consideration given for the acquisition of the employment-related securities.

(5) NCMV is the market value of the employment-related securities at the time of the acquisition, determined as if they were not convertible securities or an interest in convertible securities.

### [F994 442A Relief for secondary Class 1 contributions met by employee

(1) Relief is available under this section against an amount counting as employment income under section 438 ("the employment income amount") if—

(a) an agreement having effect under paragraph 3A of Schedule 1 to the Contributions and Benefits Act has been entered into allowing the secondary contributor to recover from the employee the whole or part of any secondary Class 1 contribution in respect of that amount, or

(b) an election having effect under paragraph 3B of that Schedule is in force which has the effect of transferring to the employee the whole or part of the liability to pay secondary Class 1 contributions in respect of that amount.

(2) The amount of the relief is the total of—

(a) any amount that under the agreement referred to in subsection (1)(a) is recovered in respect of the employment income amount by the secondary contributor before 5th June in the tax year following that in which the chargeable event occurs, and

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(b) the amount of any liability in respect of the employment income amount that, by virtue of the election referred to in subsection (1)(b), has become the employee's liability.

(3) If notice of withdrawal of approval of the election is given, the amount of the liability referred to in subsection (2)(b) is limited to the amount met before 5th June in the tax year following that in which the gain is realised.

(4) Relief under this section is given by way of deduction from the amount otherwise counting as employment income.

(5) Relief under this section does not affect the amount to be taken into account—

(a) as employment income in determining contributions payable under the Contributions and Benefits Act, or

(b) as relevant employment income for the purposes of paragraph 3A or 3B of Schedule 1 to that Act.

(6) In this section—

"approval", in relation to an election, means approval by **[**F154an officer of Revenue and Customs**]** under paragraph 3B of Schedule 1 to the Contributions and Benefits Act, and

"secondary contributor" has the same meaning as in that Act (see section 7).**]**

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F994** S. 442A inserted (1.9.2004) by Finance Act 2004 (c. 12), s. 85(2), **Sch. 16 para. 2(3)**; S.I. 2004/1945, art. 2

## 443 Case outside charge under section 438

(1) Section 438 (charge on occurrence of chargeable event) does not apply if—

(a) the employment-related securities are shares (or an interest in shares) in a company of a class,

(b) all the company's shares of the class are convertible securities,

**[**F995(ba) subsection (1A) is satisfied,**]**

(c) all the company's shares of the class (other than the employment-related securities) are affected by an event similar to that which is a chargeable event in relation to the employment-related securities, and

(d) subsection (3) or (4) is satisfied.

**[**F996(1A) This subsection is satisfied unless something which affects the employment-related securities has been done (at or before the time when section 438 would apply) as part of a scheme or arrangement the main purpose (or one of the main purposes) of which is the avoidance of tax or national insurance contributions.**]**

(2) For the purposes of subsection (1)(c) shares are affected by an event similar to that which is a chargeable event in relation to the employment-related securities—

(a) in the case of a chargeable event within section 439(3)(a) (conversion), if they are converted into securities of a different description,

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(b) in the case of a chargeable event within section 439(3)(b) (disposal), if they are disposed of,

(c) in the case of a chargeable event within section 439(3)(c) (release of entitlement to convert), if the entitlement to convert them into securities of a different description is released, or

(d) in the case of a chargeable event within section 439(3)(d) (receipt of benefit), if a similar benefit is received in respect of the entitlement to convert them.

(3) This subsection is satisfied if, immediately before the event that would be a chargeable event, the company is employee-controlled by virtue of holdings of shares of the class.

(4) This subsection is satisfied if, immediately before that event, the majority of the company's shares of the class are not **[**[F997]employment-related securities.**]**

(5) . . . . . .

**Textual Amendments**

**F995** S. 443(1)(ba) inserted (retrospective to 7.5.2004) by Finance Act 2004 (c. 12), ss. 86(2)(b)(3)(8), 86(1)

**F996** S. 443(1A) substituted (with effect in accordance with Sch. 2 para. 11(2) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 2 para. 11(1)**

**F997** Words in s. 443(4) substituted (retrospective to 7.5.2004) by Finance Act 2004 (c. 12), ss. 86(2)(b)(5)(8), 86(1)

*Supplementary*

## 444 Definitions

(1) In this Chapter—

"interest", in relation to securities,
"securities", and
"shares",
have the meaning indicated in section 420.

(2) In this Chapter "market value" has the meaning indicated in section 421(1).

(3) For the purposes of this Chapter sections 421(2) and 421A apply for determining the amount of the consideration given for anything and section 421I applies for determining the amount of the consideration given for the acquisition of employment-related securities.

(4) In this Chapter—

"the acquisition",
"the employee" (except in section 443), and
"employment-related securities",
have the meaning indicated in section 421B(8).

(5) In this Chapter "associated person" has the meaning indicated in section 421C.

(6) In this Chapter—

"associated company", and
"employee-controlled",

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have the meaning indicated in section 421H.

(7) In this Chapter "convertible securities" has the meaning indicated in section 436.**]**

## [F998CHAPTER 3A

SECURITIES WITH ARTIFICIALLY DEPRESSED MARKET VALUE

**Textual Amendments**

**F998** Pt. 7 Ch. 3A inserted (16.4.2003 with effect in accordance with Sch. 22 para. 5(2)-(4) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 22 para. 5(1)**

*Introduction*

### 446A Application of this Chapter

(1) This Chapter applies in certain cases where the market value of employment-related securities (or other relevant securities or interests in securities) is reduced by things done otherwise than for genuine commercial purposes.

(2) The following are among the things that are, for the purposes of this Chapter, done otherwise than for genuine commercial purposes—

(a) anything done as part of a scheme or arrangement the main purpose, or one of the main purposes, of which is the avoidance of tax or national insurance contributions, and

(b) any transaction between companies which are members of the same group on terms which are not such as might be expected to be agreed between persons acting at arm's length (other than a payment for group relief).

(3) In subsection (2)(b)—

(a) "group" means a company and its 51% subsidiaries, and

(b) "group relief" has the same meaning as in **[**F999section 183(1) of CTA 2010**]**.

**Textual Amendments**

**F999** Words in s. 446A(3)(b) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 387** (with Sch. 2)

*Tax charge on acquisition*

### 446B Charge on acquisition

(1) This section applies where the market value of employment-related securities at the time of the acquisition has been reduced by at least 10% as a result of things done otherwise than for genuine commercial purposes within the period of 7 years ending with the acquisition.

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(2) The taxable amount determined under section 446C counts as employment income of the employee for the tax year in which the acquisition occurs.

(3) But this section does not apply if section 425(2) (no charge on acquisition of certain restricted securities or restricted interests in securities) applies in relation to the employment-related securities.

(4) This section does not affect any liability to income tax arising in respect of the acquisition of the employment-related securities under—

(a) Chapter 1 of Part 3 (earnings),

(b) Chapter 10 of Part 3 (taxable benefits: residual liability to charge),

**[**F1000(ba) section 226A (employee shareholder shares: amount treated as earnings),**]**

(c) Chapter 3 of this Part (acquisition by conversion),

(d) Chapter 3C of this Part (acquisition for less than market value), ...

(e) Chapter 5 of this Part (acquisition pursuant to securities option) **[**F1001, or

(f) Chapter 2 of Part 7A (employment income provided through third parties)**]**

**Textual Amendments**

**F1000** S. 446B(4)(ba) inserted (1.9.2013) by Finance Act 2013 (c. 29), **Sch. 23 paras. 8**, 38; S.I. 2013/1755, art. 2

**F1001** S. 446B(4)(f) and word inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 19(b)**

## 446C Amount of charge

(1) The taxable amount for the purposes of section 446B (charge on acquisition) is—

FMV -MV

(2) FMV is what would be the market value of the employment-related securities at the time of the acquisition if the things mentioned in section 446B(1) had not been done.

(3) MV is the actual market value of the employment-related securities at the time of the acquisition.

(4) But where what would be MV is less than the amount of any consideration given for the acquisition of the employment-related securities, MV is the amount of that consideration.

**[**F1002(4A) Subsection (4B) applies if, prior to the acquisition, the employment-related securities were the subject of a relevant step within the meaning of Part 7A by reason of which Chapter 2 of that Part applied in respect of the employment.

(4B) If what would be MV in accordance with subsection (3) or (4) (as the case may be) is less than the amount that counted as employment income of the employee in respect of the employment under Chapter 2 of Part 7A, MV is the amount of that employment income instead of the amount determined in accordance with subsection (3) or (4).**]**

(5) This section is subject to section 446D (restricted securities and convertible securities).

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**Textual Amendments**

**F1002** S. 446C(4A)(4B) inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 20**

### 446D Restricted securities and convertible securities

(1) Where the employment-related securities are restricted securities or a restricted interest in securities, FMV (but not MV) is to be determined as if the employment-related securities were not restricted securities or a restricted interest in securities; and, accordingly, sections 426 to 431 (post-acquisition charges on restricted securities) do not apply to the employment-related securities.

(2) Where the employment-related securities are convertible securities or an interest in convertible securities, FMV and MV are to be determined as if they were not.

*Other tax charges*

### 446E Charge on restricted securities

(1) This section applies where the market value of employment-related securities which are restricted securities or a restricted interest in securities is artificially low—

(a) immediately after an event which is a chargeable event in relation to the employment-related securities for the purposes of section 426 (charge on restricted securities),

**[**F1003(aa) immediately before the employment-related securities are disposed of (in circumstances which do not constitute such an event) or are cancelled without being disposed of,**]** or

(b) on 5th April in any year.

(2) The market value of the employment-related securities is artificially low where it has been reduced by at least 10% as a result of things done otherwise than for genuine commercial purposes within the relevant period.

**[**F1004(3) "The relevant period"is the period beginning—

(a) if section 425(2) (no charge on acquisition of certain restricted securities or restricted interests in securities) applied in relation to the employment-related securities, 7 years before the acquisition, and

(b) in any other case, 7 years before the relevant date,

and ending with the relevant date.

(4) "The relevant date"is—

(a) in a case within subsection (1)(a), the date on which the chargeable event concerned occurs,

(b) in a case within subsection (1)(aa), the date on which the disposal or cancellation concerned occurs, and

(c) in a case within subsection (1)(b), the 5th April concerned.

(5) Where this section applies in a case within subsection (1)(aa) or (b), a chargeable event within section 427(3)(a) (lifting of restrictions) is to be treated as occurring in relation to the employment-related securities on the relevant date.

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(6) In every case where this section applies, subsection (1) of section 428 (amount of charge on restricted securities) applies as if the reference in subsection (2) of that section to what would be the market value of the employment-related securities immediately after the chargeable event but for any restrictions were to what would be their market value at the appropriate time but for the matters to be disregarded.

(7) "The appropriate time"is—

(a) in a case within subsection (1)(a) or (b), the time immediately after the chargeable event concerned, and

(b) in a case within subsection (1)(aa), the time immediately before the chargeable event concerned.

(8) "The matters to be disregarded" are—

(a) any restrictions,

(b) the things done as mentioned in subsection (2), and

(c) if the employment-related securities are about to be disposed of or cancelled, that fact.

(9) Where this section applies in a case within subsection (1)(aa), section 428(1) applies with the omission of the reference to OP.

(10) Where this section applies in a case within subsection (1)(a) and the chargeable event concerned is within section 427(3)(c) (disposal for consideration), section 428 applies with the omission of subsection (9) (case where consideration is less than actual market value).**]**

**Textual Amendments**

**F1003** S. 446E(1)(aa) inserted (retrospective to 7.5.2004) by Finance Act 2004 (c. 12), **s. 87(2)**(4) (with s. 87(5))

**F1004** Ss. 446E(3)-(10) substituted for (retrospective to 7.5.2004) by Finance Act 2004 (c. 12), **s. 87(3)**(4) (with s. 87(5))

## 446F Adjustment of market value: conditional interests

(1) This section applies where the market value of an employee's interest in shares which is only conditional is artificially low immediately after a chargeable event relating to the shares under section 427 as originally enacted.

(2) The market value of the shares is artificially low where it has been reduced by at least 10% as a result of things done otherwise than for genuine commercial purposes within the period beginning—

(a) 7 years before the chargeable event, or

(b) with 16th April 2003,

whichever is later.

(3) There is a chargeable event in relation to shares if section 427 (as originally enacted) applies in relation to them.

(4) The reference in the definition of MV in section 428(1) (as originally enacted) to the market value of the employee's interest is to what would be the market value but for the reduction as a result of the things done as mentioned in subsection (2).

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(5) Expressions used in this section and in Chapter 2 of this Part as originally enacted have the same meaning in this section as in that Chapter.

### 446G Adjustment of market value: consideration for entitlement to convert

(1) This section applies where the market value of employment-related securities which are convertible securities or an interest in convertible securities (determined as if they were not) has been reduced by at least 10% as a result of things done otherwise than for genuine commercial purposes within the period of 7 years ending with the acquisition.

(2) The reference to the market value of the employment-related securities in the definition of NCMV in section 442(5) (value of convertible securities at time of acquisition) is to what would be the market value but for the reduction as a result of the things done as mentioned in subsection (1) (and but for the fact that they are convertible securities or an interest in convertible securities).

### 446H Adjustment of market value: charge on conversion

(1) This section applies where the market value of securities ("the converted securities") into which employment-related securities (or securities in which employment-related securities are an interest) are converted is artificially low at the time of an event which is a chargeable event in relation to the employment-related securities by virtue of section 439(3)(a) (conversion).

(2) The market value of the converted securities is artificially low where it has been reduced by at least 10% as a result of things done otherwise than for genuine commercial purposes within the period of 7 years ending with the chargeable event.

(3) The references to the market value of the converted securities in the definition of CMVCS in section 441(6) (amount of gain realised by conversion) are to what would be the market value but for the reduction as a result of the things done as mentioned in subsection (2).

### 446I Adjustment of consideration or benefit received

(1) This section applies where any consideration or benefit mentioned in—

(a) section 428(9) (consideration on disposal of restricted securities),

(b) section 441(4), (5) or (9) (consideration for disposal of convertible securities or release of entitlement to convert or benefit received in respect of entitlement to convert),

(c) section 446C(4) (securities with artificially depressed market value: MV to be amount of consideration),

(d) sections 446X and 446Y(3) (consideration for disposal of securities exceeding market value), or

(e) section 448 (securities benefit not otherwise subject to tax),

consists (in whole or in part) in the provision of securities or an interest in securities the market value of which is artificially low.

(2) The market value of any securities or interest in securities is artificially low where it has been reduced by at least 10% as a result of things done otherwise than for genuine commercial purposes within the period of 7 years ending with the receipt of the consideration or benefit.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) The market value of the consideration or benefit consisting in the provision of the securities or interest in securities is for the purposes of the provision or provisions concerned to be taken to be what it would be but for the reduction as a result of the things done as mentioned in subsection (2).

**[F1005 446IA Disapplication of exceptions from charges**

(1) Section 429 (exception from charge under section 426 for certain company shares) does not prevent section 426 (restricted securities: chargeable events) applying in relation to an event if section 446E or 446I(1)(a) would have effect in relation to the event.

(2) Section 443 (exception from charge under section 438 for certain company shares) does not prevent section 438 (convertible securities: chargeable events) applying in relation to an event if section 446G, 446H or 446I(1)(b) would have effect in relation to the event.

(3) Section 446R (exception from charge under Chapter 3C for certain company shares) does not prevent that Chapter (securities acquired for less than market value) applying in relation to employment-related securities if section 446B would have effect in relation to them.

(4) Section 449 (exception from charge under Chapter 4 for certain company shares) does not prevent that Chapter (benefits from securities) applying in relation to a benefit if section 446I(1)(e) would have effect in relation to the benefit.**]**

**Textual Amendments**

**F1005** S. 446IA inserted (retrospective to 7.5.2004) by Finance Act 2004 (c. 12), **s. 86(6)**(8)

*Supplementary*

**446J Definitions**

(1) In this Chapter—

"interest", in relation to securities, and

"securities",

have the meaning indicated in section 420.

(2) In this Chapter "market value" has the meaning indicated in section 421(1).

(3) For the purposes of this Chapter sections 421(2) and 421A apply for determining the amount of the consideration given for anything and section 421I applies for determining the amount of the consideration given for the acquisition of employment-related securities.

(4) In this Chapter—

"the acquisition",

"the employee", and

"employment-related securities",

have the meaning indicated in section 421B(8).

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) In this Chapter—

"restricted interest in securities", and

"restricted securities",

have the same meaning as in Chapter 2 of this Part (see sections 423 and 424).

(6) In this Chapter "restriction" has the same meaning as in Chapter 2 of this Part (see section 432(8)).

(7) In this Chapter "convertible securities" has the same meaning as in Chapter 3 of this Part (see section 436).**]**

## [F1006CHAPTER 3B

SECURITIES WITH ARTIFICIALLY ENHANCED MARKET VALUE

**Textual Amendments**

**F1006** Pt. 7 Ch. 3B inserted (16.4.2003 with effect in accordance with Sch. 22 para. 6(2)-(4) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 22 para. 6(1)**

*Introduction*

### 446K Application of this Chapter

(1) This Chapter applies in certain cases where the market value of employment-related securities is increased by things done otherwise than for genuine commercial purposes.

(2) The following are among the things that are, for the purposes of this Chapter, done otherwise than for genuine commercial purposes—

(a) anything done as part of a scheme or arrangement the main purpose, or one of the main purposes, of which is the avoidance of tax or national insurance contributions, and

(b) any transaction between companies which are members of the same group on terms which are not such as might be expected to be agreed between persons acting at arm's length (other than a payment for group relief).

(3) In subsection (2)(b)—

(a) "group" means a company and its 51% subsidiaries, and

(b) "group relief" has the same meaning as in **[**F1007section 183(1) of CTA 2010**]**.

(4) In this Chapter, in relation to the market value of the employment-related securities—

"non-commercial increase" means an increase in the market value as a result of anything done otherwise than for genuine commercial purposes, and

"non-commercial reduction" means a reduction in the market value as a result of anything done otherwise than for genuine commercial purposes.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F1007** Words in s. 446K(3)(b) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 388** (with Sch. 2)

*Charge on non-commercial increases*

### 446L Charge on non-commercial increases

(1) This section applies in relation to employment-related securities where on a date that is the valuation date in relation to a relevant period IMV is at least 10% greater than MV.

(2) The taxable amount determined under subsection (4) counts as employment income of the employee for the relevant tax year (but subject to sections 446M and 446N).

(3) The "relevant tax year" is the tax year in which the valuation date falls.

(4) The taxable amount is—

IMV -MV

(5) IMV is the market value of the employment-related securities on the valuation date.

(6) MV is the amount that would be the market value of the employment-related securities on the valuation date if any non-commercial increases during the relevant period were disregarded.

(7) For the purposes of subsections (5) and (6)—

(a) any restrictions having effect in relation to the employment-related securities on the valuation date, and

(b) any non-commercial reductions during the relevant period,

are to be disregarded.

### 446M Securities subject to restriction on valuation date

(1) This section applies where on the valuation date the employment-related securities are relevant restricted securities.

(2) The amount determined under section 446L(4) is to be multiplied by CP.

(3) CP is—

1 -OP

where OP is the amount that would be determined under section 428(5) (amount of charge on chargeable event in relation to restricted securities) on the valuation date if there were on that date a chargeable event (resulting in no tax charge).

(4) For the purposes of this section the employment-related securities are relevant restricted securities if they are restricted securities or a restricted interest in securities but are not subject to—

(a) an election under section 430 (election to ignore outstanding restrictions) in relation to a chargeable event which occurred before the valuation date, or

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(b) an election under section 431(1) (election to treat securities as not subject to restrictions).

(5) If sections 425 to 430 apply to the employment-related securities in accordance with section 431(2) (election to treat securities as not subject to specified restrictions), the reference in subsection (3) to the amount that would be determined under section 428(5) is to the amount that would be so determined in accordance with section 431(2).

### 446N Securities subject to restriction during relevant period

(1) This section applies where the employment-related securities have been restricted securities or a restricted interest in securities at any time during the relevant period.

(2) DA is to be deducted from the amount determined under section 446L(4) (or, where section 446M applies, the amount determined under sections 446L(4) and 446M).

(3) DA is the aggregate of the amounts arrived at under subsection (4) in relation to each event occurring during the relevant period that is a chargeable event in relation to the employment-related securities.

(4) The amount is—

TA -ARTA

(5) TA is the taxable amount actually determined under section 428 in relation to the chargeable event.

(6) ARTA is the taxable amount which would have been determined under section 428 in relation to the chargeable event if any non-commercial increases during the period—

(a) beginning at the same time as the relevant period, and

(b) ending immediately before the chargeable event,

had been disregarded.

**[**F1008(7) If any of the employment income arising under section 426 by virtue of the chargeable event is foreign securities income within the meaning of section 41C, reduce the taxable amount mentioned in subsection (5) by the amount of the foreign securities income.

(8) If any of the employment income that would have arisen (if the non-commercial interests mentioned in subsection (6) had been disregarded) under section 426 by virtue of the chargeable event would have been foreign securities income (within that meaning), reduce the taxable amount mentioned in subsection (6) by the amount of the foreign securities income.**]**

**Textual Amendments**

**F1008** S. 446N(7)(8) inserted (with effect in accordance with Sch. 7 para. 80 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 32**

### **[**F1009 446NA Disapplication of exceptions from charges

(1) None of the provisions specified in subsection (2) (exceptions from charges for certain company shares) apply in relation to employment-related securities if the market value

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

of the employment-related securities at the time of the acquisition has been increased by at least 10% by non-commercial increases within the period of 7 years ending with the acquisition.

(2) The provisions are—

(a) section 429 (restricted securities),

(b) section 443 (convertible securities),

(c) section 446R (securities acquired for less than market value), and

(d) section 449 (post-acquisition benefits from securities).

(3) If section 446L (market value on valuation date increased by more than 10% by non-commercial increases during relevant period) applies in relation to employment-related securities, section 429 does not subsequently apply in relation to the employment-related securities.**]**

**Textual Amendments**

**F1009**S. 446NA inserted (retrospective to 7.5.2004) by Finance Act 2004 (c. 12), **s. 86(7)**(8)

*Supplementary*

### 446O "Relevant period" and "valuation date"

(1) This section explains what is meant by "relevant period" and "valuation date" in this Chapter.

(2) The first relevant period in relation to employment-related securities is the period beginning with the date of the acquisition and ending with the following 5th April.

(3) After the first relevant period, each period beginning with 6th April and ending with the following 5th April is a relevant period in relation to the employment-related securities.

(4) But if this Chapter ceases to apply to the employment-related securities during a relevant period, the relevant period ends with the date on which this Chapter ceases to apply to them.

(5) And if this Chapter ceases to apply to an interest in the employment-related securities during a relevant period, the relevant period ends in relation to that interest with the date on which this Chapter ceases to apply to that interest.

(6) In a case where subsection (5) applies, this Chapter has effect separately in relation to that interest and the remainder of the employment-related securities.

(7) In this Chapter "valuation date", in relation to a relevant period, means the date with which the relevant period ends.

### 446P Definitions

(1) In this Chapter "interest", in relation to securities, has the meaning indicated in section 420.

(2) In this Chapter "market value" has the meaning indicated in section 421(1).

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) In this Chapter—

"the acquisition",

"the employee", and

"employment-related securities",

have the meaning indicated in section 421B(8).

(4) In this Chapter—

"restricted interest in securities", and

"restricted securities",

have the same meaning as in Chapter 2 of this Part (see sections 423 and 424).

(5) In this Chapter "chargeable event" means an event which is a chargeable event for the purposes of section 426.

(6) In this Chapter "restriction" has the same meaning as in Chapter 2 of this Part (see section 432(8)).

(7) In this Chapter—

"non-commercial increase", and

"non-commercial reduction",

have the meaning indicated in section 446K(4).

(8) In this Chapter—

"relevant period", and

"valuation date",

have the meaning indicated in section 446O.**]**

## [F1010 CHAPTER 3C

SECURITIES ACQUIRED FOR LESS THAN MARKET VALUE

**Textual Amendments**

**F1010** Pt. 7 Ch. 3C inserted (with effect in accordance with Sch. 22 para. 7(2) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 22 para. 7(1)**

### 446Q Application of this Chapter

(1) This Chapter applies if—

(a) no payment is made for employment-related securities at or before the time of the acquisition, or

(b) the payment made for employment-related securities at or before that time is less than their market value.

(2) For the purposes of subsection (1) any obligation to make a payment or further payment after the time of the acquisition is to be disregarded.

(3) Where the employment-related securities are, or are an interest in, securities which are not fully paid up, the reference in subsection (1) to the market value of the

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employment-related securities is to what it would be if the securities were fully paid up.

(4) If section 425(2) (no charge on acquisition of certain restricted securities or restricted interests in securities) applies in relation to the employment-related securities, this Chapter has effect as if the employment-related securities were not acquired until the occurrence of the first event which is a chargeable event for the purposes of section 426 in relation to the employment-related securities.

(5) This section is subject to section 446R (case outside this Chapter).

### 446R Case outside this Chapter

(1) This Chapter does not apply if—

(a) the employment-related securities are shares (or an interest in shares) in a company of a class,

(b) all the company's shares of the class are acquired either for no payment or for a payment less than their market value,

F1011[ (ba) subsection (1A) is satisfied,] and

(c) subsection (3) or (4) is satisfied.

F1012[(1A) This subsection is satisfied unless something which affects the employment-related securities has been done (at or before the time of the acquisition) as part of a scheme or arrangement the main purpose (or one of the main purposes) of which is the avoidance of tax or national insurance contributions.]

(2) Where the company's shares of the class are not fully paid up, the reference in subsection (1) to their market value is to what it would be if they were fully paid up.

(3) This subsection is satisfied if, at the time of the acquisition of the employment-related securities, the company is employee-controlled by virtue of holdings of shares of the class.

(4) This subsection is satisfied if, at that time, the majority of the company's shares of the class are not [F1013employment-related securities.]

(5) . . . . . .

**Textual Amendments**

**F1011** S. 446R(1)(ba) inserted (retrospective to 7.5.2004) by Finance Act 2004 (c. 12), **ss. 86(2)(c)(3)(8)**, 86(1)

**F1012** S. 446R(1A) substituted (with effect in accordance with Sch. 2 para. 13(2) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 2 para. 13**

**F1013** Words in s. 446R(4) substituted (retrospective to 7.5.2004) by Finance Act 2004 (c. 12), **ss. 86(2)(c)(5)(8)**, 86(1)

### 446S Notional loan

(1) Where this Chapter applies an interest-free loan ("the notional loan") is to be treated as having been made to the employee by the employer at the time of the acquisition.

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) The provisions listed in subsection (3) apply as though the notional loan were an employment-related loan as defined in section 174 if and for so long as the employment has not terminated.

(3) The provisions are—

section 175 (benefit of taxable cheap loan treated as earnings),
section 178 (exception for loans where interest qualifies for tax relief),
section 180 (threshold for benefit of loan to be treated as earnings),
section 182 (normal method of calculation: averaging),
section 183 (alternative method of calculation),
section 184 (interest treated as paid),
section 185 (apportionment of cash equivalent in case of joint loan etc), and
section 187 (aggregation of loans by close company to director).

F1014(4) **[** This section is not affected by section 554Z2(2).**]**

**Textual Amendments**

**F1014** S. 446S(4) inserted (with effect in accordance with Sch . 2 para. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 21**

### 446T Amount of notional loan

(1) The amount of the notional loan initially outstanding is—

MV -DA

where—

MV is the market value of the employment-related securities at the time of the acquisition, and

DA is the total of any deductible amounts.

(2) Where the employment-related securities are, or are an interest in, securities which are not fully paid up, the reference in subsection (1) to the market value of the employment-related securities is to what it would be if the securities were fully paid up.

(3) For the purposes of subsection (1) each of the following is a "deductible amount"—

(a) any payment made for the employment-related securities by the employee, and any payment so made by the person by whom they were acquired (if not the employee), at or before the time of the acquisition,

(b) any amount that constitutes earnings from the employee's employment under Chapter 1 of Part 3 (earnings) in respect of the acquisition of the employment-related securities **[**F1015(other than an amount of exempt income)**]**,

F1016(ba) **[** any amount treated as earnings from the employee's employment under section 226A (employee shareholder shares: amount treated as earnings) in respect of the acquisition of the employment-related securities (other than an amount of exempt income),**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(c) if section 425(2) (no charge on acquisition of certain restricted securities or restricted interests in securities) applies in relation to the employment-related securities, any amount that counts as employment income of the employee under section 426 by reason of the first event which is a chargeable event for the purposes of that section in relation to the employment-related securities,

(d) if the employment-related securities were acquired on a conversion of other employment-related securities, any amount that counts as employment income of the employee under section 438 (charge on conversion) by reason of the conversion, ...

(e) if the acquisition is pursuant to a securities option, any amount that counted as employment income of the employee under section 476 (acquisition of securities pursuant to securities option) in respect of the acquisition **[**F1017, and

(f) any amount that has counted as employment income of the employee in respect of the employment under Chapter 2 of Part 7A in relation to the employment-related securities.**]**

**[** F1018(3A) In subsection (3)(b) and (ba) the references to an amount of exempt income, in a case in which the amount that constitutes, or is treated as, earnings in respect of the acquisition is not an amount of general earnings to which any of the charging provisions of Chapters 4 and 5 of Part 2 applies, includes any amount that would be an amount of exempt income if any of those charging provisions were to apply.**]**

(4) The amount of the notional loan outstanding at any subsequent time is the difference between—

(a) the amount initially outstanding, and

(b) the amount of any payments or further payments made for the employment-related securities after the acquisition but before that time.

**Textual Amendments**

**F1015** Words in s. 446T(3)(b) inserted (with effect in accordance with s. 49(12) of the amending Act) by Finance Act 2008 (c. 9), **s. 49(5)**

**F1016** S. 446T(3)(ba) inserted (1.9.2013) by Finance Act 2013 (c. 29), **Sch. 23 paras. 9**, 38; S.I. 2013/1755, art. 2

**F1017** S. 446T(3)(f) and word inserted (with effect in accordance with Sch . 2 para. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 22(b)**

**F1018** S. 446T(3A) inserted (with effect in accordance with Sch. 9 para. 48 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 9 paras. 13**, 47

## 446U Discharge of notional loan

(1) The notional loan is treated as discharged when—

(a) the employment-related securities are disposed of otherwise than to an associated person, ...

**[**F1019(b) if there is an outstanding or contingent liability to pay for the employment-related securities, that liability is released, extinguished, transferred or adjusted so as no longer to bind any associated person (except in circumstances in which subsection (4)(aa) applies), or**]**

**[** F1020(c) something which affects the employment-related securities is done as part of a scheme or arrangement the main purpose (or one of the main purposes) of which is the avoidance of tax or national insurance contributions.**]**

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**[** F1021(1A) Subsection (1)(a) does not apply if, at the time of the acquisition, there was an actual or contingent liability to make one or more further payments equal to the amount initially outstanding for the employment-related securities.**]**

(2) If the notional loan is discharged as the result of an event specified in subsection (1), the amount of the notional loan outstanding immediately before the occurrence of the event counts as employment income of the employee for the relevant tax year (whether or not the employment has terminated before or since the acquisition).

(3) The "relevant tax year" is the tax year in which the notional loan is treated as discharged.

(4) The notional loan is also treated as discharged when—

(a) payments or further payments for the employment-related securities equal to the amount initially outstanding in relation to them have been made by an associated person, ...

**[** F1022(aa) the employment-related securities, together with the liability to make such further payment or payments, are disposed of otherwise than to an associated person and for consideration of an amount that reflects the transfer of the liability, or**]**

(b) the employee dies.

**Textual Amendments**

**F1019** S. 446U(1)(b) substituted (17.7.2014) by Finance Act 2014 (c. 26), **Sch. 9 para. 37(2)**

**F1020** S. 446U(1)(c) and word inserted (with effect in accordance with Sch. 2 para. 14(2) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 2 para. 14**

**F1021** S. 446U(1A) inserted (17.7.2014) by Finance Act 2014 (c. 26), **Sch. 9 para. 37(3)**

**F1022** S. 446U(4)(aa) inserted (17.7.2014) by Finance Act 2014 (c. 26), **Sch. 9 para. 37(4)**

### **[** F1023 446UA Pre-acquisition avoidance cases

(1) Sections 446S to 446U do not apply if the main purpose (or one of the main purposes) of the arrangements under which the right or opportunity to acquire the employment-related securities is made available is the avoidance of tax or national insurance contributions.

(2) But instead an amount equal to what would (apart from this section) be the amount of the notional loan initially outstanding by virtue of sections 446S and 446T counts as employment income of the employee for the tax year in which the acquisition takes place.**]**

**Textual Amendments**

**F1023** S. 446UA inserted (with effect in accordance with Sch. 2 para. 15(2) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 2 para. 15**

### 446V Chapter to be additional to other income tax charges

This Chapter does not affect any liability to income tax arising in respect of the acquisition under—

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) Chapter 1 of Part 3 (earnings),

(b) Chapter 10 of Part 3 (taxable benefits: residual liability to charge),

**[**F1024(ba) section 226A (employee shareholder shares: amount treated as earnings),**]**

(c) Chapter 3 of this Part (acquisition by conversion),

(d) Chapter 3A of this Part (securities with artificially depressed market value), ...

(e) Chapter 5 of this Part (acquisition of securities pursuant to securities option) **[**F1025, or

(f) Chapter 2 of Part 7A (employment income provided through third parties)**]**

**Textual Amendments**

**F1024** S. 446V(ba) inserted (1.9.2013) by Finance Act 2013 (c. 29), **Sch. 23 paras. 10**, 38; S.I. 2013/1755, art. 2

**F1025** S. 446V(f) and word inserted (with effect in accordance with Sch . 2 para. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 23(b)**

## 446W Definitions

(1) In this Chapter—

"interest", in relation to securities,
"securities",
"securities option", and
"shares",
have the meaning indicated in section 420.

(2) In this Chapter "market value" has the meaning indicated in section 421(1).

(3) In this Chapter "the acquisition" has the meaning indicated in section 421B(8) (but subject to section 446Q(4)).

(4) In this Chapter—

"the employment",
"the employee" (except in section 446R),
"the employer", and
"employment-related securities",
have the meaning indicated in section 421B(8).

(5) In this Chapter "associated person" has the meaning indicated in section 421C.

(6) In this Chapter—

"associated company", and
"employee-controlled",
have the meaning indicated in section 421H.

(7) In this Chapter "the notional loan" has the meaning indicated in section 446S(1).**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## [F1026 CHAPTER 3D

SECURITIES DISPOSED OF FOR MORE THAN MARKET VALUE

**Textual Amendments**

**F1026** Pt. 7 Ch. 3D inserted (with effect in accordance with Sch. 22 para. 8(2) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 22 para. 8(1)**

### 446X Application of this Chapter

This Chapter applies if—

(a) employment-related securities are disposed of by an associated person so that no associated person is any longer beneficially entitled to them, and

(b) the disposal is for a consideration which exceeds the market value of the employment-related securities at the time of the disposal.

### 446Y Amount treated as income

(1) Where this Chapter applies the amount determined under subsection (3) counts as employment income of the employee for the relevant tax year.

(2) The "relevant tax year" is the tax year in which the disposal occurs.

(3) The amount is—

CD -MV -DA

where—

CD is the amount of the consideration given on the disposal,

MV is the market value of the employment-related securities at the time of the disposal, and

DA is the amount of any expenses incurred in connection with the disposal.

### 446Z Definitions

(1) In this Chapter "market value" has the meaning indicated in section 421(1).

(2) For the purposes of this Chapter sections 421(2) and 421A apply for determining the amount of the consideration given for anything.

(3) In this Chapter—

"the employee", and

"employment-related securities",

have the meaning indicated in section 421B(8).

(4) In this Chapter "associated person" has the meaning indicated in section 421C.]

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## [F1027CHAPTER 4

POST-ACQUISITION BENEFITS FROM SECURITIES

**Textual Amendments**

**F1027** Pt. 7 Ch. 4 (ss. 447-450) substituted for Pt. 7 Ch. 4 (ss. 447-470) (16.4.2003 with effect in accordance with Sch. 22 para. 9(2)-(4) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 22 para. 9(1)**

### 447 Charge on other chargeable benefits from securities

(1) This Chapter applies if an associated person receives a benefit **[**F1028in connection with employment-related securities**]** .

(2) The taxable amount determined under section 448 counts as employment income of the employee for the relevant tax year.

(3) The "relevant tax year" is the tax year in which the benefit is received.

(4) **[**F1029If the benefit is otherwise chargeable to income tax this section does not apply unless something has been done which affects the employment-related securities as part of a scheme or arrangement the main purpose (or one of the main purposes) of which is the avoidance of tax or national insurance contributions.**]**

(5) This section is subject to section 449 (case outside this Chapter).

**Textual Amendments**

**F1028** Words in s. 447(1) substituted (with effect in accordance with Sch. 2 para. 18(4) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 2 para. 18(2)**

**F1029** S. 447(4) substituted (with effect in accordance with Sch. 2 para. 18(4) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 2 para. 18(3)**

### 448 Amount of charge

The taxable amount for the purposes of section 447 (charge on other chargeable benefits) is the amount or market value of the benefit.

### 449 Case outside this Chapter

(1) This Chapter does not apply if—

(a) the employment-related securities are shares (or an interest in shares) in a company of a class,

(b) a similar benefit is received by the owners of all the company's shares of the class,

**[**F1030(ba) subsection (1A) is satisfied,**]** and

(c) subsection (2) or (3) is satisfied.

**[**F1031(1A) This subsection is satisfied unless something which affects the employment-related securities has been done as part of a scheme or arrangement the main purpose (or one of the main purposes) of which is the avoidance of tax or national insurance contributions.**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) This subsection is satisfied if, immediately before the receipt of the benefit, the company is employee-controlled by virtue of holdings of shares of the class.

(3) This subsection is satisfied if, immediately before the receipt of the benefit, the majority of the company's shares of the class are not **[**F1032employment-related securities.**]**

(4) . . . . . .

**Textual Amendments**

**F1030** S. 449(1)(ba) inserted (retrospective to 7.5.2004) by Finance Act 2004 (c. 12), ss. 86(2)(d)(3)(8), 86(1)

**F1031** S. 449(1A) substituted (with effect in accordance with Sch. 2 para. 19(2) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 2 para. 19**

**F1032** Words in s. 449(3) substituted (retrospective to 7.5.2004) by Finance Act 2004 (c. 12), ss. 86(2)(d)(5)(8), 86(1)

### 450 Definitions

(1) In this Chapter—

"interest", in relation to shares, and
"shares",
have the meaning indicated in section 420(8).

(2) In this Chapter "market value" has the meaning indicated in section 421(1).

(3) In this Chapter—

"the employee" (except in section 449), and
"employment-related securities",
have the meaning indicated in section 421B(8).

(4) In this Chapter "associated person" has the meaning indicated in section 421C.

(5) In this Chapter—

"associated company", and
"employee-controlled",
have the meaning indicated in section 421H.**]**

*Tax charge where restrictions or rights varied*

### F1027451 Amount of charge

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### F1027452 Cases outside charge under section 449

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***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Modifications etc. (not altering text)**

**C12** S. 452(1) applied (with effect in accordance with s. 21(1) of the amending Act) by Finance Act 2005 (c. 7), **s. 21(2)**

**C13** S. 452(2)(a) applied (with effect in accordance with s. 21(1) of the amending Act) by Finance Act 2005 (c. 7), **s. 21(2)**

**C14** S. 452(2)(c)(d) applied (with effect in accordance with s. 21(1) of the amending Act) by Finance Act 2005 (c. 7), **s. 21(2)**

**C15** S. 452(2)(c)(d) applied (with effect in accordance with s. 21(1) of the amending Act) by Finance Act 2005 (c. 7), **s. 21(2)**

*Tax charge on increase in value of shares of dependent subsidiaries*

### F1027 453 Charge on increase in value of shares of dependent subsidiary

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### F1027 454 Chargeable increases

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### F1027 455 Amount of charge

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### F1027 456 Cases outside charge under section 453

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*Tax charge on other benefits from shares*

### F1027 457 Charge on other chargeable benefits from shares

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### F1027 458 Chargeable benefits

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### F1027 459 Amount of charge

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### F1027 460 Cases outside charge under section 457

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***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Supplementary provisions*

**F1027461 Related acquisitions of additional shares**

. . . . . .

**F1027462 Company reorganisations etc.**

. . . . . .

**F1027463 Disposals of shares to connected persons etc. ignored**

. . . . . .

**F1027464 Application to interests in shares**

. . . . . .

**F1027465 Duty to notify acquisitions of shares or interests in shares**

. . . . . .

**F1027466 Duty to notify chargeable events and chargeable benefits**

. . . . . .

*Interpretation*

**F1027467 Meaning of "dependent subsidiary"**

. . . . . .

**F1027468 Meaning of "employee-controlled"**

. . . . . .

**F1027469 Shares "held by outside shareholders"**

. . . . . .

**F1027470 Minor definitions**

. . . . . .

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

# [F1033 CHAPTER 4A

## SHARES IN RESEARCH INSTITUTION SPIN-OUT COMPANIES

**Textual Amendments**

**F1033** Pt. 7 Ch. 4A inserted (with effect in accordance with s. 20(5)-(7) of the amending Act) by Finance Act 2005 (c. 7), **s. 20(1)**

*Introduction*

### 451 Application of this Chapter

(1) This Chapter applies where—

(a) an agreement is made for one or more transfers of intellectual property (an "intellectual property agreement") from one or more research institutions to a company (a "spin-out company"),

(b) a person acquires shares (or an interest in shares) in the spin-out company before the intellectual property agreement is made or within the period of 183 days beginning with the date on which it is made,

(c) the right or opportunity to acquire the shares (or interest in shares) was available by reason of employment by the research institution (or any of them) or by the spin-out company, and

(d) the person is involved in research in relation to any of the intellectual property that is the subject of the intellectual property agreement.

(2) But this Chapter does not apply if the avoidance of tax or national insurance is the main purpose (or one of the main purposes) of the arrangements under which the right or opportunity to acquire the shares (or interest in shares) is made available.

*Tax relief on acquisition*

### 452 Market value on acquisition

(1) For the relevant tax purposes the market value of the shares (or interest in shares) at the time of the acquisition is to be calculated disregarding the effect on that market value of the intellectual property agreement and any transfer of intellectual property pursuant to it.

(2) For the purposes of subsection (1) "the relevant tax purposes" are—

(a) determining any amount that is to constitute earnings from the employment under Chapter 1 of Part 3 (earnings),

(b) determining the amount of any gain realised on the occurrence of an event that is a chargeable event by virtue of section 439(3)(a) (conversion),

(c) operating Chapter 3C of this Part (acquisition of securities for less than market value), ...

(d) determining any amount that counts as employment income of the employee under Chapter 5 of this Part (securities acquired pursuant to securities option)[F1034, and

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(e) determining any amount that counts as employment income of the employee in respect of the employment under Chapter 2 of Part 7A (employment income provided through third parties)**]**

**Textual Amendments**

**F1034** S. 452(2)(e) and word inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by virtue of Finance Act 2011 (c. 11), **Sch. 2 para. 24(b)**

*Tax relief following acquisition*

### 453 Taxable amount under Chapter 4

(1) If the shares are (or interest in shares is) acquired before the intellectual property agreement is made, or before any transfer of intellectual property pursuant to it, and any benefit deriving from the intellectual property agreement or any such transfer is received by the employee in connection with the shares (or interest in shares), the taxable amount determined under section 448 (post-acquisition benefits from securities: amount of charge) is to be treated as nil.

(2) But this section does not apply if something which affects the shares (or interest in shares) has been done (at or before the time when the intellectual property agreement is made or intellectual property is transferred) as part of a scheme or arrangement the main purpose (or one of the main purposes) of which is the avoidance of tax or national insurance contributions.

*Disapplication of Chapters 2 and 3B*

### 454 Deemed election for disapplication of Chapter 2

(1) If the shares are restricted securities (or the interest in shares is a restricted interest in securities), the employer and the employee are to be treated as making an election under section 431(1) (election for disapplication of Chapter 2) in relation to the shares (or interest in shares).

(2) But the employer and the employee may agree that subsection (1) is not to apply in relation to the shares (or interest in shares).

(3) An agreement under subsection (2) is irrevocable and—

(a) must be made in a form approved by the Board of the Inland Revenue, and

(b) may not be made more than 14 days after the acquisition.

(4) If the employer and the employee make an agreement under subsection (2) in relation to the shares (or interest in shares), subsection (5) applies for the purposes of determining the taxable amount for the purposes of section 426 (charge on occurrence of chargeable event) on the occurrence on any chargeable event in relation to the shares (or interest in shares).

(5) In determining under section 428(3) (amount of charge) what would have been the market value of the shares (or interest in shares) at the time of the acquisition but for any restrictions (IUMV), that market value is to be calculated disregarding the

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effect on that market value of the intellectual property agreement and any transfer of intellectual property pursuant to it.

### 455 Disapplication of Chapter 3B

For the purposes of Chapter 3B (securities with artificially enhanced market value) neither the intellectual property agreement nor any transfer of intellectual property pursuant to it are things done otherwise than for genuine commercial purposes.

*Supplementary*

### 456 Meaning of "intellectual property" and "transfer"

(1) In this Chapter "intellectual property" means—

(a) any patent, trade mark, registered design, copyright or design right, plant breeders' rights or rights under section 7 of the Plant Varieties Act 1997,

(b) any right under the law of a country or territory outside the United Kingdom corresponding to, or similar to, a right within paragraph (a),

(c) any information or technique not protected by a right within paragraph (a) or (b) but having industrial, commercial or other economic value,

(d) any licence or other right in respect of anything within paragraph (a), (b) or (c), or

(e) any goodwill (having the meaning that it has for accounting purposes) associated with anything within paragraphs (a) to (d).

(2) The Treasury may by order amend the definition of "intellectual property" in subsection (1).

(3) For the purposes of this Chapter a transfer of intellectual property includes—

(a) a sale of the intellectual property,

(b) the grant of a licence or other right in respect of it, and

(c) the assignment of a licence or other right in respect of it.

### 457 Meaning of "research institution"

(1) In this Chapter "research institution" means—

**[**F1035(a) any university or other institution receiving a grant (including a recurrent grant towards its costs), loan, financial support, financial assistance, financial resources or payment under—

(i) section 65 of the Further and Higher Education Act 1992,

(ii) regulations made under section 485 of the Education Act 1996,

**[**F1036(iii) section 92, 97, 103 or 104(1)(a) of the Tertiary Education and Research (Wales) Act 2022, ignoring for this purpose any grant, loan, financial support, financial assistance, financial resources or payment received as a collaborating body within the meaning given by section 92(5), 97(3) or 104(2) of that Act, as the case may be,**]**

(iv) section 14 of the Education Act 2002,

(v) . . . . . .

(vi) section 100 of the Apprenticeships, Skills, Children and Learning Act 2009, or

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(vii) section 39 or 97 of the Higher Education and Research Act 2017,

(aa) any institution maintained by a local authority in England or Wales in the exercise of their further and higher education functions,

(ab) any institution within the higher education sector for the purposes of the Further and Higher Education (Scotland) Act 1992,

(ac) any college of further education within the meaning of section 36(1) of the Further and Higher Education (Scotland) Act 1992,

(ad) any central institution within the meaning of section 135(1) of the Education (Scotland) Act 1980,

(ae) the Queen's University of Belfast or the University of Ulster,

(af) a college of education in Northern Ireland within the meaning of Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986 (S.I. 1986/594 (N.I. 3)), or

(ag) any institution providing in Northern Ireland further education as defined in Article 3 of the Further Education (Northern Ireland) Order 1997 (S.I. 1997/1772 (N.I. 15)), or**]**

(b) any institution that carries out research activities otherwise than for profit and that is neither controlled nor wholly or mainly funded by a person who carries on activities for profit.

(2) The Treasury may by order amend subsection (1) to include in or exclude from the definition of "research institution" a person specified in the order or persons of a description specified in the order.

**Textual Amendments**

**F1035** S. 457(1)(a)-(ag) substituted for s. 457(1)(a) (1.8.2019) by The Higher Education and Research Act 2017 (Further Implementation etc.) Regulations 2019 (S.I. 2019/1027), regs. 1, **9**

**F1036** S. 457(1)(a)(iii) substituted (1.4.2026) by The Tertiary Education and Research (Wales) Act 2022 (Consequential Amendments) Order 2026 (S.I. 2026/358), arts. 1(3), **3(2)(a)**

## 458 Meaning of "involved in research"

For the purposes of this Chapter a person is involved in research in relation to any intellectual property transferred or to be transferred from one or more research institutions if—

(a) he has been actively engaged for the research institution (or any of them) in connection with research (whether as an employee or otherwise), and

(b) that research is relevant to anything to which the intellectual property relates.

## 459 Transfer of intellectual property by controlled company

(1) For the purposes of this Chapter where a research institution has control of a company, a transfer of intellectual property from the company is to be treated as a transfer from the research institution.

(2) For the purposes of this Chapter where two or more research institutions together have control of a company, a transfer of intellectual property from the company is to be treated as a transfer from those research institutions.

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(3) In this section "control" means control within the meaning **[**[F1037]given by sections 450 and 451 of CTA 2010**]**.

**Textual Amendments**

**F1037** Words in s. 459(3) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 389** (with Sch. 2)

## 460 Definitions

(1) In this Chapter—

"interest", in relation to shares, and

"shares",

have the meaning indicated in section 420.

(2) In this Chapter "market value" has the meaning indicated in section 421(1).

(3) In this Chapter—

"the acquisition",

"the employee", and

"the employer",

have the meaning indicated in section 421B(8).

(4) In this Chapter—

"restricted interest in securities", and

"restricted securities",

have the meaning indicated in sections 423 and 424.**]**

# **[**[F1038]CHAPTER 5

SECURITIES OPTIONS

**Textual Amendments**

**F1038** Pt. 7 Ch. 5 substituted (16.4.2003 for specified purposes and otherwise 1.9.2003 with effect in accordance with Sch. 22 para. 10(2) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 22 para. 10(1)**; S.I. 2003/1997, art. 2

*Introduction*

## 471 Options to which this Chapter applies

(1) This Chapter applies to a securities option acquired by a person where the right or opportunity to acquire the securities option is available by reason of an employment of that person or any other person.

(2) For the purposes of subsection (1) "employment" includes a former or prospective employment.

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) A right or opportunity to acquire a securities option made available by a person's employer, or a person connected with a person's employer, is to be regarded for the purposes of subsection (1) as available by reason of an employment of that person unless—

(a) the person by whom the right or opportunity is made available is an individual, and

(b) the right or opportunity is made available in the normal course of the domestic, family or personal relationships of that person.

(4) A right or opportunity to acquire a securities option available by reason of holding employment-related securities is to be regarded for the purposes of subsection (1) as available by reason of the same employment as that by reason of which the right or opportunity to acquire the employment-related securities was available.

(5) In this Chapter—

"the acquisition", in relation to an employment-related securities option, means the acquisition of the employment-related securities option pursuant to the right or opportunity available by reason of the employment,

"the employment" means the employment by reason of which the right or opportunity to acquire the employment-related securities option is available ("the employee" and "the employer" being construed accordingly), and

"employment-related securities option" means a securities option to which this Chapter applies.

### 472 Associated persons

(1) For the purposes of this Chapter the following are "associated persons" in relation to an employment-related securities option—

(a) the person who acquired the employment-related securities option on the acquisition,

(b) (if different) the employee, and

(c) any relevant linked person.

(2) A person is a relevant linked person if—

(a) that person (on the one hand), and

(b) either the person who acquired the employment-related securities option on the acquisition or the employee (on the other),

**[**[F1039]are or have been connected or (without being or having been connected) are or have been**]** members of the same household.

(3) But a company which would otherwise be a relevant linked person is not if it is—

(a) the employer,

(b) the person from whom the employment-related securities option was acquired, or

(c) the person by whom the right or opportunity to acquire the employment-related securities option was made available.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F1039** Words in s. 472(2) substituted (18.6.2004 with application in accordance with s. 90(5) of the amending Act) by Finance Act 2004 (c. 12), **s. 90(3)**

## 473 Introduction to taxation of securities options

(1) The starting-point is that section 475 contains an exemption from the liability to tax that might otherwise arise under—

(a) Chapter 1 of Part 3 (earnings), or

(b) Chapter 10 of that Part (taxable benefits: residual liability to charge),

when an employment-related securities option is acquired.

(2) Liability to tax may arise, when securities are acquired pursuant to the employment-related securities option, under—

(a) section 446B (charge on acquisition where market value of securities or interest artificially depressed),

(b) Chapter 3C of this Part (acquisition of securities for less than market value), or

(c) section 476 (acquisition of securities pursuant to securities option).

(3) Liability to tax may also arise by virtue of section 476 when—

(a) the employment-related securities option is assigned or released, or

(b) a benefit is received in connection with the employment-related securities option.

(4) There are special rules relating to share options acquired under—

(a) **[**F1040Schedule 3**]**SAYE option schemes (see Chapter 7 of this Part),

(b) **[**F1041Schedule 4**]**CSOP schemes (see Chapter 8 of this Part), or

(c) enterprise management incentives (see Chapter 9 of this Part).

**Textual Amendments**

**F1040** Words in s. 473(4)(a) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 133**, 146 (with Sch. 8 paras. 147-157)

**F1041** Words in s. 473(4)(b) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 194**, 204 (with Sch. 8 paras. 205-215)

## 474 Cases where this Chapter does not apply

. . . . . .

*Tax relief on acquisition of option*

## 475 No charge in respect of acquisition of option

(1) No liability to income tax arises in respect of the acquisition of an employment-related securities option.

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) Subsection (1) is subject to section 526 (...CSOP schemes: charge where share option granted at a discount).

*Tax charge on post-acquisition chargeable events*

### 476 Charge on occurrence of chargeable event

**[**F1042(1) If a chargeable event occurs in relation to an employment-related securities option, the taxable amount counts as employment income of the employee for the relevant tax year.

(2) For this purpose—

(a) "chargeable event" has the meaning given by section 477,

(b) "the taxable amount"is the amount determined under section 478, and

(c) "the relevant tax year"is the tax year in which the chargeable event occurs.

(3) Relief under section 481 or 482 (relief for secondary Class 1 contributions or special contribution met by employee) may be available against an amount counting as employment income under this section.**]**

**[**F1043(5) If the employee has been divested of the employment-related securities option by operation of law—

(a) income tax is charged on the amount determined under section 478, and

(b) the person liable for any tax so charged is the relevant person in relation to the chargeable event (see section 477(7)).**]**

**[**F1044(5A) An amount charged under subsection (5)(a) is treated for income tax purposes as an amount of income.**]**

(6) This section is subject to—

section 519 (...SAYE option schemes: no charge in respect of exercise of share option by employee),

section 524 (...CSOP schemes: no charge in respect of exercise of share option by employee), and

section 530 (enterprise management incentives: no charge on exercise by employee of option to acquire shares at market value).

**Textual Amendments**

**F1042** S. 476(1)-(3) substituted for s. 476(1)-(4) (1.9.2004) by Finance Act 2004 (c. 12), s. 85(2), **Sch. 16 para. 3(2)**; S.I. 2004/1945, art. 2

**F1043** S. 476(5) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 598** (with Sch. 2)

**F1044** S. 476(5A) inserted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 438** (with Sch. 2)

### 477 Chargeable events

(1) This section applies for the purposes of section 476 (charge on occurrence of chargeable event).

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) Any of the events mentioned in subsection (3) is a "chargeable event" in relation to the employment-related securities option unless it occurs on or after the death of the employee.

(3) The events are—

(a) the acquisition of securities pursuant to the employment-related securities option by an associated person,

(b) the assignment for consideration of the employment-related securities option by an associated person otherwise than to another associated person or the release for consideration of the employment-related securities option by an associated person, or

(c) the receipt by an associated person of a benefit **[**F1045in connection with the employment-related securities option (other than one within paragraph (a) or (b)).**]**

(4) For the purposes of subsection (3)(a) securities are acquired at the time when a beneficial interest is acquired (and not, if different, the time when the securities are conveyed or transferred).

(5) A benefit received on account of any disability (within the meaning of **[**F1046the Equality Act 2010 in England and Wales and Scotland, or**]** the Disability Discrimination Act 1995) of the employee is to be disregarded for the purposes of subsection (3)(c).

(6) A benefit in money or money's worth received in consideration for or otherwise in connection with—

(a) failing or undertaking not to acquire securities pursuant to the employment-related securities option, or

(b) granting or undertaking to grant to another person a right to acquire securities which are subject to the employment-related securities option or any interest in them,

is to be regarded for the purposes of subsection (3)(c) as received in connection with the employment-related securities option.

(7) For the purposes of section 476(5) **[**F1047(charge to income tax)**]** the relevant person in relation to a chargeable event is—

(a) in the case of an event that is a chargeable event by virtue of subsection (3)(a), the person by whom the securities are acquired, and

(b) in the case of an event that is a chargeable event by virtue of subsection (3)(b) or (c), the person by whom the consideration or benefit is received.

**Textual Amendments**

**F1045** Words in s. 477(3)(c) substituted (18.6.2004 with application in accordance with s. 90(5) of the amending Act) by Finance Act 2004 (c. 12), **s. 90(4)**

**F1046** Words in s. 477(5) inserted by Equality Act 2010 (c. 15), **Sch. 26 para. 52** (as inserted (1.10.2010) by S.I. 2010/2279, art. 1(2), **Sch. 1 para. 5**) (with S.I. 2010/2317, **art. 2**)

**F1047** Words in s. 477(7) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 599** (with Sch. 2)

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### 478 Amount of charge

(1) The taxable amount for the purposes of section 476 (charge on occurrence of chargeable event) is—

$$AG - DA$$

where—

AG is the amount of any gain realised on the occurrence of the chargeable event, and

DA is the total of any deductible amounts.

(2) Section 479 explains what is the amount of any gain realised on the occurrence of a chargeable event.

(3) Section 480 specifies what are deductible amounts.

### 479 Amount of gain realised on occurrence of chargeable event

(1) This section applies for the purposes of section 478 (amount of charge on occurrence of chargeable event).

(2) The amount of the gain realised on the occurrence of an event that is a chargeable event by virtue of section 477(3)(a) (acquisition of securities) is (subject to subsection (4))—

$$MV - C$$

(3) In subsection (2)—

MV is the market value of the securities that are acquired at the time when they are acquired, and

C is the amount of any consideration given for the securities that are acquired.

(3A) . . . . . .

(4) But the amount of the gain realised on the occurrence of an event that is a chargeable event by virtue of section 477(3)(a) (acquisition of securities) is calculated—

(a) if section 531 (enterprise management incentives: limitation of charge on exercise of option to acquire shares below market value) applies, in accordance with that section, and

(b) if section 532 (enterprise management incentives: modified tax consequences following disqualifying events) applies, in accordance with that section.

(5) The amount of the gain realised on the occurrence of an event that is a chargeable event by virtue of section 477(3)(b) (assignment or release of option) is the amount of the consideration given for the assignment or release.

(6) The amount of the gain realised on the occurrence of an event that is a chargeable event by virtue of section 477(3)(c) (receipt of benefit in connection with option) is the amount or market value of the benefit.

(7) But if—

(a) the consideration mentioned in subsection (5), or

(b) the benefit mentioned in subsection (6),

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consists (in whole or in part) in the provision of securities or an interest in securities the market value of which has been reduced by at least 10% as a result of things done otherwise than for genuine commercial purposes within the period of 7 years ending with the receipt of the consideration or benefit, its market value is to be taken to be what it would be but for the reduction.

(8) The following are among the things that are, for the purposes of subsection (7), done otherwise than for genuine commercial purposes—

(a) anything done as part of a scheme or arrangement the main purpose, or one of the main purposes, of which is the avoidance of tax or national insurance contributions, and

(b) any transaction between companies which are members of the same group on terms which are not such as might be expected to be agreed between persons acting at arm's length (other than a payment for group relief).

(9) In subsection (8)(b)—

(a) "group" means a company and its 51% subsidiaries, and

(b) "group relief" has the same meaning as in **[**[F1048]section 183(1) of CTA 2010**]**.

**Textual Amendments**

**F1048** Words in s. 479(9)(b) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 390** (with Sch. 2)

## 480 Deductible amounts

(1) This section applies for the purposes of section 478 (amount of charge on occurrence of chargeable event).

(2) The amount of—

(a) any consideration given for the acquisition of the employment-related securities option, and

(b) the amount of any expenses incurred in connection with the acquisition of securities, assignment, release or receipt which constitutes the chargeable event,

is a deductible amount.

(3) Where in consequence of—

(a) the acquisition of the employment-related securities option,

(b) the acquisition of securities pursuant to the employment-related securities option, or

(c) a transaction of which the acquisition of the employment-related securities option or the acquisition of securities pursuant to the employment-related securities option forms part,

there is a reduction in the market value of any employment-related securities to which an associated person is beneficially entitled, the amount of the reduction is to be treated for the purposes of subsection (2) as consideration (or additional consideration) given for the acquisition of the employment-related securities option.

(4) If an amount counts as employment income of the employee under section 526 (... CSOP schemes: charge where option granted at a discount) in respect of the

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employment-related securities option, so much of that amount as is attributable to the shares in question is a deductible amount.

(5) The following are also deductible amounts—

(a) any amount that constituted earnings from the employment under Chapter 1 of Part 3 (earnings) in respect of the acquisition of the employment-related securities option **[**F1049(other than an amount of exempt income)**]**,

(b) any amount that was treated as earnings from the employment under Chapter 10 of that Part (taxable benefits: residual liability to charge) in respect of the acquisition of the employment-related securities option, ...

(c) the amount of any gain by a previous holder on an assignment of the employment-related securities option which would have been a deductible cost by virtue of subsection (2)(c) of section 479 (as originally enacted) on an exercise of the option at a time when that section was in force**[**F1050, and

(d) any amount that has counted as employment income of the employee in respect of the employment under Chapter 2 of Part 7A in relation to the employment-related securities option or to any sum of money or asset held solely for the purposes of the option.**]**

**[**F1051(5A) In subsection (5)(a) the reference to an amount of exempt income, in a case in which the amount that constituted earnings in respect of the acquisition was not an amount of general earnings to which any of the charging provisions of Chapters 4 and 5 of Part 2 applied, includes any amount that would have been an amount of exempt income if any of those charging provisions had applied.**]**

(6) If there has been a previous chargeable event in relation to the employment-related securities option (or if section 476 or 477 as originally enacted applied to the option by virtue of an earlier event), so much of any deductible amount as was deducted in calculating the taxable amount on the occasion of that event is to be regarded as not being a deductible amount.

(7) . . . . . .

**Textual Amendments**

**F1049** Words in s. 480(5)(a) inserted (with effect in accordance with s. 49(11) of the amending Act) by Finance Act 2008 (c. 9), **s. 49(6)**

**F1050** S. 480(5)(d) and word inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 25(b)**

**F1051** S. 480(5A) inserted (with effect in accordance with Sch. 9 para. 48 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 9 paras. 15**, 47

## 481 [F1052Relief for] secondary Class 1 contributions met by employee

(1) **[**F1053Relief is available under this section against an amount counting as employment income under section 476 if**]** —

(a) an agreement having effect under paragraph 3A of Schedule 1 to the Contributions and Benefits Act has been entered into allowing the secondary contributor to recover from the employee the whole or part of any secondary Class 1 contributions in respect of the gain, or

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(b) an election having effect under paragraph 3B of Schedule 1 to that Act is in force which has the effect of transferring to the employee the whole or part of the liability to pay secondary Class 1 contributions in respect of the gain.

(2) **[**F1054The amount of the relief is the total of**]** —

(a) any amount that under the agreement referred to in subsection (1)(a) is recovered in respect of the gain by the secondary contributor before 5th June in the tax year following that in which the gain is realised, and

(b) the amount of any liability in respect of the gain that, by virtue of the election referred to in subsection (1)(b), has become the employee's liability.

(3) If notice of withdrawal of approval of the election is given, the amount of any liability in respect of the gain for the purposes of subsection (2)(b) is limited to the amount of the liability met before 5th June in the tax year following that in which the gain is realised.

(4) Subsection (1) does not apply in respect of a liability to pay Class 1 contributions which is prevented from arising by virtue of section 2(1)(a) of the Social Security Contributions (Share Options) Act 2001 (liability to pay Class 1 contributions in respect of gains replaced by liability to pay special contribution).

**[**F1055(4A) Relief under this section is given by way of deduction from the amount otherwise counting as employment income.

(4B) Relief under this section does not affect the amount to be taken into account—

(a) as employment income in determining contributions payable under the Contributions and Benefits Act, or

(b) as relevant employment income for the purposes of paragraph 3A or 3B of Schedule 1 to that Act.**]**

(5) In this section—

"approval", in relation to an election, means approval by **[**F104the Commissioners for Her Majesty's Revenue and Customs**]** under paragraph 3B of Schedule 1 to the Contributions and Benefits Act, and

"secondary contributor" has the same meaning as in that Act (see section 7).

**Textual Amendments**

**F104** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(2)**; S.I. 2005/1126, art. 2(2)(h)

**F1052** Words in s. 481 heading substituted (1.9.2004) by Finance Act 2004 (c. 12), s. 85(2), **Sch. 16 para. 3(4)(a)**; S.I. 2004/1945, art. 2

**F1053** Words in s. 481(1) substituted (1.9.2004) by Finance Act 2004 (c. 12), s. 85(2), **Sch. 16 para. 3(4)(b)**; S.I. 2004/1945, art. 2

**F1054** Words in s. 481(2) substituted (1.9.2004) by Finance Act 2004 (c. 12), s. 85(2), **Sch. 16 para. 3(4)(c)**; S.I. 2004/1945, art. 2

**F1055** S. 481(4A)(4B) inserted (1.9.2004) by Finance Act 2004 (c. 12), s. 85(2), **Sch. 16 para. 3(4)(d)**; S.I. 2004/1945, art. 2

## 482 **[**F1056**Relief for] special contribution met by employee**

(1) **[**F1057Relief is available under this section against an amount counting as employment income under section 476 if**]** conditions A to D are met.

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) Condition A is that a notice in respect the employment-related securities option was given to **[**F104the Commissioners for Her Majesty's Revenue and Customs**]** in accordance with section 1 of the Social Security Contributions (Share Options) Act 2001 before 11th August 2001.

(3) Condition B is that the person, or one of the persons, who gave that notice is a person who (apart from that Act) was liable, or would have become liable, by virtue of an election under paragraph 3B of Schedule 1 to the Contributions and Benefits Act, to pay secondary Class 1 contributions in respect of an event which is a chargeable event for the purposes of section 476.

(4) Condition C is that that person became liable to pay a special contribution under section 2 of the Social Security Contributions (Share Options) Act 2001 in respect of the employment-related securities option.

(5) Condition D is that that person met that liability before 11th August 2001 or before the end of such further period as **[**F104the Commissioners for Her Majesty's Revenue and Customs**]** directed under section 2(5) of that Act.

**[**F1058(6) The amount of the relief is the amount of the liability referred to in subsection (4).

(7) Relief under this section is given by way of deduction from the amount otherwise counting as employment income.**]**

**Textual Amendments**

**F104** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(2)**; S.I. 2005/1126, art. 2(2)(h)

**F1056** Words in s. 482 heading substituted (1.9.2004) by Finance Act 2004 (c. 12), s. 85(2), **Sch. 16 para. 3(5)(a)**; S.I. 2004/1945, art. 2

**F1057** Words in s. 482(1) substituted (1.9.2004) by Finance Act 2004 (c. 12), s. 85(2), **Sch. 16 para. 3(5)(b)**; S.I. 2004/1945, art. 2

**F1058** S. 482(6)(7) added (1.9.2004) by Finance Act 2004 (c. 12), s. 85(2), **Sch. 16 para. 3(5)(c)**; S.I. 2004/1945, art. 2

*Supplementary provisions*

## 483 Application of this Chapter where option exchanged for another

(1) This section applies if—

(a) the employment-related securities option (the "old option") is assigned or released, and

(b) the whole or part of the consideration for the assignment or release consists of or includes another securities option (the "new option").

(2) For the purposes of section 479(5) (amount of gain realised by assigning or releasing option) the new option is not to be treated as consideration given for the assignment or release of the old option.

(3) This Chapter applies to the new option as it applies to the old option.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) For the purposes of section 480(2) (consideration for acquisition of option) the amount of the consideration given for the acquisition of the new option is to be treated as being the sum of—

(a) the amount by which the amount of the consideration given for the acquisition of the old option exceeds the amount of any consideration given for the assignment or release of the old option, apart from the new option, and

(b) any valuable consideration given for the acquisition of the new option, apart from the old option.

(5) Two or more transactions are to be treated for the purposes of subsection (1) as a single transaction by which one option is assigned for a consideration which consists of or includes another option if—

(a) the transactions result in—

(i) a person ceasing to hold an option, and

(ii) that person or a connected person coming to hold another option, and

(b) one or more of the transactions is effected under arrangements to which two or more persons holding options, in respect of which there may be liability to tax under this Chapter, are parties.

(6) Subsection (5) applies regardless of the order in which the assignments and the acquisition occur.

### 484 Definitions

(1) In this Chapter—

"securities", and

"securities option",

have the meaning indicated in section 420.

(2) In this Chapter "market value" has the meaning indicated in section 421(1).

(3) For the purposes of this Chapter sections 421(2) and 421A apply for determining the amount of consideration given for anything.

(4) In this Chapter "employment-related securities" has the same meaning as in Chapter 1 of this Part (see section 421B(8)).

(5) In this Chapter—

"the acquisition",

"the employee",

"the employer",

"the employment", and

"employment-related securities option",

have the meaning indicated in section 471(5).

(6) In this Chapter "associated person" has the meaning indicated in section 472.

(7) In this Chapter—

"secondary Class 1 contributions" has the same meaning as in the Contributions and Benefits Act (see section 1 of that Act), ...

...]

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Supplementary provisions*

### 485 Application of this Chapter where share option exchanged for another

. . . . . .

### 486 Duty to notify matters relating to share options

. . . . . .

### 487 Minor definitions

. . . . . .

## CHAPTER 6

F1059... SHARE INCENTIVE PLANS

**Textual Amendments**

**F1059** Word in Pt. 7 Ch. 6 title omitted (6.4.2014) by virtue of Finance Act 2014 (c. 26), **Sch. 8 paras. 2**, 89 (with Sch. 8 paras. 90-96)

*Introduction*

### 488 ... Share incentive plans (SIPs)

(1) This Chapter provides—

(a) . . . . . .

(b) for exemptions from income tax in connection with shares obtained under **[**F1060share incentive plans ("SIPs") which are Schedule 2 SIPs**]**,

(c) for amounts to count as employment income in certain circumstances in connection with such plans, and

(d) for the making of PAYE deductions in connection with such amounts.

(2) . . . . . .

(3) The provisions of—

(a) this and the following sections of this Chapter,

(b) Schedule 2, and

(c) the provisions mentioned in section 515 (tax advantages and charges under other Acts),

together constitute "the SIP code".

(4) In the SIP code—

...

"PAYE deduction" means a deduction required by PAYE regulations;

**[**F1061"Schedule 2 SIP" is to be read in accordance with paragraph 1 and Part 10 of Schedule 2;**]**

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a "share incentive plan" (or "SIP" for short) means a plan established by a company providing—

(a) for shares to be appropriated to employees without payment ("free shares"), or

(b) for shares to be acquired on behalf of employees out of sums deducted from their salary ("partnership shares").

(5) Other expressions used in the SIP code and contained in the index at the end of Schedule 2 have the meaning indicated by the index.

**Textual Amendments**

**F1060** Words in s. 488(1)(b) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 3(3)(b)**, 89 (with Sch. 8 paras. 90-96)

**F1061** Words in s. 488(4) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 3(5)(b)**, 89 (with Sch. 8 paras. 90-96)

*Scope of tax advantages*

### 489 Operation of tax advantages in connection with [F1062Schedule 2] SIP

(1) Sections 490 to 499 apply for income tax purposes in connection with shares awarded under **[**F1063a Schedule 2**]** SIP.

(2) But those sections do not apply to an individual if, at the time of the award of shares in question, the earnings from the eligible employment are not (or would not be if there were any) general earnings to which any of the charging provisions of Chapter 4 or 5 of Part 2 apply.

(3) "The eligible employment" means the employment which results in the individual meeting the employment requirement in relation to the plan.

**[**F1064(4) And those sections do not apply if the main purpose (or one of the main purposes) of the arrangements under which the shares in question are awarded or acquired is the avoidance of tax or national insurance contributions.**]**

**Textual Amendments**

**F1062** Words in s. 489 heading substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 4(2)**, 89 (with Sch. 8 paras. 90-96)

**F1063** Words in s. 489(1) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 4(3)**, 89 (with Sch. 8 paras. 90-96)

**F1064** S. 489(4) inserted (18.6.2004 with effect in accordance with s. 88(11)-(13) of the amending Act) by Finance Act 2004 (c. 12), **s. 88(4)**

*Tax advantages connected with award of shares*

### 490 No charge on award or acquisition of shares: general

(1) This section applies—

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(a) on the award to an employee of free, matching or partnership shares under the plan, or

(b) on the acquisition on behalf of an employee of dividend shares under the plan.

(2) The employee is not liable to income tax on the value of the beneficial interest in the shares that passes to the employee at the time of the award or acquisition.

### 491 No charge on award of shares as taxable benefit

. . . . . .

### 492 No charge on partnership share money deducted from salary

(1) An employee is not liable to income tax under Part 2 on any amount of the employee's salary which is deducted as partnership share money under a partnership share agreement.

(2) . . . . . .

### 493 No charge on acquisition of dividend shares

(1) . . . . . .

(2) . . . . . .

(3) **[**F1065Section 1105(3) of CTA 2010**]** (information relating to distributions to be provided by nominee) does not apply to any amount applied by the trustees in acquiring dividend shares on behalf of a participant.

**[**F1066(3A) For the exemption of such amounts from income tax, see section 770 of ITTOIA 2005 (amounts applied by SIP trustees acquiring dividend shares or retained for reinvestment).**]**

(4) . . . . . .

(5) Subsection (3) is subject to paragraph 80(4)(c) of Schedule 2 (information required where dividend shares cease to be subject to plan).

**Textual Amendments**

**F1065** Words in s. 493(3) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 391** (with Sch. 2)

**F1066** S. 493(3A) inserted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 600(3)** (with Sch. 2)

*Tax advantages connected with holding of shares*

### 494 No charge on removal of restrictions applying to shares

. . . . . .

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### 495 No charge on increase in value of shares of dependent subsidiary

. . . . . .

### [F1067496 No charge on cash dividend retained for reinvestment

For the exemption from income tax of amounts retained under paragraph 68(2) of Schedule 2 (amount of cash dividend not reinvested), see section 770 of ITTOIA 2005 (amounts applied by SIP trustees acquiring dividend shares or retained for reinvestment).**]**

**Textual Amendments**

**F1067** S. 496 substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 601** (with Sch. 2)

*Tax advantages connected with shares ceasing to be subject to plan*

### 497 Limitations on charges on shares ceasing to be subject to plan

(1) No liability to income tax arises on free or matching shares ceasing to be subject to the plan, except as provided by—

(a) section 505 (charge on free or matching shares ceasing to be subject to plan), or

(b) section 507 (charge on disposal of beneficial interest during holding period).

(2) No liability to income tax arises on partnership shares ceasing to be subject to the plan, except as provided by section 506 (charge on partnership shares ceasing to be subject to plan).

(3) No liability to income tax arises on dividend shares ceasing to be subject to the plan, except **[**F1068under Chapter 3 or 4 of Part 4 of ITTOIA 2005 (dividends etc. from UK or non-UK resident companies etc.) as a result of section 394(2) or 407(2) of that Act (distribution or dividend payment when dividend shares cease to be subject to plan).**]**

**Textual Amendments**

**F1068** Words in s. 497(3) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 602** (with Sch. 2)

### 498 No charge on shares ceasing to be subject to plan in certain circumstances

(1) A participant is not liable to income tax on shares ceasing to be subject to the plan if—

(a) they cease to be so subject on the participant ceasing to be in relevant employment, and

(b) subsection (2) applies.

(2) This subsection applies if the participant ceases to be in relevant employment—

(a) because of injury or disability,

(b) on being dismissed by reason of redundancy,

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(c) by reason of **[**F1069a relevant transfer within the meaning of the Transfer of Undertakings (Protection of Employment) Regulations 2006**]**,

(d) if the relevant employment is employment by an associated company (see paragraph 95(2) of Schedule 2), by reason of a change of control or other circumstances ending that company's status as an associated company,

(e) by reason of the participant's retirement ..., or

(f) on the participant's death.

**[**F1070(3) A participant is not liable to income tax on shares ("the relevant shares") in a company ("the relevant company") being withdrawn from the plan if—

(a) the withdrawal of the relevant shares from the plan relates to—

(i) a transaction resulting from a compromise, arrangement or scheme falling within subsection (9),

(ii) an offer forming part of a general offer falling within subsection (10), or

(iii) the application of sections 979 to 982 or 983 to 985 of the Companies Act 2006 in the case of a takeover offer (as defined in section 974 of that Act) falling within subsection (13), and

(b) as a result of, as the case may be—

(i) the transaction,

(ii) the offer, or

(iii) the application of sections 979 to 982 or 983 to 985 of the Companies Act 2006,

the participant receives cash (and no other assets) in exchange for the relevant shares.

(4) For the purposes of subsection (3)(b) it does not matter if the participant receives other assets in exchange for shares other than the relevant shares.

(5) Subsection (3) does not apply to the relevant shares (or to a proportion of them) if in connection with, as the case may be—

(a) the compromise, arrangement or scheme,

(b) the general offer, or

(c) the takeover offer,

a course of action was open to the participant which, had it been followed, would have resulted in other assets being received in exchange for the relevant shares (or the proportion of them) instead of cash.

(6) Subsection (3) does not apply to the relevant shares (or to a proportion of them) if it is reasonable to suppose that the relevant shares (or the proportion of them) would not have been awarded to the participant—

(a) had, as the case may be—

(i) the compromise, arrangement or scheme,

(ii) the general offer, or

(iii) the takeover offer,

not been made, or

(b) had any arrangements for the making of—

(i) a compromise, arrangement or scheme which would fall within subsection (9),

(ii) a general offer which would fall within subsection (10), or

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(iii) a takeover offer (as defined in section 974 of the Companies Act 2006) which would fall within subsection (13),

which were in place or under consideration at any time not been in place or under consideration.

(7) In subsection (6) the reference to shares being awarded to the participant is to be read, in the case of dividend shares, as a reference to the shares being acquired by the trustees on the participant's behalf.

(8) In subsection (6)(b) "arrangements" includes any plan, scheme, agreement or understanding, whether or not legally enforceable.

(9) A compromise, arrangement or scheme falls within this subsection if it is applicable to or affects—

(a) all the ordinary share capital of the relevant company or all the shares of the same class as the relevant shares, or

(b) all the shares, or all the shares of that same class, which are held by a class of shareholders identified otherwise than by reference to their employment or their participation in **[**[F1071]a Schedule 2**]** SIP.

(10) A general offer falls within this subsection if—

(a) it is made to holders of shares of the same class as the relevant shares or to holders of shares in the relevant company, and

(b) it is made in the first instance on a condition such that if it is satisfied the person making the offer will have control of the relevant company.

(11) For the purposes of subsection (10) it does not matter if the general offer is made to different shareholders by different means.

(12) In subsection (10)(b) "control" has the meaning given by sections 450 and 451 of CTA 2010.

(13) A takeover offer falls within this subsection if—

(a) it relates to the relevant company, and

(b) where there is more than one class of share in the relevant company, the class or classes to which it relates is or include the class of the relevant shares.**]**

**Textual Amendments**

**F1069** Words in s. 498(2)(c) substituted (6.4.2006) by The Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246), reg. 1(2), **Sch. 2 para. 12(2)** (with reg. 21(1))

**F1070** S. 498(3)-(13) inserted (17.7.2013) by Finance Act 2013 (c. 29), **Sch. 2 para. 19**

**F1071** Words in s. 498(9)(b) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 5**, 89 (with Sch. 8 paras. 90-96)

*Tax advantages: supplementary*

## 499 No charge in respect of incidental expenditure

An employee is not liable to income tax in respect of incidental expenditure of—

(a) the trustees,

(b) the company which established the plan, or

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(c) (if different) the employer,

in operating the plan.

*Scope of tax charges*

### 500 Operation of tax charges in connection with [F1072Schedule 2] SIP

(1) Sections 501 to 508 apply for income tax purposes in connection with shares awarded under **[**F1073a Schedule 2**]** SIP.

(2) But those sections do not apply to an individual if, at the time of the award of shares in question, the earnings from the eligible employment are not (or would not be if there were any) general earnings to which any of the charging provisions of Chapter 4 or 5 of Part 2 apply.

(3) "The eligible employment" means the employment which results in the individual meeting the employment requirement in relation to the plan.

**Textual Amendments**

**F1072** Words in s. 500 heading substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 6(2)**, 89 (with Sch. 8 paras. 90-96)

**F1073** Words in s. 500(1) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 6(3)**, 89 (with Sch. 8 paras. 90-96)

*Charges connected with holding of shares*

### 501 Charge on capital receipts in respect of plan shares

(1) This section applies if conditions A and B are met.

(2) Condition A is that a capital receipt is received by a participant in respect of, or by reference to, any of the participant's plan shares.

(3) Condition B is that the plan shares in respect of, or by reference to, which the capital receipt is received are—

(a) free, matching or partnership shares that were awarded to the participant less than 5 years before the participant received the capital receipt, or

(b) dividend shares that were acquired on behalf of the participant less than 3 years before the participant received the capital receipt.

(4) If this section applies, the amount or value of the capital receipt counts as employment income of the participant for the relevant tax year.

(5) The "relevant tax year" is the tax year in which the participant receives the capital receipt.

(6) This section does not apply if the capital receipt is received by the participant's personal representatives after the death of the participant.

(7) Section 502 explains what is meant by a "capital receipt".

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### 502 Meaning of "capital receipt" in section 501

(1) This section applies for determining whether any money or money's worth is a "capital receipt" for the purposes of section 501.

(2) The general rule is that any money or money's worth is a "capital receipt" for the purposes of section 501.

(3) The general rule is subject to the following exceptions.

(4) Money or money's worth is not a capital receipt for the purposes of section 501 to the extent that—

(a) it constitutes income in the hands of the recipient for the purposes of income tax or would do so but for sections 489 to 498 (SIPs: tax advantages) **[**F1074or section 770 of ITTOIA 2005 (exemption for amounts applied by SIP trustees acquiring dividend shares or retained for reinvestment)**]**,

(b) it consists of the proceeds of disposal of the plan shares mentioned in section 501, or

(c) it consists of new shares within the meaning of paragraph 87 of Schedule 2 (company reconstructions).

(5) If, as a result of a direction given by or on behalf of the participant for the purposes of paragraph 77 of Schedule 2 (power of trustees to raise funds to subscribe for rights issues), the trustees—

(a) dispose of some of the rights under a rights issue, and

(b) use the proceeds of that disposal to exercise other such rights,

the money or money's worth constituting the proceeds of that disposal is not a capital receipt for the purposes of section 501.

**Textual Amendments**

**F1074** Words in s. 502(4)(a) inserted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 603** (with Sch. 2)

### 503 Charge on partnership share money paid over to employee

(1) Any amount paid over to an individual under any of the provisions of Schedule 2 mentioned in subsection (2) counts as employment income of the individual for the relevant tax year.

(2) The provisions are—

paragraph 46(5) (deductions in excess of permitted maximum amount),

paragraph 50(5)(b) or paragraph 52(6)(b) (surplus partnership share money remaining after acquisition of shares),

paragraph 52(7) (partnership share money paid over on individual ceasing to be in relevant employment),

paragraph 52(8) (partnership share money paid over where accumulation period brought to an end by event specified in plan),

paragraph 55(3) (partnership share money paid over on withdrawal from partnership share agreement), or

paragraph 56 (partnership share money paid over on **[**F1075plan ceasing to be a Schedule 2 SIP**]** or termination of plan).

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) The "relevant tax year" is the tax year in which the amount is paid over.

**Textual Amendments**

**F1075** Words in s. 503(2) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 7**, 89 (with Sch. 8 paras. 90-96)

### 504 Charge on cancellation payments in respect of partnership share agreement

(1) This section applies if an individual who has entered into a partnership share agreement receives any money or money's worth in respect of the cancellation of the agreement.

(2) The amount of the money or the value of the money's worth counts as employment income of the individual for the relevant tax year.

(3) The "relevant tax year" is the tax year in which the individual receives the money or money's worth.

*Charges connected with shares ceasing to be subject to plan*

### 505 Charge on free or matching shares ceasing to be subject to plan

(1) When free or matching shares cease to be subject to the plan, there may be an amount that counts as employment income of the participant depending on the period that has elapsed between—

(a) the date when the shares were awarded to the participant ("the award date"), and

(b) the date when they cease to be subject to the plan ("the exit date").

(2) If the period is less than 3 years, the market value of the shares at the exit date counts as employment income of the participant for the relevant tax year (see subsection (5)).

(3) If the period is 3 years or more but less than 5 years, whichever is the lesser of—

(a) the market value of the shares at the award date, and

(b) the market value of the shares at the exit date,

counts as employment income of the participant for the relevant tax year (see subsection (5)).

(4) Where—

(a) subsection (3) applies, and

(b) the applicable amount is the market value of the shares at the award date,

the tax due is reduced by the amount or aggregate amount of any tax paid by virtue of section 501 (charge on capital receipts in respect of plan shares) on any capital receipts in respect of the shares.

**[**F1076(4A) Any tax due under subsection (2) or (3) is reduced by the amount or aggregate amount of any tax paid by virtue of Chapter 3B of this Part in relation to the shares.**]**

(5) The "relevant tax year" is the tax year in which the exit date falls.

(6) No liability to tax arises by virtue of this section—

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(a) on the forfeiture of free or matching shares,

(b) if section 498 (no charge on shares ceasing to be subject to plan in certain circumstances) applies, or

(c) if section 507 (charge on disposal of beneficial interest in holding period) applies.

**Textual Amendments**

**F1076** S. 505(4A) inserted (18.6.2004 with effect in accordance with s. 88(11)-(13) of the amending Act) by Finance Act 2004 (c. 12), **s. 88(5)**

## 506 Charge on partnership shares ceasing to be subject to plan

(1) When partnership shares cease to be subject to the plan, there may be an amount that counts as employment income of the participant depending on the period that has elapsed between—

(a) the acquisition date in respect of those shares (as defined by paragraph 50(4) or, as the case may be, paragraph 52(5) of Schedule 2), and

(b) the date when they cease to be subject to the plan ("the exit date").

(2) If the period is less than 3 years, the **[**F1077relevant amount**]** counts as employment income of the participant for the relevant tax year (see subsection (5)).

**[**F1078(2A) Subject to subsection (2B), in subsection (2) "the relevant amount" means the market value of the shares at the exit date.

(2B) If the shares cease to be subject to the plan by virtue of a provision of the kind mentioned in paragraph 43(2B) of Schedule 2 (provision requiring partnership shares to be offered for sale), in subsection (2) "the relevant amount" means the lesser of—

(a) the amount of partnership share money used to acquire the shares, and

(b) the market value of the shares at the time they are offered for sale.

(2C) Paragraph 92(2) of Schedule 2 (market value of shares subject to a restriction) applies for the purposes of subsection (2B)(b).**]**

(3) If the period is 3 years or more but less than 5 years, whichever is the lesser of—

(a) the amount of partnership share money used to acquire the shares, and

(b) the market value of the shares at the exit date,

counts as employment income of the participant for the relevant tax year (see subsection (5)).

**[**F1079(3A) If the shares cease to be subject to the plan by virtue of a provision of the kind mentioned in paragraph 43(2B) of Schedule 2, in subsection (3)(b) the reference to the market value of the shares at the exit date is to be read as a reference to the market value of the shares at the time they are offered for sale (as determined in accordance with paragraph 92(2) of Schedule 2 if relevant).**]**

(4) Where—

(a) subsection (3) applies, and

(b) the applicable amount is the amount of partnership share money used to acquire the shares,

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the tax due is reduced by the amount or aggregate amount of any tax paid by virtue of section 501 (charge on capital receipts in respect of plan shares) on any capital receipts in respect of the shares.

**[**F1080(4A) Any tax due under subsection (2) or (3) is reduced by the amount or aggregate amount of any tax paid by virtue of Chapter 3B of this Part in relation to the shares.**]**

(5) The "relevant tax year" is the tax year in which the exit date falls.

(6) No liability to income tax arises by virtue of this section if section 498 (no charge on shares ceasing to be subject to plan in certain circumstances) applies.

**Textual Amendments**

**F1077** Words in s. 506(2) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 8(2)**, 89 (with Sch. 8 paras. 90-96)

**F1078** S. 506(2A)-(2C) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 8(3)**, 89 (with Sch. 8 paras. 90-96)

**F1079** S. 506(3A) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 8(4)**, 89 (with Sch. 8 paras. 90-96)

**F1080** S. 506(4A) inserted (18.6.2004 with effect in accordance with s. 88(11)-(13) of the amending Act) by Finance Act 2004 (c. 12), **s. 88(5)**

## 507 Charge on disposal of beneficial interest during holding period

(1) This section applies if—

(a) free or matching shares cease to be subject to the plan at any time during the holding period for those shares, and

(b) this occurs as a result of the participant assigning, charging or otherwise disposing of the participant's beneficial interest in the shares in breach of obligations under paragraph 36(1)(b) of Schedule 2 (restrictions relating to disposals within holding period).

(2) The market value of the shares at the date when they cease to be subject to the plan counts as employment income of the participant for the relevant tax year.

(3) The "relevant tax year" is the tax year in which that date falls.

## 508 Identification of shares ceasing to be subject to plan

(1) For the purpose of determining any liability to tax arising by virtue of the SIP code in respect of any of a participant's shares ceasing to be subject to the plan—

(a) shares are to be taken as ceasing to be subject to the plan in the order in which they were awarded to the participant under the plan, and

(b) where shares are awarded to the participant on the same day, the shares are to be treated as ceasing to be subject to the plan in the order which gives rise to the lowest charge to income tax on the participant.

(2) For the purposes of subsection (1) dividend shares are "awarded" to a participant when the trustees acquire them on behalf of, or appropriate them to, the participant.

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*PAYE*

## 509 Modification of section 696 where charge on shares ceasing to be subject to plan

(1) Where—

(a) as a result of shares ceasing to be subject to **[**F1081a Schedule 2**]** SIP, there is an amount that counts as employment income of a participant by virtue of the SIP code, and

(b) the shares are readily convertible assets,

section 696 (readily convertible assets) applies as follows.

(2) Section 696 applies as if the participant ("P") were being provided with PAYE income in the form of those shares—

(a) at the time when the shares cease to be subject to the plan, and

(b) in respect of the relevant employment in which P is employed at that time (or, if P is not then employed in relevant employment, the relevant employment in which P was last employed before that time).

(3) In addition, subsection (2) of section 696 applies as if the reference in that subsection to the amount of income likely to be PAYE income in respect of the provision of the asset were a reference to the amount which is likely to count as employment income by virtue of the SIP code as a result of the shares ceasing to be subject to the plan.

(4) In this section "readily convertible asset" has the same meaning as in section 696 (see sections 701 and 702), but this is subject to **[**F1082subsections (5) and (6)**]**.

(5) In determining for the purposes of this section (and of section 696 in its application in accordance with this section) whether the shares are readily convertible assets, any market for the shares which—

(a) is created by virtue of the trustees acquiring shares for the purposes of the plan, and

(b) exists solely for the purposes of the plan,

is to be disregarded.

**[**F1083(6) In determining for the purposes of this section (and of section 696 in its application in accordance with this section) whether the shares are readily convertible assets, section 702 has effect with the omission of subsections (5A) to (5D).**]**

**Textual Amendments**

**F1081** Words in s. 509(1)(a) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 9**, 89 (with Sch. 8 paras. 90-96)

**F1082** Words in s. 509(4) substituted (10.7.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 11(2)**

**F1083** S. 509(6) inserted (10.7.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 11(3)**

## 510 Payments by trustees to employer company on shares ceasing to be subject to plan

(1) This section applies if, as a result of any shares ("the relevant shares") ceasing to be subject to **[**F1084a Schedule 2**]** SIP—

(a) there is an amount that counts as employment income of a participant by virtue of the SIP code, and

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(b) an obligation to make a PAYE deduction arises in respect of that amount.

(2) The trustees must pay to the employer company a sum which is sufficient to enable the employer company to discharge that obligation.

(3) Subsection (2) is subject to—

(a) subsection (4), and

(b) section 511 (PAYE deductions to be made by trustees on shares ceasing to be subject to plan).

(4) Subsection (2) only applies if, or to the extent that, the plan does not require the participant to pay the employer company a sum which is sufficient to discharge the obligation mentioned in subsection (1)(b).

(5) Section 710(1) (notional payments: accounting for tax) has effect as if it required the deduction of income tax to be made from any sum or sums received by the employer company—

(a) from the trustees under subsection (2), or

(b) from the participant in accordance with a requirement of the plan, as mentioned in subsection (4).

(6) After making the necessary PAYE deduction from the sum or sums received as mentioned in subsection (5), the employer company must pay any remaining amount to the participant.

(7) In this section "the employer company" means—

(a) the company which employs the participant in relevant employment at the time when the relevant shares cease to be subject to the plan, or

(b) if the participant is not then employed in relevant employment, the company which last employed the participant in relevant employment before that time,

so long as that company is one to which PAYE regulations apply at that time.

**Textual Amendments**

**F1084** Words in s. 510(1) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 10**, 89 (with Sch. 8 paras. 90-96)

## 511 PAYE deductions to be made by trustees on shares ceasing to be subject to plan

(1) This section applies if, as a result of any shares ceasing to be subject to **[**F1085a Schedule 2**]** SIP—

(a) there is an amount that counts as employment income of a participant by virtue of the SIP code, and

(b) condition A or B is met.

(2) Condition A is that **[**F154an officer of Revenue and Customs**]** —

(a) **[**F1086is**]** of the opinion that it is impracticable for the employer company (within the meaning of section 510) to make a PAYE deduction, and

(b) accordingly **[**F1087directs**]** that this section is to apply.

(3) Condition B is that there is no company that qualifies as the employer company (within the meaning of that section).

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(4) If this section applies—

(a) section 510(2) does not apply, and

(b) the trustees must make a PAYE deduction in respect of the taxable equivalent as if the participant were a former employee of the trustees.

(5) The "taxable equivalent" means an amount equal to that mentioned in subsection (1).

(6) If this section applies, section 689 (employee of non-UK employer) does not apply.

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F1085** Words in s. 511(1) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 11**, 89 (with Sch. 8 paras. 90-96)

**F1086** Word in s. 511(2)(a) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 114(a)**; S.I. 2005/1126, art. 2(2)(h)

**F1087** Word in s. 511(2)(b) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 114(b)**; S.I. 2005/1126, art. 2(2)(h)

## 512 Disposal of beneficial interest by participant

(1) This section applies if—

(a) a participant ("P") disposes of P's beneficial interest in any of P's plan shares to the trustees, and

(b) the trustees are, as a result of paragraph 6 of Schedule 7D to TCGA 1992 (deemed disposal by trustees on disposal of beneficial interest), treated as having disposed of the shares in question.

(2) If this section applies, sections 510 and 511 apply as if the consideration payable by the trustees to the participant on the disposal had been received by the trustees as the proceeds of disposal of plan shares.

## 513 Capital receipts: payments by trustees to employer company

(1) This section applies if the trustees receive a sum of money which constitutes (or forms part of) a capital receipt which, by virtue of the SIP code, counts as employment income of a participant when it is received by the participant.

(2) Out of that sum of money the trustees must pay to the employer company an amount equal to the amount of employment income.

(3) The employer company must then pay over that amount to the participant, but when doing so must make a PAYE deduction.

(4) This section is subject to section 514 (capital receipts: deductions to be made by trustees).

(5) In this section "the employer company" means—

(a) the company which employs the participant in relevant employment at the time when the trustees receive the sum mentioned in subsection (1), or

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(b) if the participant is not then employed in relevant employment, the company which last employed the participant in relevant employment before that time,

so long as that company is one to which PAYE regulations apply at that time.

### 514 Capital receipts: PAYE deductions to be made by trustees

(1) This section applies if—

(a) the trustees receive a sum of money which constitutes (or forms part of) a capital receipt which, by virtue of the SIP code, counts as employment income of a participant when it is received by the participant, and

(b) either condition A or B is met.

(2) Condition A is that **[**F154an officer of Revenue and Customs —

(a) **[**F1088is**]** of the opinion that it is impracticable for the employer company (within the meaning of section 513) to make a PAYE deduction, and

(b) accordingly **[**F1089directs**]** that this section is to apply.

(3) Condition B is that there is no company that qualifies as the employer company (within the meaning of that section).

(4) If this section applies, the trustees must, when paying the capital receipt over to the participant, make a PAYE deduction in respect of the taxable equivalent as if the participant were a former employee of the trustees.

(5) The "taxable equivalent" means an amount equal to the amount which counts as employment income as mentioned in subsection (1)(a).

(6) If this section applies, section 689 (employee of non-UK employer) does not apply.

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F1088** Word in s. 514(2)(a) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 115(a)**; S.I. 2005/1126, art. 2(2)(h)

**F1089** Word in s. 514(2)(b) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 115(b)**; S.I. 2005/1126, art. 2(2)(h)

*Other tax consequences*

### 515 Tax advantages and charges under other Acts

(1) . . . . . .

(2) SIPs are also dealt with in—

(a) Part 1 of Schedule 7D to TCGA 1992 (which provides for relief from capital gains tax for the trustees and for participants in relation to **[**F1090a Schedule 2**]** SIP in certain circumstances, including where shares cease to be subject to the plan), ...

(b) section 95 of FA 2001 (which contains relief from stamp duty and stamp duty reserve tax for transfers of partnership or dividend shares) **[**F1091, ...

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(c) sections 392 to 395 and 405 to 408 of ITTOIA 2005 (SIPs: special rules for charges under Chapters 3 and 4 of Part 4 of that Act (dividends etc. from UK or non-UK resident companies etc.)) and section 770 of that Act (exemption for amounts applied by SIP trustees acquiring dividend shares or retained for reinvestment)**][**F1092, ...

(d) Chapter 5 of Part 9 of ITA 2007 (which provides for section 479 of that Act not to apply to income of the trustees of **[**F1093a Schedule 2**]**SIP in certain circumstances)**][**F1094, and

(e) Chapter 1 of Part 11 of CTA 2009 (share incentive plans)**]**

(3) . . . . . .

**Textual Amendments**

**F1090** Words in s. 515(2)(a) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 12**, 89 (with Sch. 8 paras. 90-96)

**F1091** S. 515(2)(c) and word inserted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 604(4)** (with Sch. 2)

**F1092** S. 515(2)(d) and word inserted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 439(3)(b)** (with Sch. 2)

**F1093** Words in s. 515(2)(d) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 12**, 89 (with Sch. 8 paras. 90-96)

**F1094** S. 515(2)(e) and word inserted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), **Sch. 1 para. 554(3)(b)** (with Sch. 2 Pts. 1, 2)

## CHAPTER 7

## F1095... SAYE OPTION SCHEMES

**Textual Amendments**

**F1095** Word in Pt. 7 Ch. 7 title omitted (6.4.2014) by virtue of Finance Act 2014 (c. 26), **Sch. 8 paras. 98**, 146 (with Sch. 8 paras. 147-157)

*Introduction*

### 516 ... SAYE option schemes

(1) This Chapter provides—

(a) . . . . . .

(b) for exemptions from income tax in connection with share options granted under **[**F1096SAYE option schemes which are Schedule 3 SAYE option**]** schemes.

(2) . . . . . .

(3) The provisions of—

(a) this and the following sections of this Chapter,

(b) Schedule 3, and

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(c) Part 2 of Schedule 7D to TCGA 1992 (**[**F1097Schedule 3**]** SAYE option schemes: amount of consideration on exercise of option),

together constitute "the SAYE code".

(4) In the SAYE code—

...

"SAYE option scheme" means a scheme (commonly referred to as an SAYE share option scheme) which is established by a company and provides—

(a) for share options to be granted to employees and directors, and

(b) for the shares acquired by the exercise of the share options to be paid for in the way mentioned in paragraph 24 of Schedule 3 (payments for shares to be linked to **[**F1098approved savings arrangements**]**);

**[**F1099"Schedule 3 SAYE option scheme" is to be read in accordance with paragraph 1 and Part 8 of Schedule 3;**]**

"share option" means a right to acquire shares in a company;

"shares" includes stock.

(5) Other expressions used in the SAYE code and contained in the index at the end of Schedule 3 have the meaning indicated by the index.

**Textual Amendments**

**F1096** Words in s. 516(1)(b) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 99(3)(b)**, 146 (with Sch. 8 paras. 147-157)

**F1097** Words in s. 516(3)(c) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 99(5)**, 146 (with Sch. 8 paras. 147-157)

**F1098** Words in s. 516(4) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 605** (with Sch. 2)

**F1099** Words in s. 516(4) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 99(6)(b)**, 146 (with Sch. 8 paras. 147-157)

## 517 Share options to which this Chapter applies

(1) This Chapter applies to a share option granted to an individual—

(a) in accordance with the provisions of **[**F1100a Schedule 3**]** SAYE option scheme, and

(b) by reason of the individual's office or employment as a director or employee of a company.

(2) The individual may be a director or employee of the company whose shares are the subject of the share option, or of some other company.

**Textual Amendments**

**F1100** Words in s. 517(1)(a) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 100**, 146 (with Sch. 8 paras. 147-157)

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Tax advantages*

## 518 No charge in respect of receipt of option

. . . . . .

## 519 No charge in respect of exercise of option

(1) No liability to income tax arises in respect of the exercise of the share option if—

(a) the individual exercises it in accordance with the provisions of the SAYE option scheme at a time when the scheme is **[**F1101a Schedule 3 SAYE option scheme**]**, ...

(b) condition A or B is met **[**F1102and

(c) the avoidance of tax or national insurance contributions is not the main purpose (or one of the main purposes) of any arrangements under which the option was granted or is exercised.**]**

(2) Condition A is that the option is exercised on or after the third anniversary of the date on which it was granted.

(3) Condition B is that the option—

(a) is exercised before the third anniversary of the date on which it was granted, and

(b) is so exercised otherwise than by virtue of a provision included in the scheme under—

paragraph 34(5) of Schedule 3 (exercise of option where scheme-related employment ends), or

paragraph 37 of that Schedule (exercise of option where certain company events occur).

**[**F1103(3A) In relation to any shares acquired by the exercise of the share option, no liability to income tax arises in respect of its exercise if—

(a) the individual exercises the option before the third anniversary of the date on which the option was granted at a time when the SAYE option scheme is **[**F1104a Schedule 3 SAYE option scheme**]**,

(b) the option is exercised by virtue of a provision included in the scheme—

(i) under paragraph 37(1) of Schedule 3 where the relevant date is the relevant date for the purposes of paragraph 37(2)**[**F1105, (4) or (4A)**]**, or

(ii) under paragraph 37(6) of Schedule 3,

(c) as a result of, as the case may be—

(i) the general offer,

(ii) the compromise or arrangement, ...

**[** the non-UK company reorganisation arrangement, or**]**

F1106(iia)

(iii) the takeover offer,

the individual receives cash (and no other assets) in exchange for the shares,

(d) when the decision to grant the option was taken—

(i) the general offer,

(ii) the compromise or arrangement, ...

**[** the non-UK company reorganisation arrangement, or**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F1107(iia)

(iii) the takeover offer,

as the case may be, had not been made,

(e) when that decision was taken, no arrangements were in place or under consideration for—

(i) the making of a general offer which would fall within subsection (3D),

(ii) the making of any compromise or arrangement which would fall within subsection (3H), ...

F1108**[** the making of any non-UK company reorganisation arrangement (iia) which would fall within subsection (3H), or**]**

(iii) the making of a takeover offer (as defined in section 974 of the Companies Act 2006) which would fall within subsection (3I),

(f) if the scheme includes a provision under paragraph 38 of Schedule 3 ("the paragraph 38 provision"), in connection with—

(i) the general offer,

(ii) the compromise or arrangement, ...

F1109**[** the non-UK company reorganisation arrangement, or**]**

(iia)

(iii) the takeover offer,

as the case may be, no course of action was open to the individual which, had it been followed, would have resulted in the individual making an agreement under the paragraph 38 provision which would have prevented the individual from acquiring the shares by the exercise of the option, and

(g) the avoidance of tax or national insurance contributions is not the main purpose (or one of the main purposes) of any arrangements under which the option was granted or is exercised.

(3B) In subsection (3A)(c)(iii), (d)(iii) and (f)(iii) "the takeover offer" means the takeover offer (as defined in section 974 of the Companies Act 2006) giving rise to the application of sections 979 to 982 or 983 to 985 of that Act.

(3C) In subsection (3A)(e) "arrangements" includes any plan, scheme, agreement or understanding, whether or not legally enforceable.

(3D) A general offer falls within this subsection if it is—

(a) a general offer to acquire the whole of the issued ordinary share capital of the relevant company which is made on a condition such that, if it is met, the person making the offer will have control of the relevant company, or

(b) a general offer to acquire all the shares in the relevant company which are of the same class as those acquired by the exercise of the option.

(3E) In subsection (3D)(a) the reference to the issued ordinary share capital of the relevant company does not include any capital already held by the person making the offer or a person connected with that person and in subsection (3D)(b) the reference to the shares in the relevant company does not include any shares already held by the person making the offer or a person connected with that person.

(3F) For the purposes of subsection (3D)(a) and (b) it does not matter if the general offer is made to different shareholders by different means.

(3G) For the purposes of subsection (3D)(a) a person is to be treated as obtaining control of a company if that person and others acting in concert together obtain control of it.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3H) A compromise or arrangement **[**F1110or a non-UK company reorganisation arrangement**]** falls within this subsection if it is applicable to or affects—

(a) all the ordinary share capital of the relevant company or all the shares of the same class as those acquired by the exercise of the option, or

(b) all the shares, or all the shares of that same class, which are held by a class of shareholders identified otherwise than by reference to their employment or directorships or their participation in **[**F1111a Schedule 3**]**SAYE option scheme.

(3I) A takeover offer falls within this subsection if—

(a) it relates to the relevant company, and

(b) where there is more than one class of share in the relevant company, the class or classes to which it relates is or include the class of the shares acquired by the exercise of the option.

(3J) In subsections (3D), (3H) and (3I) "the relevant company" means the company whose shares are acquired by the exercise of the option.**]**

(4) . . . . . .

(5) In Schedule 3—

(a) paragraph 32 provides for the exercise of an option where the holder has died, and

(b) **[**F1112paragraphs 40H(4) and 40I(9) provide**]** for an SAYE option scheme to be treated as **[**F1113a Schedule 3 SAYE option scheme**]** at the time when an option is exercised even though **[**F1114the scheme is not a Schedule 3 SAYE option scheme**]**.

**Textual Amendments**

**F1101** Words in s. 519(1)(a) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 101(2)**, 146 (with Sch. 8 paras. 147-157)

**F1102** S. 519(1)(c) and word inserted (18.6.2004 with effect in accordance with s. 88(11)-(13) of the amending Act) by Finance Act 2004 (c. 12), **s. 88(6)**

**F1103** S. 519(3A)-(3J) inserted (17.7.2013) by Finance Act 2013 (c. 29), **Sch. 2 para. 21**

**F1104** Words in s. 519(3A)(a) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 101(3)(a)**, 146 (with Sch. 8 paras. 147-157)

**F1105** Words in s. 519(3A)(b)(i) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 101(3)(b)**, 146 (with Sch. 8 paras. 147-157)

**F1106** Words in s. 519(3A)(c)(iia) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 101(3)(c)**, 146 (with Sch. 8 paras. 147-157)

**F1107** S. 519(3A)(d)(iia) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 101(3)(c)**, 146 (with Sch. 8 paras. 147-157)

**F1108** S. 519(3A)(e)(iia) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 101(3)(d)**, 146 (with Sch. 8 paras. 147-157)

**F1109** S. 519(3A)(f)(iia) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 101(3)(c)**, 146 (with Sch. 8 paras. 147-157)

**F1110** Words in s. 519(3H) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 101(4)(a)**, 146 (with Sch. 8 paras. 147-157)

**F1111** Words in s. 519(3H)(b) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 101(4)(b)**, 146 (with Sch. 8 paras. 147-157)

**F1112** Words in s. 519(5)(b) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 101(5)(a)**, 146 (with Sch. 8 paras. 147-157)

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F1113** Words in s. 519(5)(b) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 101(5)(b)**, 146 (with Sch. 8 paras. 147-157)
**F1114** Words in s. 519(5)(b) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 101(5)(c)**, 146 (with Sch. 8 paras. 147-157)

### 520 No charge in respect of post-acquisition benefits

. . . . . .

## CHAPTER 8

## F1115... CSOP SCHEMES

**Textual Amendments**
**F1115** Word in Pt. 7 Ch. 8 title omitted (6.4.2014) by virtue of Finance Act 2014 (c. 26), **Sch. 8 paras. 159**, 204 (with Sch. 8 paras. 205-215)

*Introduction*

### 521 ... CSOP schemes

(1) This Chapter provides—

(a) . . . . . .

(b) for exemptions from income tax in connection with share options granted under **[**F1116CSOP schemes which are Schedule 4 CSOP**]** schemes, and

(c) for amounts to count as employment income in certain circumstances in connection with such options.

(2) . . . . . .

(3) The provisions of—

(a) this and the following sections of this Chapter,

(b) Schedule 4, and

(c) Part 3 of Schedule 7D to TCGA 1992 (**[**F1117Schedule 4**]** CSOP schemes: amount of consideration on exercise of option),

together constitute "the CSOP code".

(4) In the CSOP code—

...

"CSOP scheme" means a scheme (commonly referred to as a company share option plan) which—

(a) is established by a company,

(b) provides for share options to be granted to employees and directors, and

(c) is not an SAYE option scheme (within the meaning of the SAYE code: see section 516(4));

**[**F1118"Schedule 4 CSOP scheme" is to be read in accordance with paragraph 1 and Part 7 of Schedule 4;**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

"share option" means a right to acquire shares in a company;
"shares" includes stock.

(5) Other expressions used in the CSOP code and contained in the index at the end of Schedule 4 have the meaning indicated by the index.

**Textual Amendments**

**F1116** Words in s. 521(1)(b) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 160(3)(b)**, 204 (with Sch. 8 paras. 205-215)

**F1117** Words in s. 521(3)(c) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 160(5)**, 204 (with Sch. 8 paras. 205-215)

**F1118** Words in s. 521(4) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 160(6)(b)**, 204 (with Sch. 8 paras. 205-215)

## 522 Share options to which this Chapter applies

(1) This Chapter applies to a share option granted to an individual—

(a) in accordance with the provisions of **[**F1119a Schedule 4**]** CSOP scheme, and

(b) by reason of the individual's office or employment as a director or employee of a company.

(2) The individual may be a director or employee of the company whose shares are the subject of the share option, or of some other company.

**Textual Amendments**

**F1119** Words in s. 522(1)(a) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 161**, 204 (with Sch. 8 paras. 205-215)

*Tax advantages*

## 523 No charge in respect of receipt of option

. . . . . .

## 524 No charge in respect of receipt of option

(1) No liability to income tax arises in respect of the exercise of the share option if—

(a) the individual exercises it in accordance with the provisions of the CSOP scheme at a time when the scheme is **[**F1120a Schedule 4 CSOP scheme**]**, ...

**[**F1121(b) Condition A or B is met**][**F1122and

(c) the avoidance of tax or national insurance contributions is not the main purpose (or one of the main purposes) of any arrangements under which the option was granted or is exercised.**]**

**[**F1123(2) Condition A is that the option is exercised—

(a) on or after the third anniversary of the date on which it was granted, but

(b) not later than the tenth anniversary of that date.

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2A) Condition B is that the option—

(a) is exercised before the third anniversary of the date on which it was granted, and

(b) is so exercised by virtue of a provision included in the scheme under paragraph 24 of Schedule 4 (exercise of options after ceasing to be director or employee) in circumstances in which subsection (2B) applies.

(2B) This subsection applies if the individual exercising the option—

**[**F1124(a) has ceased to be in qualifying employment because of—

(i) injury, disability, redundancy or retirement,

(ii) a relevant transfer within the meaning of the Transfer of Undertakings (Protection of Employment) Regulations 2006, or

(iii) in the case of a group scheme where the qualifying employment is as a director or employee of a constituent company, that company ceasing to be controlled by the scheme organiser, and**]**

(b) exercises the option within 6 months of the day on which he ceases to be such a director or employee.

**[**F1125(2BA) For the purposes of subsection (2B) an individual is in "qualifying employment" if the individual is a full-time director or qualifying employee (as defined in paragraph 8(2) of Schedule 4) of—

(a) the scheme organiser, or

(b) in the case of a group scheme, a constituent company.**]**

(2C) In subsection **[**F1126(2B)(a)(i)**]** —

"redundancy" means redundancy within the meaning of ERA 1996 or ER(NI)O 1996,

...**]**

**[**F1127(2D) Subsection (2B)(a)(iii) does not cover a case where the constituent company was controlled by the scheme organiser by virtue of paragraph 34 of Schedule 4 (jointly owned companies).

(2E) In relation to any shares acquired by the exercise of the share option, no liability to income tax arises in respect of its exercise if—

(a) the individual exercises the option before the third anniversary of the date on which the option was granted at a time when the CSOP scheme is **[**F1128a Schedule 4 CSOP scheme**]**,

(b) the option is exercised by virtue of a provision included in the scheme under paragraph 25A of Schedule 4,

(c) as a result of, as the case may be—

(i) the general offer,

(ii) the compromise or arrangement, ...

**[** the non-UK company reorganisation arrangement, or**]** F1129(iia)

(iii) the takeover offer,

the individual receives cash (and no other assets) in exchange for the shares,

(d) when the decision to grant the option was taken—

(i) the general offer,

(ii) the compromise or arrangement, ...

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**[** the non-UK company reorganisation arrangement, or**]**

F1130(iia)

(iii) the takeover offer,

as the case may be, had not been made,

(e) when that decision was taken, no arrangements were in place or under consideration for—

(i) the making of a general offer which would fall within subsection (2H),

(ii) the making of any compromise or arrangement which would fall within subsection (2L), ...

**[** the making of any non-UK company reorganisation arrangement

F1131(iia) which would fall within subsection (2L), or**]**

(iii) the making of a takeover offer (as defined in section 974 of the Companies Act 2006) which would fall within subsection (2M),

(f) if the scheme includes a provision under paragraph 26 of Schedule 4 ("the paragraph 26 provision"), in connection with—

(i) the general offer,

(ii) the compromise or arrangement, ...

**[** the non-UK company reorganisation arrangement, or**]**

F1132(iia)

(iii) the takeover offer,

as the case may be, no course of action was open to the individual which, had it been followed, would have resulted in the individual making an agreement under the paragraph 26 provision which would have prevented the individual from acquiring the shares by the exercise of the option, and

(g) the avoidance of tax or national insurance contributions is not the main purpose (or one of the main purposes) of any arrangements under which the option was granted or is exercised.

(2F) In subsection (2E)(c)(iii), (d)(iii) and (f)(iii) "the takeover offer" means the takeover offer (as defined in section 974 of the Companies Act 2006) giving rise to the application of sections 979 to 982 or 983 to 985 of that Act.

(2G) In subsection (2E)(e) "arrangements" includes any plan, scheme, agreement or understanding, whether or not legally enforceable.

(2H) A general offer falls within this subsection if it is—

(a) a general offer to acquire the whole of the issued ordinary share capital of the relevant company which is made on a condition such that, if it is met, the person making the offer will have control of the relevant company, or

(b) a general offer to acquire all the shares in the relevant company which are of the same class as those acquired by the exercise of the option.

(2I) In subsection (2H)(a) the reference to the issued ordinary share capital of the relevant company does not include any capital already held by the person making the offer or a person connected with that person and in subsection (2H)(b) the reference to the shares in the relevant company does not include any shares already held by the person making the offer or a person connected with that person.

(2J) For the purposes of subsection (2H)(a) and (b) it does not matter if the general offer is made to different shareholders by different means.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2K) For the purposes of subsection (2H)(a) a person is to be treated as obtaining control of a company if that person and others acting in concert together obtain control of it.

(2L) A compromise or arrangement **[**[F1133]or a non-UK company reorganisation arrangement**]** falls within this subsection if it is applicable to or affects—

(a) all the ordinary share capital of the relevant company or all the shares of the same class as those acquired by the exercise of the option, or

(b) all the shares, or all the shares of that same class, which are held by a class of shareholders identified otherwise than by reference to their employment or directorships or their participation in **[**[F1134]a Schedule 4**]**CSOP scheme.

(2M) A takeover offer falls within this subsection if—

(a) it relates to the relevant company, and

(b) where there is more than one class of share in the relevant company, the class or classes to which it relates is or include the class of the shares acquired by the exercise of the option.

(2N) In subsections (2H), (2L) and (2M) "the relevant company" means the company whose shares are acquired by the exercise of the option.**]**

(3) . . . . . .

(4) . . . . . .

(5) Paragraph 25 of Schedule 4 provides for the exercise of an option where the holder has died.

**Textual Amendments**

**F1120** Words in s. 524(1)(a) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 162(2)**, 204 (with Sch. 8 paras. 205-215)

**F1121** S. 524(1)(b) substituted (with effect in accordance with Sch. 21 para. 14(5) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 21 para. 14(2)**

**F1122** S. 524(1)(c) and preceding word inserted (18.6.2004 with effect in accordance with s. 88(11)-(13) of the amending Act) by Finance Act 2004 (c. 12), **s. 88(7)**

**F1123** S. 524(2)-(2C) substituted for s. 524(2)(3) (with effect in accordance with Sch. 21 para. 14(5) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 21 para. 14(3)**

**F1124** S. 524(2B)(a) substituted (17.7.2013) by Finance Act 2013 (c. 29), **Sch. 2 para. 26(2)**

**F1125** S. 524(2BA) inserted (17.7.2013) by Finance Act 2013 (c. 29), **Sch. 2 para. 26(3)**

**F1126** Word in s. 524(2C) substituted (17.7.2013) by Finance Act 2013 (c. 29), **Sch. 2 para. 26(4)**

**F1127** S. 524(2D)-(2N) inserted (17.7.2013) by Finance Act 2013 (c. 29), **Sch. 2 para. 26(5)**

**F1128** Words in s. 524(2E)(a) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 162(3)(a)**, 204 (with Sch. 8 paras. 205-215)

**F1129** S. 524(2E)(c)(iia) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 162(3)(b)**, 204 (with Sch. 8 paras. 205-215)

**F1130** S. 524(2E)(d)(iia) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 162(3)(b)**, 204 (with Sch. 8 paras. 205-215)

**F1131** S. 524(2E)(e)(iia) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 162(3)(c)**, 204 (with Sch. 8 paras. 205-215)

**F1132** S. 524(2E)(f)(iia) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 162(3)(b)**, 204 (with Sch. 8 paras. 205-215)

**F1133** Words in s. 524(2L) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 162(4)(a)**, 204 (with Sch. 8 paras. 205-215)

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F1134** Words in s. 524(2L)(b) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 162(4)(b)**, 204 (with Sch. 8 paras. 205-215)

### 525 No charge in respect of post-acquisition benefits

. . . . . .

*Tax charge*

### 526 Charge where option granted at a discount

(1) This section applies if, at the time when the share option is granted to the individual, the aggregate of—

(a) the amount or value of any consideration given by the individual for the grant of the option, and

(b) the amount payable by the individual, on exercising the option, in order to acquire the maximum number of shares that may be acquired under it,

is less than the market value of the same quantity of issued shares of the same class.

(2) The amount of the difference counts as employment income of the individual for the relevant tax year.

(3) The "relevant tax year" is the tax year in which the option is granted to the individual.

(4) **[**F1135Section 480(4) (gain realised on acquisition of securities pursuant to option etc) provides for a deduction**]** to be made to take account of amounts that count as employment income under this section.

**Textual Amendments**

**F1135** Words in s. 526(4) substituted (with effect in accordance with Sch. 22 para. 35(2) of the amending Act, otherwise 1.9.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 35(1)**; S.I. 2003/1997, art. 2

## CHAPTER 9

ENTERPRISE MANAGEMENT INCENTIVES

*Introduction*

### 527 Enterprise management incentives: qualifying options

(1) This Chapter provides—

(a) for share options notified to **[**F154an officer of Revenue and Customs**]** to be qualifying options for the purposes of the EMI code, and

(b) for exemptions and reliefs from income tax in connection with qualifying options.

(2) Schedule 5 contains the requirements that have to be met for a share option to be a qualifying option, together with the notification procedure.

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) The provisions of—

(a) this and the following sections of this Chapter, **[**F1136and**]**

(b) Schedule 5, ...

(c) . . . . . .

together constitute "the EMI code".

(4) In the EMI code—

"qualifying option" means a share option—

(a) in relation to which the requirements of Schedule 5 are met at the time when the option is granted, and

(b) which is notified to **[**F154an officer of Revenue and Customs**]** in accordance with Part 7 of that Schedule;

"replacement option" means an option within paragraph 41(4) of that Schedule (grant of replacement option in connection with company reorganisations);

"share option" means a right to acquire shares in a company;

and any reference to the requirements of Schedule 5 is to the requirements set out in paragraph 1(3) of that Schedule.

(5) Other expressions used in the EMI code and contained in the index at the end of Schedule 5 have the meaning indicated by the index.

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F1136** Word in s. 527(3) inserted (with effect in accordance with Sch. 3 para. 9(4) of the amending Act) by Finance Act 2016 (c. 24), **Sch. 3 para. 9(3)(a)**

*Tax advantages: receipt of option*

## 528 No charge on receipt of qualifying option

. . . . . .

*Tax advantages: exercise of option*

## 529 Scope of tax advantages: option must be exercised **[**F1137by the specified anniversary**]**

(1) Sections 530 to 540 apply in connection with the exercise of a qualifying option.

(2) But those sections only apply in cases where the option is exercised on or before the **[**F1138specified**]** anniversary of—

(a) the date of the grant of the option, or

(b) if it is a replacement option, the date of the grant of the original option.

**[**F1139(2A) In this section, "specified anniversary" means—

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) in cases where the employer company is a specified Northern Ireland company, the tenth anniversary, and

(b) otherwise, the fifteenth anniversary.**]**

(3) In the EMI code "the original option" means—

(a) where there has been one replacement option, the option that that option replaced, or

(b) where there have been two or more replacement options, the option that the first of them replaced.

**Textual Amendments**

**F1137** Words in s. 529 heading substituted (6.4.2026) by Finance Act 2026 (c. 11), **s. 13(1)(a)**(9)

**F1138** Word in s. 529(2) substituted (6.4.2026) by Finance Act 2026 (c. 11), **s. 13(1)(b)**(9)

**F1139** S. 529(2A) inserted (6.4.2026) by Finance Act 2026 (c. 11), **s. 13(1)(c)**(9)

## 530 No charge on exercise of option to acquire shares at market value

(1) This section applies if the option is to acquire shares at not less than their market value—

(a) at the time when the option is granted, or

(b) if it is a replacement option, at the time when the original option was granted.

(2) If this section applies, no liability to income tax arises by virtue of section 476 (charge on exercise etc. of option by employee) in respect of the exercise of the option.

(3) This section has effect subject to section 532 (modified tax consequences following disqualifying events).

## 531 Limitation of charge on exercise of option to acquire shares below market value

(1) This section applies if the option is to acquire shares at less than their market value—

(a) at the time when the option is granted, or

(b) if it is a replacement option, at the time when the original option was granted,

or at nil cost.

(2) If this section applies, the section 476 gain is—

$$CMV - (ACO + ACS)$$

where—

CMV is the chargeable market value,

ACO is the amount or value of the consideration given for the grant of the option, and

ACS is the amount, if any, for which the shares are acquired.

(3) "The chargeable market value" means—

(a) the market value of the shares—

(i) at the time when the option was granted, or

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(ii) if it is a replacement option, at the time when the original option was granted, or

(b) the market value of the shares at the time when the option is exercised,

whichever is lower.

(3A) . . . . . .

(4) In this section "the section 476 gain" means the amount **[**F1140under section 478 (amount of charge under section 476) is to be regarded as the taxable amount for the purposes of section 476 in respect of the acquisition of the shares pursuant to the option.**]**

(5) This section has effect subject to section 532 (modified tax consequences following disqualifying events).

**Textual Amendments**

**F1140** Words in s. 531(4) substituted (1.9.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 37(1)(2)**; S.I. 2003/1997, art. 2

*Tax advantages where disqualifying events*

### 532 Modified tax consequences following disqualifying events

(1) This section applies where—

(a) a disqualifying event (see section 533) occurs in relation to a qualifying option before the option is exercised, and

(b) the option is exercised later than **[**F1141**90]** days after the day on which the event occurred.

(2) If the option is within section 530(1) (option to acquire shares at market value), the section 476 gain is—

$$PEG - ACO$$

(see subsection (4)).

(3) If the option is within section 531(1) (option to acquire shares at less than market value), the section 476 gain is—

$$(CMV + PEG) - (ACO + ACS)$$

(see subsection (4)).

(4) For the purposes of subsections (2) and (3)—

ACO is the amount or value of the consideration given for the grant of the option,

ACS is the amount, if any, for which the shares are acquired,

CMV is the chargeable market value (as defined by section 531(3)), and

PEG is the post-event gain, that is the amount (if any) by which the market value of the shares at the time when the option is exercised exceeds their market value immediately before the disqualifying event.

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(4A) . . . . . .

(5) In **[**[F1142]subsections (2) and (3)**]** "the section 476 gain" means the amount **[**[F1143]under section 478 (amount of charge under section 476) is to be regarded as the taxable amount for the purposes of section 476 in respect of the acquisition of the shares pursuant to the option.**]**

(6) Nothing in the following provisions—

(a) subsections (2) and (3) above, or

(b) sections 530 and 531,

applies if the amount that counts as employment income by virtue of section 476 in respect of the exercise of the option would, in the absence of those provisions, be less than the amount that counts as such income as a result of those provisions.

**Textual Amendments**

**F1141** Word in s. 532(1)(b) substituted (with effect in accordance with Sch. 2 para. 94(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 94(1)**

**F1142** Words in s. 532(5) substituted (1.9.2013) by Finance Act 2013 (c. 29), **Sch. 23 paras. 14(3)**, 38; S.I. 2013/1755, art. 2

**F1143** Words in s. 532(5) substituted (1.9.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 38(1)(2)**; S.I. 2003/1997, art. 2

## 533 Disqualifying events

(1) The following provisions deal with the events that are (or are to be treated as) disqualifying events in relation to a qualifying option—

(a) section 534 (events relating to the relevant company),

(b) section 535 (events relating to the employee), and

(c) section 536 (other disqualifying events), read with sections 537 to 539 (which contain supplementary provisions).

(2) In the provisions mentioned in subsection (1) "the employee" means the person holding the qualifying option and "the relevant company" means the company whose shares are the subject of the option (see paragraph 1(3) of Schedule 5).

## 534 Disqualifying events relating to relevant company

(1) The following events relating to the relevant company are disqualifying events in relation to a qualifying option—

(a) when the relevant company becomes a 51% subsidiary of another company;

(b) when the relevant company comes under the control of—

(i) another company, or

(ii) another company and any other person connected with that other company,

without becoming a 51% subsidiary of that other company;

(c) when the relevant company ceases to meet the trading activities requirement (see paragraphs 13 to 23 of Schedule 5).

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(2) But where a replacement option has been granted, an event within subsection (1)(a) or (b) is not a disqualifying event in relation to the old option (see paragraph 41(2) of Schedule 5) if the event occurs at any time during the period—

(a) beginning at the same time as the period within which the replacement option had to be granted (see paragraph 42 of Schedule 5), and

(b) ending with the release of the rights under the old option.

(3) A disqualifying event is to be treated as occurring in relation to a qualifying option if the circumstances mentioned in subsection (4) arise.

(4) The circumstances are that—

(a) the relevant company was a qualifying company at the time when the option was granted as a result only of preparations to carry on a qualifying trade; and

(b) either—

(i) the preparations cease to be carried on, or

(ii) the initial period comes to an end,

without the relevant company (or, if it is a parent company, any member of the group) beginning to carry on that qualifying trade.

(5) "The initial period" means the period of two years after the date when the option was granted.

(6) Paragraph 41(5)(b) of Schedule 5 has the effect that a replacement option is to be treated as granted on the date when the original option was granted.

**[**F1144(7) Subsection (1)(a) and (b) do not apply where the relevant company is subject to an employee-ownership trust (within the meaning of paragraph 27(4) to (6) of Schedule 2).**]**

**Textual Amendments**

**F1144** S. 534(7) inserted (retrospective to 1.10.2014) by Finance Act 2016 (c. 24), **Sch. 3 para. 1**

## 535 Disqualifying events relating to employee

(1) The following events relating to the employee are disqualifying events in relation to a qualifying option—

(a) when the employee ceases to be an eligible employee in relation to the relevant company as a result of ceasing to meet the requirement in paragraph 25 of Schedule 5 (the employment requirement);

(b) when the employee ceases to be such an employee as a result of ceasing to meet the requirement in paragraph 26 of that Schedule (the requirement as to commitment of working time).

(2) In addition, a disqualifying event is to be treated as occurring in relation to a qualifying option at the end of any tax year if, during that year, the average amount per week of the employee's reckonable time in relevant employment was less than the statutory threshold.

(3) An employee's "reckonable time in relevant employment" means the time which the employee in fact spent, as an employee in relevant employment—

(a) on the business of the relevant company, or

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(b) if that company is a parent company, on the business of the group,

together with any time which the employee would, as such an employee, have spent on that business but for any of the reasons set out in paragraph 26(3)(a) to (d) of Schedule 5 (requirement as to commitment of working time).

(4) The "statutory threshold" means—

(a) 25 hours, or

(b) if less, 75% of the employee's working time.

(5) For the purpose of applying subsection (2) to the tax year in which the option was granted, any part of that year which preceded the date on which it was granted is to be disregarded in calculating the average amount mentioned in that subsection.

(6) In this section—

(a) "relevant employment" means employment—

(i) by the relevant company, or

(ii) if that company is a parent company, by any member of the group;

(b) "working time" has the meaning given by paragraph 27 of Schedule 5 (meaning of "working time").

### 536 Other disqualifying events

(1) The following are also disqualifying events in relation to a qualifying option—

(a) any variation of the terms of the option whose effect is either—

(i) to increase the market value of the shares that are the subject of the option, or

(ii) that the requirements of Schedule 5 would no longer be met in relation to the option;

(b) any alteration to the share capital of the relevant company—

(i) to which subsection (2) (share values affected by alteration of rights or restrictions) of section 537 applies, and

(ii) whose effect is that the requirements of Schedule 5 would no longer be met in relation to the option;

(c) any alteration to the share capital of the relevant company to which—

(i) subsection (2) (share values affected by alteration of rights or restrictions), and

(ii) subsection (3) (alteration designed to increase share values),

of section 537 apply;

(d) a conversion of any of the shares to which the option relates into shares of a different class, except in a case within section 538(2); and

(e) the grant to the employee of a relevant CSOP option, if immediately after it is granted the employee holds unexercised employee options in respect of shares with a total value of more than **[**[F1145]£250,000**]** .

(2) In subsection (1)(e)—

"relevant CSOP option", and

"employee option",

have the meaning given by section 539 (CSOP and other options relevant for purposes of this section); and sub-paragraphs (6) to (8) of paragraph 5

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of Schedule 5 (determination of value of shares) apply for the purposes of subsection (1)(e) as they apply for the purposes of paragraph 5.

**Textual Amendments**

**F1145** Word in s. 536(1)(e) substituted (16.6.2012) by The Income Tax (Limits for Enterprise Management Incentives) Order 2012 (S.I. 2012/1360), arts. 1, **2(2)(c)**

### 537 Alterations of share capital for purposes of section 536

(1) This section has effect for the purposes of section 536(1)(b) and (c) (other disqualifying events: alterations of share capital of relevant company).

(2) This subsection applies to an alteration of the share capital of the relevant company if—

(a) the alteration affects (or but for the occurrence of some other event would affect) the value of the shares to which the option relates; and

(b) it consists of or includes—

(i) the creation, variation or removal of a right relating to any shares in the relevant company,

(ii) the imposition of a restriction relating to any such shares, or

(iii) the variation or removal of a restriction to which any such shares are subject.

(3) This subsection applies to an alteration of the share capital of the relevant company if the effect of the alteration is to increase the market value of the shares to which the option relates and either—

(a) it is not made by the relevant company for commercial reasons, or

(b) the main purpose (or one of the main purposes) for making it is to increase the market value of those shares.

(4) In this section any reference to—

(a) a restriction relating to shares or to which shares are subject, or

(b) a right relating to shares,

is a reference to such a restriction imposed or right conferred by any contract or arrangement or in any other way.

### 538 Share conversions excluded for purposes of section 536

(1) This section has effect for the purposes of section 536(1)(d) (other disqualifying events: share conversions).

(2) A conversion of shares is not a disqualifying event if—

(a) it is a conversion of shares of one class only ("the original class") into shares of one other class only ("the new class");

(b) all the shares of the original class are converted into shares of the new class; and

(c) one of the conditions in subsection (3) is met.

(3) The conditions are—

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(a) that immediately before the conversion the majority of the relevant company's shares of the original class are held otherwise than by or for the benefit of—

(i) directors or employees of the relevant company,

(ii) an associated company of the relevant company, or

(iii) directors or employees of such an associated company;

(b) that immediately before the conversion the relevant company is employee-controlled as a result of holdings of shares of the original class.

**[**F1146(4) "associated company" has the **[**F1147meaning given by section 449 of CTA 2010**]**,

"director" has the same meaning as in the benefits code (see section 67) but also includes a person who is to be or has been a director,

"employee" includes a person who is to be or has been an employee, and

"employee-controlled" has the same meaning as in Chapters 1 to 4 of this Part (see section 421H(1)).**]**

**Textual Amendments**

**F1146** S. 538(4) substituted (1.9.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 39(1)(2)**; S.I. 2003/1997, art. 2

**F1147** Words in s. 538(4) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 392** (with Sch. 2)

## 539 CSOP and other options relevant for purposes of section 536

(1) This section has effect for the purposes of section 536(1)(e) (other disqualifying events: grant of CSOP option).

(2) A "relevant CSOP option" means a CSOP option granted to the employee by reason of the employee's employment—

(a) with the employer company, or

(b) if it is a member of a group of companies, with any member of that group.

(3) A share option is an "employee option" if it is—

(a) the qualifying option mentioned in section 536(1), or

(b) another qualifying option granted to the employee by reason of the employee's employment as mentioned in subsection (2)(a) or (b) above, or

(c) a relevant CSOP option.

(4) In this section a "CSOP option" means an option to acquire shares under a scheme **[**F1148which is a Schedule 4 CSOP scheme (see Schedule 4)**]**.

**Textual Amendments**

**F1148** Words in s. 539(4) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 198**, 204 (with Sch. 8 paras. 205-215)

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*Tax advantages: taxable benefits*

## 540 No charge on acquisition of shares as taxable benefit

(1) ... **[**[F1149]Chapter 3C of this Part**]** (taxable benefits: notional loans in respect of acquisitions of shares) does not apply in relation to the acquisition of shares by the exercise of a qualifying option.

(2) . . . . . .

**Textual Amendments**

**F1149** Words in s. 540(1) substituted (with effect in accordance with Sch. 22 para. 40(2) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 22 para. 40(1)**

*Other income tax consequences*

## 541 Effects on other income tax charges

**[**[F1150](1) Nothing in the EMI code affects—

(a) the operation of Chapters 2 to 4 of this Part in relation to shares acquired under a qualifying option, or

(b) the operation of Chapter 5 of this Part otherwise than in relation to the acquisition of shares under a qualifying option.

(2) But in calculating the taxable amount for the purposes of section 426 (post-acquisition charge on restricted securities) in respect of shares acquired under a qualifying option, the amount of relief on the exercise of the option is to be regarded as a deductible amount for the purposes of section 428 (amount of charge).**]**

(3) "The amount of relief on the exercise of the option" means the difference between—

(a) the amount that would have counted as employment income by virtue of section 476 in respect of the exercise of the option apart from the EMI code, and

(b) the amount (if any) that in fact counts as such income in accordance with the EMI code.

**Textual Amendments**

**F1150** S. 541(1)(2) substituted (1.9.2003 with effect in accordance with Sch. 22 para. 41(2) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 22 para. 41(1)**; S.I. 2003/1997, art. 2

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## CHAPTER 10

PRIORITY SHARE ALLOCATIONS

*Exemption where offer made to both public and employees*

### 542 Exemption: offer made to public and employees

(1) This section applies if—

(a) there is a genuine offer to the public of shares in a company at a fixed price or by tender,

(b) a director or employee of the company, or of another company or person, is entitled by reason of the office or employment to an allocation of the shares in priority to members of the public, and

(c) conditions A to C are met.

(2) No liability to income tax in respect of earnings arises by virtue of any benefit derived by the director or employee from the entitlement.

(3) Condition A is that the aggregate number of shares subject to the offer that may be allocated as mentioned in subsection (1)(b) ("priority shares") does not exceed—

(a) if the offer is part of arrangements which include one or more other offers to the public of shares of the same class, either of the limits in subsection (4), or

(b) in any other case, 10% of the shares subject to the offer (including the priority shares).

(4) The limits referred to in subsection (3)(a) are—

(a) 40% of the shares subject to the offer (including the priority shares), and

(b) 10% of all the shares of the class in question that are subject to any of the offers forming part of the arrangements (including the priority shares).

(5) Condition B is that all the persons entitled to an allocation of priority shares are entitled to it on similar terms (see section 546).

(6) Condition C is that those persons are not restricted wholly or mainly to directors or to those whose remuneration exceeds a particular level.

(7) This section has effect subject to section 543 (discount not covered by exemption in this section).

### 543 Discount not covered by exemption in section 542

(1) This section applies if the total of—

(a) the price payable by the director or employee for the shares of the company allocated to the director or employee under the offer, and

(b) the amount or value of any registrant discount made to the director or employee in respect of the shares,

is less than the fixed price or the lowest price successfully tendered.

(2) Section 542(2) (exemption: offer made to public and employees) does not apply to the benefit (if any) represented by the difference.

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*Exemption where different offers made to public and employees*

### 544 Exemption: different offers made to public and employees

(1) This section applies if—

(a) there is a genuine offer to the public of a combination of shares in two or more companies at a fixed price or by tender ("the public offer"),

(b) there is at the same time an offer ("the employee offer") of shares, or of a combination of shares, in one or more, but not all, of those companies—

(i) to directors or employees of any of those companies, or of any other company or person, or

(ii) to those directors or employees and to other persons,

(c) any of those directors or employees is entitled by reason of the office or employment to an allocation of shares under the employee offer in priority to any allocation to members of the public under the public offer, and

(d) conditions A to C are met.

(2) No liability to income tax in respect of earnings arises by virtue of any benefit derived by the director or employee from the entitlement.

(3) Condition A is that for each company whose shares are subject to the employee offer, the aggregate number of shares subject to that offer that may be allocated as mentioned in subsection (1)(c) ("priority shares") does not exceed—

(a) if the public offer and the employee offer are part of arrangements which include one or more other offers to the public of shares in the company of the same class, either of the limits in subsection (4), or

(b) in any other case, 10% of the shares in the company that are subject to the public offer or the employee offer (including the priority shares).

(4) The limits referred to in subsection (3)(a) are—

(a) 40% of the shares in the company that are subject to the public offer or the employee offer (including the priority shares), and

(b) 10% of all the shares in the company of the class in question that are subject to any of the offers forming part of the arrangements (including the priority shares).

(5) Condition B is that all the persons entitled to an allocation of priority shares are entitled to it on similar terms (see section 546).

(6) Condition C is that those persons are not restricted wholly or mainly to directors or to those whose remuneration exceeds a particular level.

(7) This section has effect subject to section 545 (discount not covered by exemption in this section).

### 545 Discount not covered by exemption in section 544

(1) This section applies if the total of—

(a) the price payable by the director or employee for the shares of a company allocated to the director or employee under the employee offer, and

(b) the amount or value of any registrant discount made to the director or employee in respect of the shares,

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is not the same as, or as near as reasonably practicable to, the appropriate notional price for the shares of the company.

(2) Section 544(2) (exemption: different offers made to public and employees) does not apply to the benefit (if any) represented by the amount by which the appropriate notional price exceeds the total referred to in subsection (1).

(3) The "appropriate notional price" for the shares of a company is—

(a) if subsection (4) applies, the amount given by the formula in subsection (6), and

(b) in any other case, the notional price.

(4) This subsection applies if shares of the company are subject to the public offer and there is a difference between CP and AFP—

(a) CP being the price for the combination of shares subject to the public offer determined by aggregating the notional prices for each one of the shares comprised in the combination, and

(b) AFP being the actual fixed price or (as the case may be) the lowest successfully tendered price for that combination of shares.

(5) The "notional price" for the shares of a company is the price that might reasonably have been expected to be the fixed price for the shares of the company under a separate offer of those shares if—

(a) the shares of the company, and of each of the other companies had, instead of being subject to the public offer and the employee offer, been subject to separate offers to the public in respect of each company at fixed prices, and

(b) those separate offers had been made at the time at which the public offer was in fact made.

(6) The formula referred to in subsection (3)(a) is—

$$NP \times \frac{AFP}{CP}$$

where—

NP is the notional price for the shares of the company, and

AFP and CP have the same meanings as in subsection (4).

*Supplementary provisions*

**546 Meaning of being entitled "on similar terms"**

(1) This section applies for the purposes of sections 542(5) and 544(5) (condition that entitlements to allocation of priority shares must be on similar terms).

(2) The fact that different provision is made for persons according to—

(a) the levels of their remuneration,

(b) the length of their service, or

(c) similar factors,

does not mean that they are not entitled to an allocation on similar terms.

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(3) The fact that the allocations of shares in a company to which non-company employees are entitled are smaller than those to which company employees are entitled does not mean that they are not entitled on similar terms, if conditions A and B are met.

(4) Condition A is that each non-company employee is also entitled by reason of the office or employment and in priority to members of the public, to an allocation of shares in another company or companies which are offered to the public at a fixed price or by tender at the same time as the shares in the company.

(5) Condition B is that in the case of each non-company employee the aggregate value of all the shares included in the allocations to which the non-company employee is entitled is the same, or as nearly the same as is reasonably practicable, as that of the shares in the company included in the entitlement of a comparable company employee.

(6) For the purposes of subsection (5), the value of shares is to be measured by reference to the fixed price or the lowest price successfully tendered.

(7) In this section—

"company employee", in relation to a company, means a director or employee of the company, and

"non-company employee", in relation to a company, means a director or employee of another company or person.

### 547 Meaning and amount or value of "registrant discount"

(1) For the purposes of this Chapter there is a "registrant discount" in respect of the shares of a company if conditions A to C are met.

(2) Condition A is that members of the public who comply with such requirements as may be imposed in connection with the offer or, if section 544 applies, the public offer are, or may become, entitled to a discount in respect of the whole or part of the shares of the company allocated to them.

(3) Condition B is that at least 40% of the shares of the company allocated to members of the public are allocated to individuals who are or become entitled to—

(a) the discount, or

(b) some other benefit of similar value for which they may elect as an alternative to the discount.

(4) Directors and employees who are entitled by reason of their office or employment to an allocation of the shares in priority to members of the public are not to be treated as members of the public for the purposes of subsection (3).

(5) Condition C is that subscribing employees are, or may become, entitled to the same discount in respect of the shares of the company as any other members of the public to whom shares of the company are allocated under the offer.

(6) In subsection (5) a "subscribing employee" means a director or employee who—

(a) subscribes for shares—

(i) if section 542 (offer made to public and employees) applies, under the offer as a member of the public, or

(ii) if section 544 (different offers made to public and employees) applies, under the public offer as a member of the public or under the employee offer as a director or employee, and

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(b) complies (or, in the case of a requirement to register, is taken under the terms of the offer to comply) with the requirements mentioned in subsection (2).

(7) For the purposes of this Chapter, the "amount or value" of any registrant discount made to a director or employee means—

(a) the amount of any such discount made to the director or employee as is mentioned in subsection (5), or

(b) the value of any such other benefit as is mentioned in subsection (3)(b) which is conferred on the director or employee as an alternative to the discount.

### 548 Minor definitions

(1) In this Chapter—

"director" means—

(a) in relation to a company whose affairs are managed by a board of directors or similar body, a member of that body,

(b) in relation to a company whose affairs are managed by a single director or similar person, that director or person, and

(c) in relation to a company whose affairs are managed by the members themselves, a member of the company, and

includes any person in accordance with whose directions or instructions the directors of the company (as defined in paragraphs (a) to (c)) are accustomed to act and a person who is to be, or has ceased to be, a director (as so defined);

"employee" includes a person who is to be or has been an employee;

"shares" includes stock;

"the employee offer" and "the public offer" have the meanings given by section 544(1).

(2) For the purposes of subsection (1) a person is not to be regarded as a person in accordance with whose directions or instructions the directors of the company are accustomed to act merely because the directors act on advice given by that person in a professional capacity.

(3) References in this Chapter—

(a) to the employment, in relation to an employee, are to the employment of that employee, and

(b) to the office, in relation to a director, are to the office of that director.

## CHAPTER 11

SUPPLEMENTARY PROVISIONS ABOUT EMPLOYEE BENEFIT TRUSTS

*Introduction*

### 549 Application of this Chapter

(1) This Chapter applies for the purposes of any listed provision in circumstances where—

(a) an individual ("B") is interested as a beneficiary of an employee benefit trust in shares or obligations of a particular company ("the company"), and

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(b) the question arises under that provision whether the trustees of the trust are, as a result of B's being so interested, to be regarded as associates of B's for the relevant purposes.

The relevant purposes are those of the operation, in relation to the company, of the "no material interest" requirement contained in the Schedule to this Act in which the listed provision appears.

(2) In this Chapter "listed provision" means any of the following provisions (under which trustees of an employee benefit trust are not to be regarded as associates if specified limits relating to share ownership are not exceeded)—

(a) paragraph 23(2) of Schedule 2 (... SIPs),

(b) paragraph 15(2) of Schedule 3 (... SAYE option schemes),

(c) paragraph 13(2) of Schedule 4 (... CSOP schemes), or

(d) paragraph 32(2) of Schedule 5 (enterprise management incentives).

(3) The general effect of this Chapter is that if the provisions of—

(a) sections 552 and 553 (attribution of interest in company to beneficiary or associate), or

(b) section 554 (attribution of further interest),

apply in relation to B or an associate of B's, B or the associate is to be treated for the purposes of the listed provision as having been the beneficial owner of a particular percentage of the company's ordinary share capital on a particular date.

(4) In this Chapter, in relation to an individual, "associate"—

(a) has the **[**F1151meaning given by section 448 of CTA 2010 (close companies: meaning of "associate")**]**, but

(b) does not include the trustees of an employee benefit trust as a result only of the individual's having (as mentioned in subsection (1)(a)) an interest in shares or obligations of the company which are subject to the trust.

(5) In this Chapter "employee" means the holder of a taxable employment under Part 2 (as defined in section 66(3)), and accordingly includes an office-holder whose office is within the scope of that definition as a result of section 5(1).

**Textual Amendments**

**F1151** Words in s. 549(4)(a) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 393** (with Sch. 2)

*Employee benefit trusts*

## 550 Meaning of "employee benefit trust"

(1) In this Chapter "employee benefit trust", in relation to a company, means a trust where conditions A and B are met.

(2) Condition A is that all or most of the employees of the company are eligible to benefit under the trust.

(3) Condition B is that after 13th March 1989 either—

(a) there has been no disposal of any of the property subject to the trust, or

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(b) any disposal of any of that property was a disposal within subsection (4).

(4) The disposals within this subsection are—

(a) disposals in the ordinary management of the trust, or

(b) qualifying disposals (within the meaning given by section 551).

(5) In this section and section 551 "disposal" means disposal by sale, loan or otherwise.

## 551 "Qualifying disposals" for purposes of section 550

(1) For the purposes of section 550 (meaning of "employee benefit trust") a "qualifying disposal" is a disposal of property consisting of—

(a) any of the ordinary share capital of the company, or

(b) money paid outright,

where any of conditions 1, 2 and 3 is met.

(2) Condition 1 is that the property has been applied for the benefit of—

(a) individual employees or former employees of the company,

(b) spouses **[**F1152or civil partners**]** , former spouses **[**F1152or civil partners**]** , widows or widowers **[**F1153or surviving civil partners**]** of employees or former employees of the company,

(c) dependants of persons within paragraph (a), or

(d) relatives, or spouses **[**F1154or civil partners**]** of relatives, of persons within paragraph (a) or (b).

(3) In subsection (2) each reference to the company includes a reference to a company controlled by the company.

(4) Condition 2 is that the property has been applied for charitable purposes.

(5) Condition 3 is that the property has been transferred to—

(a) the trustees of another employee benefit trust,

(b) the trustees of a qualifying employee share ownership trust (within the meaning of Schedule 5 to FA 1989), or

(c) the trustees of a profit sharing scheme approved under Schedule 9 to ICTA (approved share option schemes and profit sharing schemes).

(6) In this section "relative" means—

(a) parent, child or remoter relation in the direct line, or

(b) brother, sister, uncle, aunt, nephew or niece.

**Textual Amendments**

**F1152** Words in s. 551(2)(b) inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **153(a)(i)**

**F1153** Words in s. 551(2)(b) inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **153(a)(ii)**

**F1154** Words in s. 551(2)(d) inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **153(b)**

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*Attribution of interests in company*

### 552 Attribution of interest in company to beneficiary or associate

(1) This section applies if—

(a) after 13th March 1989 B, or an associate of B's, has received a payment ("the relevant payment") from the trustees of the employee benefit trust, and

(b) at any time during the period of 3 years ending with the day on which the relevant payment was received ("the payment date"), the property subject to the trust consisted of or included any part of the ordinary share capital of the company.

(2) In such a case B or the associate is to be treated for the purposes of the listed provision as having been the beneficial owner of the appropriate percentage of the ordinary share capital of the company on the payment date.

(3) This is in addition to any percentage of that share capital of which B or the associate was actually the beneficial owner on that date.

(4) Section 553 explains what is meant by "the appropriate percentage".

### 553 Meaning of "appropriate percentage" for purposes of section 552

(1) For the purposes of section 552 "the appropriate percentage" is—

$$\frac{P \times 100}{D}$$

where P and D have the meaning given by the following provisions.

(2) Unless subsection (3) applies, P is the aggregate of the relevant payment and any other payments received by B or associates of B's from the trustees of the trust during the period of 12 months ending with the payment date.

(3) If—

(a) any distributions were made to the trustees of the trust by the company in respect of its ordinary share capital during the period of 3 years ending with the payment date, and

(b) the aggregate of those distributions is less than the aggregate mentioned in subsection (2),

P is the aggregate of those distributions.

(4) Unless subsection (5) applies, D is the amount determined as follows—

*Step 1*

Calculate the aggregate of—

(a) any distributions made by the company in respect of its ordinary share capital during the period of 12 months ending with the payment date,

(b) any distributions so made during the period of 12 months immediately preceding that mentioned in paragraph (a), and

(c) any distributions so made during the period of 12 months immediately preceding that mentioned in paragraph (b).

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*Step 2*

Divide the aggregate so calculated by the number of the periods mentioned in paragraphs (a) to (c) in which distributions were so made.

(5) If no distributions were so made during any of those periods, D is 1.

(6) In this section "the payment date" and "the relevant payment" have the meaning indicated in section 552(1).

### 554 Attribution of further interest in company

(1) This section applies if—

(a) B or an associate of B's is (apart from this section) to be treated by virtue of section 552(2) as having been the beneficial owner of a percentage of the ordinary share capital of the company as a result of receiving the relevant payment from the trustees of an **[**F1155employee**]** benefit trust, and

(b) B or an associate of B's has, during the period of 12 months ending with the payment date, received one or more payments from the trustees of any other employee benefit trust or trusts connected with the company.

(2) In such a case section 552 applies to B or (as the case may be) the associate mentioned in subsection (1)(a) as if B or the associate had received—

(a) any payment from the trustees of a trust as mentioned in subsection (1)(b), or

(b) where more than one payment has been received from the trustees of a trust, the last of the payments,

on the payment date.

(3) B or the associate is accordingly to be treated for the purposes of the listed provision as having been the beneficial owner on the payment date of both—

(a) the percentage of the ordinary share capital of the company mentioned in subsection (1)(a), and

(b) the appropriate percentage of that share capital as determined in accordance with subsection (2).

(4) This is in addition to any percentage of that share capital of which B or the associate was actually the beneficial owner on that date.

(5) For the purposes of this section a trust is "connected with" the company if, at any time during the period of 3 years ending with the payment date, the property subject to the trust consisted of or included any part of the ordinary share capital of the company.

(6) In this section "the payment date" and "the relevant payment" have the meaning indicated in section 552(1).

**Textual Amendments**

**F1155** Word in s. 554(1)(a) substituted (22.7.2004) by Finance Act 2004 (c. 12), **Sch. 17 para. 9(3)**

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# [F1156PART 7A

## EMPLOYMENT INCOME PROVIDED THROUGH THIRD PARTIES

**Textual Amendments**

**F1156** Pt. 7A inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 1**

**Modifications etc. (not altering text)**

**C16** Pt. 7A modified (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 35(6)**

**C17** Pt. 7A modified (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 1(8)**

**C18** Pt. 7A modified (22.7.2020) by 2017 c. 32, Sch. 11 para. 1A(2)(6) (as inserted by Finance Act 2020 (c. 14), **s. 16(3)**)

## CHAPTER 1

### APPLICATION ETC

*Application[F1157: main case]*

**Textual Amendments**

**F1157** Words in s. 554A cross-heading inserted (with effect in accordance with Sch. 1 para. 14 of the amending Act) by Finance Act 2018 (c. 3), **Sch. 1 para. 5(2)**

### 554A Application of Chapter 2 [F1158: main case]

(1) Chapter 2 applies if—

(a) a person ("A") is an employee, or a former or prospective employee, of another person ("B"),

(b) there is an arrangement ("the relevant arrangement") to which A is a party or which otherwise (wholly or partly) covers or relates to A,

(c) it is reasonable to suppose that, in essence—

(i) the relevant arrangement, or

(ii) the relevant arrangement so far as it covers or relates to A,

is (wholly or partly) a means of providing, or is otherwise concerned (wholly or partly) with the provision of, rewards or recognition or loans in connection with A's employment, or former or prospective employment, with B,

(d) a relevant step is taken by a relevant third person, and

(e) it is reasonable to suppose that, in essence—

(i) the relevant step is taken (wholly or partly) in pursuance of the relevant arrangement, or

(ii) there is some other connection (direct or indirect) between the relevant step and the relevant arrangement.

(2) In this Part "relevant step" means a step within section 554B, 554C or 554D [F1159, or paragraph 1 [F1160or 1A] of Schedule 11 to F(No. 2)A 2017][F1161 (including such a

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step where the taking of the step, or some aspect of the taking of the step, constitutes a breach of trust or is a constituent part of a breach of trust, and even if the step or aspect **]** is void as a result of breach of trust)..

(3) Subsection (1) is subject to subsection (4) and sections 554E to 554Y.

**[**F1162(4) Chapter 2 does not apply by reason of—

(a) a relevant step taken on or after A's death if—

(i) the relevant step is within section 554B, or

(ii) the relevant step is within section 554C by virtue of subsection (1)(ab) of that section,

(b) a relevant step within paragraph 1 of Schedule 11 to F(No.2)A 2017 which is treated as being taken on or after A's death, or

(c) a relevant step within paragraph 1A of Schedule 11 to F(No.2)A 2017 in a case where the initial step (within the meaning given by sub-paragraph (1)(a) of that paragraph) is treated as being taken on or after A's death.**]**

(5) In subsection (1)(b) and (c)(ii) references to A include references to any person linked with A.

**[** Subsections (5B) and (5C) apply where—

F1163(5A) (a) a payment to a person other than A, or to A as a trustee, is of earnings from A's employment with B, and

(b) the earnings are, in whole or part, charged to tax under the employment income Parts otherwise than by virtue of this Part,

and for this purpose it does not matter whether all or some only or none of the tax is paid (but see sections 554Z5 and 554Z11B).

(5B) For the purposes of subsection (5C), an arrangement is a "redirected-earnings arrangement" if it (wholly or partly) covers or relates to redirected earnings; and for the purposes of this subsection and subsection (5C) "redirected earnings" means—

(a) the payment mentioned in subsection (5A)(a), or

(b) any sum or other property which (directly or indirectly)—

(i) represents, or

(ii) is derived from,

that payment.

(5C) The circumstances mentioned in subsection (5A)—

(a) do not prevent a redirected-earnings arrangement being within subsection (1)(b), and

(b) do not prevent rewards or recognition or loans being in connection with A's employment with B for the purposes of subsection (1)(c) where there is use of redirected earnings for the provision of the whole, or part, of the rewards or recognition or loans.**]**

(6) For the purposes of subsection (1)(c) it does not matter if the relevant arrangement does not include details of the steps which will or may be taken in connection with providing, in essence, rewards or recognition or loans as mentioned (for example, details of any sums of money or assets which will or may be involved or details of how or when or by whom or in whose favour any step will or may be taken).

(7) In subsection (1)(d) "relevant third person" means—

(a) A acting as a trustee,

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(b) B acting as a trustee, or

(c) any person other than A and B.

(8) If B is a company and is a member of a group of companies at the time the relevant step is taken, in subsection (7) references to B are to be read as including references to any other company which is a member of that group at that time.

(9) If B is a limited liability partnership, in subsection (7) references to B are to be read as including references to any company which is a wholly-owned subsidiary (as defined in section 1159(2) of the Companies Act 2006) of B at the time the relevant step is taken.

(10) Neither subsection (8) nor subsection (9) applies if there is a connection (direct or indirect) between the relevant step and a tax avoidance arrangement.

(11) For the purposes of subsection (1)(e)—

(a) the relevant step is connected with the relevant arrangement if (for example) the relevant step is taken (wholly or partly) in pursuance of an arrangement at one end of a series of arrangements with the relevant arrangement being at the other end, and

(b) it does not matter if the person taking the relevant step is unaware of the relevant arrangement.

(12) For the purposes of subsection (1)(c) and (e) in particular, all relevant circumstances are to be taken into account in order to get to the essence of the matter.

**Textual Amendments**

**F1158** Words in s. 554A heading inserted (with effect in accordance with Sch. 1 para. 14 of the amending Act) by Finance Act 2018 (c. 3), **Sch. 1 para. 5(3)**

**F1159** Words in s. 554A(2) inserted (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 46(2)**

**F1160** Words in s. 554A(2) inserted (22.7.2020) by Finance Act 2020 (c. 14), **Sch. 2 para. 24(2)**

**F1161** Words in s. 554A(2) inserted (with effect in accordance with Sch. 6 para. 13 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 6 para. 2**

**F1162** S. 554A(4) substituted (22.7.2020) by Finance Act 2020 (c. 14), **Sch. 2 para. 24(3)**

**F1163** S. 554A(5A)-(5C) inserted (retrospective and with effect in accordance with Sch. 1 para. 13(b)(c) of the amending Act) by Finance Act 2018 (c. 3), **Sch. 1 paras. 1**, 13(a)

*I*[F1164] *Application: close companies*

**Textual Amendments**

**F1164** Ss. 554AA-554AF and cross-heading inserted (with effect in accordance with Sch. 1 para. 14 of the amending Act) by Finance Act 2018 (c. 3), **Sch. 1 para. 2**

### 554AA Application of Chapter 2: close companies

(1) Chapter 2 applies if—

(a) there is an arrangement ("the relevant arrangement") to which an individual ("A") is a party or which otherwise (wholly or partly) covers or relates to A,

(b) it is reasonable to suppose that, in essence—

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(i) the relevant arrangement, or

(ii) the relevant arrangement so far as it covers or relates to A,

is (wholly or partly) a means of providing, or is otherwise concerned (wholly or partly) with the provision of, A-linked payments or benefits or loans,

(c) a close company ("B") enters into a relevant transaction (see section 554AB),

(d) it is reasonable to suppose that, in essence—

(i) the relevant transaction is entered into (wholly or partly) in pursuance of the relevant arrangement, or

(ii) there is some other connection (direct or indirect) between the relevant transaction and the relevant arrangement,

(e) at the time B enters into the relevant transaction, or at any earlier time in the 3 years ending with the date of the transaction, A is a director or an employee of B,

(f) at the time B enters into the relevant transaction, or at any earlier time in the 3 years ending with the date of the transaction, A has a material interest in B (see section 554AE),

(g) a relevant step is taken by a relevant third person,

(h) it is reasonable to suppose—

(i) that the sum of money or asset which is the subject of the relevant step represents (directly or indirectly), or has arisen or derives from, the sum of money or asset which is the subject of the relevant transaction, or

(ii) that the sum of money or asset which is the subject of the relevant transaction represents (directly or indirectly), or has arisen or derives from, the sum of money or asset which is the subject of the relevant step, and

(i) there is a time in the relevant period when the main purpose, or one of the main purposes, of operating, implementing, maintaining or terminating the relevant arrangement so far as it covers or relates to—

(i) the relevant transaction, and the relevant step so far as related to the relevant transaction, or

(ii) the relevant step, and the relevant transaction so far as related to the relevant step,

is the avoidance of? income tax, national insurance contributions, corporation tax or a charge to tax under section 455 of CTA 2010.

(2) In this section "close company" includes a company that would be a close company but for section 442(a) of CTA 2010 (exclusion of companies not resident in the United Kingdom).

(3) For the purposes of subsection (1)(b), a payment or benefit or loan is "A-linked" if—

(a) it is being provided to A, or a person chosen by A or within a class of persons chosen by A,

(b) it is being provided to a person on A's behalf, or at A's direction or request, or

(c) it is being provided to a person linked with A and it is reasonable to suppose that the main reason, or one of the main reasons, for it being provided is that the person is linked with A.

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(4) For the purposes of subsection (1)(i), the "relevant period" consists of the time of the relevant transaction, the time of the relevant step, the times around each of those two times, and any other times between those two times.

(5) Subsections (6) and (7) apply where—

(a) a payment to a person other than A, or to A as a trustee, is of earnings from—

(i) A's employment with B, or

(ii) A's office as a director of B, and

(b) the earnings are, in whole or part, charged to tax under the employment income Parts otherwise than by virtue of this Part,

and for this purpose it does not matter whether all or some only or none of the tax is paid (but see sections 554Z5 and 554Z11B).

(6) For the purposes of subsection (7), an arrangement is a "redirected-earnings arrangement" if it (wholly or partly) covers or relates to redirected earnings; and for the purposes of this subsection and subsection (7) "redirected earnings" means—

(a) the payment mentioned in subsection (5)(a), or

(b) any sum or other property which (directly or indirectly)—

(i) represents, or

(ii) is derived from,

that payment.

(7) The circumstances mentioned in subsection (5)—

(a) do not prevent a redirected-earnings arrangement being within subsection (1)(a),

(b) do not prevent payments or benefits or loans being A-linked for the purposes of subsection (1)(b) where there is use of redirected earnings for the provision of the whole, or part, of the payments or benefits or loans, and

(c) do not prevent the making of the payment mentioned in subsection (5)(a) being entry into a relevant transaction.

(8) In this section and in section 554AB "relevant third person" means—

(a) A acting as a trustee,

(b) B acting as a trustee, or

(c) any person other than A or B.

(9) See also sections 554AD to 554AF (further interpretation and supplementary provision).

### 554AB Meaning of "relevant transaction"

(1) For the purposes of section 554AA(1), B enters into a relevant transaction if—

(a) B enters into a transaction within subsection (2), and

(b) the transaction is not an excluded transaction (see section 554AC).

(2) B enters into a transaction within this subsection if B—

(a) pays a sum of money to a relevant third person (see section 554AA(8)),

(b) acquires a right to a payment of a sum of money, or to a transfer of assets, where there is a connection (direct or indirect) between the acquisition of the right and—

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(i) a payment made, by way of a loan or otherwise, to a relevant third person, or

(ii) a transfer of assets to a relevant third person,

(c) releases or writes off the whole or a part of—

(i) a loan made to a relevant third person, or

(ii) an acquired right of the kind mentioned in paragraph (b),

(d) transfers an asset to a relevant third person,

(e) takes a step by virtue of which a third person acquires an asset within subsection (4),

(f) makes available a sum of money or asset for use, or makes it available under an arrangement which permits its use—

(i) as security for a loan made or to be made to a relevant third person, or

(ii) otherwise as security for the meeting of any liability, or the performance of any undertaking, which a relevant third person has or will have, or

(g) grants to a relevant third person a lease of any premises the effective duration of which is likely to exceed 21 years.

(3) For the purposes of subsection (2) "loan" includes—

(a) any form of credit, and

(b) a payment that is purported to be made by way of a loan.

(4) The following assets are within this subsection—

(a) securities,

(b) interests in securities, and

(c) securities options,

as defined in section 420 for the purposes of Chapters 1 to 5 of Part 7; and in subsection (2)(e) "acquires" is to be read in accordance with section 421B(2)(a).

(5) For the purposes of subsection (2)(f)—

(a) references to making a sum of money or asset available are references to making it available in any way, however informal,

(b) it does not matter if the relevant third person has no legal right to have the sum of money or asset used as mentioned, and

(c) it does not matter if the sum of money or asset is not actually used as mentioned.

(6) Subsections (7) and (8) apply, for the purposes of subsection (2)(g), for the purpose of determining the likely effective duration of a lease of any premises granted to a relevant third person ("the original lease").

(7) If there are circumstances which make it likely that the original lease will be extended for any period, the effective duration of the original lease is to be determined on the assumption that the original lease will be so extended.

(8) Further, if—

(a) the relevant third person, A or a person linked with A is, or is likely to become, entitled to a later lease, or the grant of a later lease, of the same premises, or

(b) it is otherwise likely that the relevant third person, A or a person linked with A will be granted a later lease of the same premises,

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the original lease is to be treated as continuing until the end of the later lease (and subsection (7) also applies for the purpose of determining the duration of the later lease).

(9) In this section "lease" and "premises" have the same meaning as they have in Chapter 4 of Part 3 of ITTOIA 2005.

### 554AC Meaning of "excluded transaction"

(1) In section 554AB "excluded transaction" means—

(a) a distribution made by B,

(b) a transaction that—

(i) is entered into by B in the ordinary course of B's business, and

(ii) is on terms that would have been made between persons not connected with each other dealing at arm's length, or

(c) a transaction entered into in order to facilitate the disposal, on terms that would have been made between persons not connected with each other dealing at arm's length, of shares in B.

(2) But the distribution or transaction is not an "excluded transaction" if the avoidance of tax is the main purpose, or one of the main purposes, of (as the case may be)—

(a) making the distribution, or

(b) the transaction.

(3) Part 23 of CTA 2010 has effect for determining the meaning of "distribution" in this section as if—

(a) section 1000(1) of CTA 2010 included a paragraph specifying any distribution made in a winding up of the company, and

(b) sections 1030 to 1030B of that Act were omitted.

### 554AD Section 554AA: meaning of "director"

(1) For the purposes of section 554AA(1)(e) "director" means—

(a) in relation to a company whose affairs are managed by a board of directors or similar body, a member of that body,

(b) in relation to a company whose affairs are managed by a single director or similar person, that director or person, and

(c) in relation to a company whose affairs are managed by the members themselves, a member of the company,

and includes any person in accordance with whose directions or instructions the directors of the company (as defined in this subsection) are accustomed to act.

(2) For the purposes of subsection (1) a person is not to be regarded as a person in accordance with whose directions or instructions the directors of the company are accustomed to act merely because the directors act on advice given by that person in a professional capacity.

(3) For the purposes of section 5 as it applies to this Part, a person who is a director within the meaning of subsection (1) is to be treated (where it would not otherwise be the case) as holding an office.

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### 554AE Section 554AA: meaning of "material interest"

(1) Section 68 (meaning of "material interest" in a company) applies for the purposes of section 554AA and, subject to subsection (2), does so as it applies for the purposes of the benefits code.

(2) In section 68 as it applies for the purposes of section 554AA—

(a) each of the following is to be treated as "an associate" of A—

(i) a person ("the promoter") who, for the purposes of Part 5 of FA 2014, is carrying on business as a promoter in relation to the relevant arrangement, and

(ii) where the promoter is a company, any company which is an associated company of the promoter;

(b) "participator"—

(i) in relation to a close company, means a person who is a participator in relation to the company for the purposes of section 455 of CTA 2010 (see sections 454 and 455(5) of that Act), and

(ii) in relation to a company which would be a close company if it were a UK resident company, means a person who would be such a participator if the company were a close company.

(3) In subsection (2)(a)(ii) "associated company" has the same meaning as it has for the purposes of Part 10 of CTA 2010 (see section 449 of that Act).

### 554AF Section 554AA: supplementary

(1) Section 554AA(1) is subject to subsection (2) and sections 554E to 554Y.

(2) Chapter 2 does not apply by reason of section 554AA(1) in relation to a relevant step taken on or after A's death if—

(a) the relevant step is within section 554B, or

(b) the relevant step is within section 554C by virtue of subsection (1)(ab) of that section.

(3) In section 554AA(1)(a) and (b) references to A include references to a person linked with A.

(4) For the purposes of section 554AA(1)(b) it does not matter if the relevant arrangement does not include details of the steps which will or may be taken in connection with providing, in essence, payments or benefits or loans as mentioned (for example, details of any sums of money or assets which will or may be involved or details of how or when or by whom or in whose favour any step will or may be taken).

(5) For the purposes of section 554AA(1)(b) and (d) in particular, all relevant circumstances are to be taken into account in order to get to the essence of the matter.**]**

*Relevant steps*

### 554B Relevant steps: earmarking etc of sum of money or asset

(1) A person ("P") takes a step within this section if—

(a) a sum of money or asset held by or on behalf of P is earmarked (however informally) by P with a view to a later relevant step being taken by P or any

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other person (on or following the meeting of any condition or otherwise) in relation to—

(i) that sum of money or asset, or

(ii) any sum of money or asset which may arise or derive (directly or indirectly) from it, or

(b) a sum of money or asset otherwise starts being held by or on behalf of P, specifically with a view, so far as P is concerned, to a later relevant step being taken by P or any other person (on or following the meeting of any condition or otherwise) in relation to—

(i) that sum of money or asset, or

(ii) any sum of money or asset which may arise or derive (directly or indirectly) from it.

(2) For the purposes of subsection (1)(a) and (b) it does not matter—

(a) if details of the later relevant step have not been worked out (for example, details of the sum of money or asset which will or may be the subject of the step or details of how or when or by whom or in whose favour the step will or may be taken),

(b) if any condition which would have to be met before the later relevant step is taken might never be met, or

(c) if A, or any person linked with A, has no legal right to have a relevant step taken in relation to any sum of money or asset mentioned in subsection (1)(a)(i) or (ii) or (b)(i) or (ii) (as the case may be).

(3) For the purposes of subsection (1)(b) it does not matter whether or not the sum of money or asset in question has previously been held by or on behalf of P on a basis which is different to that mentioned in subsection (1)(b).

### 554C Relevant steps: payment of sum, transfer of asset etc

(1) A person ("P") takes a step within this section if P—

(a) pays a sum of money to a relevant person,

**[**

F1165(aa) acquires a right to a payment of a sum of money, or to a transfer of assets, where there is a connection (direct or indirect) between the acquisition of the right and—

(i) a payment made, by way of a loan or otherwise, to a relevant person, or

(ii) a transfer of assets to a relevant person,

(ab) releases or writes off the whole or a part of—

(i) a loan made to a relevant person, or

(ii) an acquired right of the kind mentioned in paragraph (aa),".**]**

(b) transfers an asset to a relevant person,

(c) takes a step by virtue of which a relevant person acquires an asset within subsection (4),

(d) makes available a sum of money or asset for use, or makes it available under an arrangement which permits its use—

(i) as security for a loan made or to be made to a relevant person, or

(ii) otherwise as security for the meeting of any liability, or the performance of any undertaking, which a relevant person has or will have, or

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(e) grants to a relevant person a lease of any premises the effective duration of which is likely to exceed 21 years.

(2) In subsection (1) "relevant person"—

(a) means A or a person chosen by A or within a class of person chosen by A, and

(b) includes, if P is taking a step on A's behalf or otherwise at A's direction or request, any other person.

(3) In subsection (2) references to A include references to any person linked with A.

**[** For the purposes of subsection (1) "loan" includes—

F1166(3A)

(a) any form of credit, and

(b) a payment that is purported to be made by way of a loan.

(3B) Subsection (3C) applies where a person ("T") acquires from another person ("L") (whether or not for consideration)—

(a) a right to payment of the whole or part of a loan where T is the person liable (at the time of the acquisition of the right) to repay the loan, or

(b) a right to payment of a sum of money, or to a transfer of assets, where T is the person liable (at the time of the acquisition of the right) to pay the sum, or transfer the assets.

(3C) L is to be treated for the purposes of subsection (1)(ab) as releasing—

(a) in a case within subsection (3B)(a), the loan or the relevant part of it;

(b) in a case within subsection (3B)(b), the right or the relevant part of it.**]**

(4) The following assets are within this subsection—

(a) securities,

(b) interests in securities, and

(c) securities options,

as defined in section 420 for the purposes of Chapters 1 to 5 of Part 7; and in subsection (1)(c) "acquires" is to be read in accordance with section 421B(2)(a).

(5) For the purposes of subsection (1)(d)—

(a) references to making a sum of money or asset available are references to making it available in any way, however informal,

(b) it does not matter if the relevant person has no legal right to have the sum of money or asset used as mentioned, and

(c) it does not matter if the sum of money or asset is not actually used as mentioned.

(6) Subsections (7) and (8) apply for the purpose of determining the likely effective duration of a lease of any premises granted to a relevant person ("the original lease") for the purposes of subsection (1)(e).

(7) If there are circumstances which make it likely that the original lease will be extended for any period, the effective duration of the original lease is to be determined on the assumption that the original lease will be so extended.

(8) Further, if—

(a) A is, or is likely to become, entitled to a later lease, or the grant of a later lease, of the same premises, or

(b) it is otherwise likely that A will be granted a later lease of the same premises,

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the original lease is to be treated as continuing until the end of the later lease (and subsection (7) also applies for the purpose of determining the duration of the later lease).

(9) In subsection (8)—

(a) references to A include references to—

(i) any person linked with A, and

(ii) the person to whom the original lease was granted where the original lease was not granted to A or any person linked with A, and

(b) references to the same premises include references to any premises which include the whole or part of the same premises.

(10) In this section "lease" and "premises" have the same meaning as they have in Chapter 4 of Part 3 of ITTOIA 2005.

**Textual Amendments**

**F1165** S. 554C(1)(aa)(ab) inserted (with effect in accordance with Sch. 6 para. 13 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 6 para. 3(2)**

**F1166** S. 554C(3A)-(3C) inserted (with effect in accordance with Sch. 6 para. 13 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 6 para. 3(3)**

### 554D Relevant steps: making asset available

(1) A person ("P") takes a step within this section if, without transferring the asset to the relevant person, P—

(a) at any time, makes an asset available for a relevant person to benefit from in a way which is substantially similar to the way in which the relevant person would have been able to benefit from the asset had the asset been transferred to the relevant person at that time, or

(b) at or after the end of the relevant period, makes an asset available for a relevant person to benefit from.

(2) If—

(a) before the end of the relevant period, P makes available an asset for a relevant person to benefit from, and

(b) at the end of the relevant period, P continues to make the asset available for the relevant person to benefit from,

P is treated as taking a step within this section by virtue of subsection (1)(b) at the end of the relevant period.

(3) For the purposes of subsections (1) and (2)—

(a) references to making an asset available are references to making it available in any way, however informal,

(b) it does not matter if the relevant person has no legal right to benefit from the asset, and

(c) it does not matter if the relevant person does not actually benefit from the asset.

(4) In subsections (1) and (2) "the relevant period" means the period of two years starting with the day on which A's employment with B ceases.

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(5) In subsections (1) and (2) "relevant person"—

(a) means A or a person chosen by A or within a class of person chosen by A, and

(b) includes, if P is taking a step on A's behalf or otherwise at A's direction or request, any other person.

(6) In subsection (5) references to A include references to any person linked with A.

(7) The following factors (among others) may be taken into account in determining whether a step within this section is taken by virtue of subsection (1)(a)—

(a) any limitations on the way in which the relevant person may benefit from the asset,

(b) the period over which the asset is being made available and (if relevant) the extent to which that period covers the expected remaining useful life of the asset,

(c) the extent to which the relevant person has, or is to have, a say over the disposal of the asset, and

(d) the extent to which the relevant person may benefit from any proceeds arising from the disposal of the asset or otherwise have a say in the way the proceeds are used.

*Exclusions*

### 554E Exclusions: steps under certain schemes etc

(1) Chapter 2 does not apply by reason of a relevant step if the step is taken under any of the following—

(a) **[**F1167a Schedule 2**]**SIP (within the meaning of Chapter 6 of Part 7),

(b) **[**F1168a Schedule 3**]**SAYE option scheme (within the meaning of Chapter 7 of Part 7),

(c) **[**F1169a Schedule 4**]**CSOP scheme (within the meaning of Chapter 8 of Part 7),

(d) an arrangement the sole purpose of which is the provision of excluded benefits (as defined in section 393B(3)),

(e) an arrangement the sole purpose of which is the making of payments which are to be disregarded in the calculation mentioned in regulation 25 of the Social Security (Contributions) Regulations 2001 (S.I. 2001/1004) by virtue of paragraph 12 of Part 10 of Schedule 3 to those Regulations (as that paragraph has effect by virtue of regulation 2(3) of the Social Security (Contributions) (Amendment No. 9) Regulations 2007 (S.I. 2007/2905)),

(f) a pension scheme set up by a government outside the United Kingdom for the benefit of its employees or primarily for their benefit,

(g) a registered pension scheme, or

(h) an arrangement the sole purpose of which is the making of payments (within the meaning of Chapter 3 of Part 4 of FA 2004 (see section 161(2) of that Act))—

(i) to which section 161(4) of FA 2004 applies in relation to a registered pension scheme (or a registered pension scheme which has been wound up), and

(ii) which are authorised in relation to that scheme by section 160(1) of FA 2004.

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(2) Subject to subsection (4), subsection (3) applies to a relevant step taken by a person ("P") if—

(a) the relevant step is not taken under an arrangement mentioned in subsection (1)(a) to (c), and

(b) there is no connection (direct or indirect) between the relevant step and a tax avoidance arrangement.

(3) Chapter 2 does not apply by reason of the relevant step if the step is taken solely for the purpose of—

(a) acquiring or holding shares—

(i) to be awarded under **[**F1170a Schedule 2**]**SIP, or

(ii) to be provided pursuant to options granted under **[**F1171a Schedule 3**]**SAYE option scheme or **[**F1172a Schedule 4**]**CSOP scheme, or

(b) providing shares pursuant to—

(i) an award of shares under **[**F1173a Schedule 2**]**SIP, or

(ii) an option granted under **[**F1174a Schedule 3**]**SAYE option scheme or **[**F1175a Schedule 4**]**CSOP scheme.

(4) Subsection (3) does not apply to the relevant step if, immediately before or after the step is taken—

(a) the total number of shares of any type held, in relation to the **[**F1176Schedule 2**]**SIP, the **[**F1177Schedule 3**]**SAYE option scheme or the **[**F1178Schedule 4**]**CSOP scheme, by P and any other persons for purposes within subsection (3)(a) and (b), exceeds

(b) the maximum number of shares of that type which might reasonably be expected to be required, in relation to the **[**F1176Schedule 2**]**SIP, the **[**F1177Schedule 3**]**SAYE option scheme or the **[**F1178Schedule 4**]**CSOP scheme, for those purposes over the period of ten years starting with the day on which the relevant step is taken.

(5) Terms used in subsections (2) to (4) have the same meaning as they have in Chapter 6, 7 or 8 of Part 7 (as the case may be).

(6) Chapter 2 does not apply by reason of a relevant step taken by a person ("P") if—

(a) the relevant step is taken for the sole purpose of—

(i) granting qualifying options under an EMI arrangement,

(ii) acquiring or holding shares to be provided pursuant to qualifying options granted under an EMI arrangement, or

(iii) providing shares pursuant to qualifying options granted under an EMI arrangement, and

(b) there is no connection (direct or indirect) between the relevant step and a tax avoidance arrangement.

(7) But subsection (6) does not apply to the relevant step if, immediately before or after the step is taken—

(a) the total number of shares of any type held, in relation to the EMI arrangement, by P and any other persons for purposes within subsection (6)(a)(i) to (iii), exceeds

(b) the maximum number of shares of that type which might reasonably be expected to be required, in relation to the EMI arrangement, for those purposes

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over the period of ten years starting with the day on which the relevant step is taken.

(8) In subsections (6) and (7) "EMI arrangement" means an arrangement under which qualifying options are granted.

(9) Terms used in subsections (6) to (8) have the same meaning as in Chapter 9 of Part 7.

(10) Subsection (11) applies if—

(a) a person ("P") takes a relevant step within section 554B by reason of which Chapter 2 would apply apart from subsection (3) or (6), and

(b) at any time ("the relevant time") the sum of money or asset (or any part of it) which is the subject of the relevant step—

(i) ceases to be held by or on behalf of P solely for purposes within subsection (3)(a) and (b) or (6)(a)(i) to (iii), but

(ii) continues to be held by or on behalf of P on the basis mentioned in section 554B(1)(a) or (b).

(11) This Part has effect as if a relevant step within section 554B were taken at the relevant time—

(a) the subject of which is the sum of money or asset (or the part of it) mentioned in subsection (10)(b), and

(b) by reason of which Chapter 2 is to apply (subject only to section 554A(4)).

(12) Chapter 2 does not apply by reason of a relevant step taken by the Independent Parliamentary Standards Authority in relation to a member of the House of Commons.

**Textual Amendments**

**F1167** Words in s. 554E(1)(a) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 49(2)**, 89 (with Sch. 8 paras. 90-96)

**F1168** Words in s. 554E(1)(b) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 136(2)**, 146 (with Sch. 8 paras. 147-157)

**F1169** Words in s. 554E(1)(c) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 200(2)**, 204 (with Sch. 8 paras. 205-215)

**F1170** Words in s. 554E(3)(a)(i) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 49(2)**, 89 (with Sch. 8 paras. 90-96)

**F1171** Words in s. 554E(3)(a)(ii) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 136(3)**, 146 (with Sch. 8 paras. 147-157)

**F1172** Words in s. 554E(3)(a)(ii) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 200(3)**, 204 (with Sch. 8 paras. 205-215)

**F1173** Words in s. 554E(3)(b)(i) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 49(2)**, 89 (with Sch. 8 paras. 90-96)

**F1174** Words in s. 554E(3)(b)(ii) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 136(3)**, 146 (with Sch. 8 paras. 147-157)

**F1175** Words in s. 554E(3)(b)(ii) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 200(3)**, 204 (with Sch. 8 paras. 205-215)

**F1176** Words in s. 554E(4)(a)(b) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 49(3)**, 89 (with Sch. 8 paras. 90-96)

**F1177** Words in s. 554E(4)(a)(b) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 136(4)**, 146 (with Sch. 8 paras. 147-157)

**F1178** Words in s. 554E(4)(a)(b) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 200(4)**, 204 (with Sch. 8 paras. 205-215)

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### 554F Exclusions: commercial transactions

(1) Chapter 2 does not apply by reason of a relevant step which is the payment of a sum of money by way of a loan if—

(a) the loan is a loan on ordinary commercial terms within the meaning of section 176, ignoring conditions B and C in that section, and

(b) there is no connection (direct or indirect) between the relevant step and a tax avoidance arrangement.

(2) Chapter 2 does not apply by reason of a relevant step taken by a person ("P"), which is not the payment of a sum of money by way of a loan, if—

(a) the step is taken for the sole purpose of a transaction which P has with A and which P entered into in the ordinary course of P's business,

(b) a substantial proportion of P's business involves similar transactions with members of the public,

(c) the terms on which P entered into the transaction with A are substantially the same as the terms on which P normally enters into similar transactions with members of the public, and

(d) there is no connection (direct or indirect) between the relevant step and a tax avoidance arrangement.

(3) For the purposes of subsection (2)(b) and (c) a transaction is "similar" if it is of the same or a similar type to the transaction which P has with A.

(4) In subsection (2)(b) and (c) "members of the public" means members of the public at large with whom P deals at arm's length.

(5) In this section references to A include references to any person linked with A.

F1179 **[** (6) See paragraph 25 of Schedule 11 to F(No. 2)A 2017 for provision about exclusions where a loan is made on ordinary commercial terms and the relevant step is within paragraph 1 of that Schedule.**]**

**Textual Amendments**

**F1179** S. 554F(6) inserted (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 26**

### 554G Exclusions: transactions under employee benefit packages

(1) Chapter 2 does not apply by reason of a relevant step taken by a person ("P") if—

(a) the step is not taken under a pension scheme,

(b) the step is taken for the sole purpose of a transaction which P has with A and which P entered into in the ordinary course of P's business,

(c) if the step is the payment of a sum of money by way of a loan—

(i) a substantial proportion of P's business involves making similar loans to members of the public,

(ii) the transaction with A is part of a package of benefits which is available to a substantial proportion of B's employees, and

(iii) subsection (3) does not apply,

(d) if the step is not the payment of a sum of money by way of a loan, the transaction with A is part of a package of benefits which is available—

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(i) to a substantial proportion of B's employees, or

(ii) to a substantial proportion of those employees of B whose status as employees of B is comparable with A's status as an employee of B (taking into account (for example) levels of seniority, types of duties and levels of remuneration),

(e) the terms on which similar transactions are offered by P under the package of benefits mentioned in paragraph (c)(ii) or (d) (as the case may be) are generous enough to enable substantially all of the employees of B to whom the package is available to take advantage of what is offered (if they want to),

(f) the terms on which P entered into the transaction with A are substantially the same as the terms on which P normally enters into similar transactions with employees of B under the package of benefits,

(g) if B is a company, a majority of B's employees to whom the package of benefits is available do not have a material interest (as defined in section 68) in B, and

(h) there is no connection (direct or indirect) between the relevant step and a tax avoidance arrangement.

(2) For the purposes of subsection (1)(c)(i)—

(a) a loan is "similar" if it is made for the same or similar purposes as the loan which is the subject of the relevant step, and

(b) "members of the public" means members of the public at large with whom P deals at arm's length.

(3) This subsection applies if any feature of the package of benefits mentioned in subsection (1)(c)(ii) has or is likely to have the effect that, of the employees of B to whom the package is available, it is employees within subsection (4) on whom benefits under the package will be wholly or mainly conferred.

(4) The employees within this subsection are—

(a) directors,

(b) senior employees,

(c) employees who receive, or as a result of the package of benefits are likely to receive, the higher or highest levels of remuneration, and

(d) if B is a company and is a member of a group of companies, any employees not within paragraph (b) or (c) who—

(i) are senior employees in the group, or

(ii) receive, or as a result of the package of benefits are likely to receive, the higher or highest levels of remuneration in the group.

(5) For the purposes of subsection (1)(e) and (f) a transaction is "similar" if it is of the same or a similar type to the transaction which P has with A.

(6) If the relevant step is not the payment of a sum of money by way of a loan, in this section references to employees of B are references to those employees of B whose duties of employment are performed in the United Kingdom; and for this purpose duties performed outside the United Kingdom the performance of which is merely incidental to the performance of duties in the United Kingdom are to be treated as performed in the United Kingdom.

(7) In this section (apart from subsection (1)(d)(ii)) references to A include references to any person linked with A.

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**[** See paragraph 29 of Schedule 11 to F(No. 2)A 2017 for provision about exclusions F1180(8) for transactions under employee benefit packages in a case in which the relevant step is within paragraph 1 of that Schedule.**]**

**Textual Amendments**

**F1180** S. 554G(8) inserted (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 30**

### 554H Exclusions: earmarking of deferred remuneration

(1) This section applies if—

(a) on a date ("the award date") A is awarded remuneration ("the deferred remuneration") in respect of A's employment with B,

(b) the main purpose of the award is not the provision of relevant benefits (within the meaning of Chapter 2 of Part 6, but ignoring section 393B(2)(a)),

(c) the deferred remuneration is awarded on terms ("the deferred remuneration terms") the main purpose of which is to defer the provision to A of the deferred remuneration to a specified date ("the vesting date") which is after the award date, while providing that the award of the deferred remuneration is revoked if specified conditions are not met on or before the vesting date,

(d) the vesting date is not more than five years after the award date,

(e) as at the award date, there is a reasonable chance that the award of the deferred remuneration will be revoked because not all the specified conditions will be met on or before the vesting date,

(f) if the deferred remuneration were to be provided to A by any person on the award date, that action would, for the purposes of Part 11, be a payment of PAYE employment income of A in respect of A's employment with B,

(g) before the end of the vesting date, a person ("P") takes a relevant step within section 554B by reason of which Chapter 2 would apply apart from this section,

(h) on the taking of the relevant step, the sum of money or asset which is the subject of the step represents the deferred remuneration or any part of it (and nothing else), and

(i) there is no connection (direct or indirect) between the relevant step and a tax avoidance arrangement.

(2) In addition to the provision relating to revocation required by subsection (1)(c) (which must be included), the deferred remuneration terms may also provide that the award of the deferred remuneration is partly revoked if specified conditions are not met on or before the vesting date.

(3) Chapter 2 does not apply by reason of the relevant step mentioned in subsection (1)(g).

(4) In the following subsections "the earmarked deferred remuneration" means the deferred remuneration so far as, on the taking of the relevant step mentioned in subsection (1)(g), it is represented by the sum of money or asset which is the subject of the step as mentioned in subsection (1)(h).

(5) Subsection (6) applies if, at any time ("the relevant time")—

(a) any sum of money or asset held by or on behalf of P on the basis mentioned in section 554B(1)(a) or (b) which represents any of the earmarked deferred

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remuneration ceases to represent that earmarked deferred remuneration or a part of it (because the remuneration is to be provided to A in another way or its award has been revoked or for any other reason), but

(b) the sum of money or asset continues to be held by or on behalf of P on the basis mentioned in section 554B(1)(a) or (b).

(6) This Part has effect as if a relevant step within section 554B were taken at the relevant time—

(a) the subject of which is—

(i) the sum of money or asset mentioned in subsection (5), and

(ii) a just and reasonable proportion of any relevant income (see subsection (12)), and

(b) by reason of which Chapter 2 is to apply (subject only to section 554A(4)).

(7) Subsection (8) applies if neither subsection (10) nor subsection (11) applies to the earmarked deferred remuneration or to a part of it.

(8) This Part has effect as if a relevant step within section 554B were taken at the end of the vesting date—

(a) the subject of which is—

(i) a sum of money of the notional PAYE amount, and

(ii) a just and reasonable proportion of any relevant income (see subsection (12)), and

(b) by reason of which Chapter 2 is to apply (subject only to section 554A(4)).

(9) In subsection (8)(a) "the notional PAYE amount" means the amount which the payment of PAYE employment income would have been had, as the case may be—

(a) the earmarked deferred remuneration, or

(b) the part of it to which neither subsection (10) nor subsection (11) applies,

been provided to A at the end of the vesting date in a way which is, for the purposes of Part 11, a payment of PAYE employment income of A in respect of A's employment with B.

(10) This subsection applies to the earmarked deferred remuneration so far as it is provided to A before the end of the vesting date in a way which is, for the purposes of Part 11, a payment of PAYE employment income of A in respect of A's employment with B.

(11) This subsection applies to the earmarked deferred remuneration so far as, before the end of the vesting date, the award of the earmarked deferred remuneration is revoked in accordance with the deferred remuneration terms.

(12) In subsections (6)(a)(ii) and (8)(a)(ii) "relevant income" means any income—

(a) which, before the relevant time or the end of the vesting date (as the case may be)—

(i) arises (directly or indirectly) from a sum of money or asset held by or on behalf of P representing any of the earmarked deferred remuneration, and

(ii) is the subject of a relevant step within section 554B taken by P by reason of which Chapter 2 would apply apart from section 554Q, and

(b) which, at the relevant time or the end of the vesting date (as the case may be), continues to be held by or on behalf of P on the basis mentioned in section 554B(1)(a) or (b).

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### 554I Exclusions: introduction to sections 554J to 554M

(1) Sections 554J and 554K are about steps within section 554B taken in relation to awards of certain shares or securities or of sums of money determined by reference to the market value of certain shares or securities.

(2) Sections 554L and 554M are about steps within section 554B taken in relation to grants of rights to acquire certain shares or securities or to receive sums of money determined by reference to the market value of certain shares or securities.

(3) Sections 554J to 554M apply only if B is a company.

(4) In those sections—

"relevant benefits" has the same meaning as in Chapter 2 of Part 6, but ignoring section 393B(2)(a),

"relevant shares" means—

(a) shares (including stock) in B,

(b) instruments issued by B which are securities for the purposes of Chapters 1 to 5 of Part 7 within section 420(1)(b), or

(c) units in a collective investment scheme (as defined in section 420(2)) managed by B which are securities for the purposes of Chapters 1 to 5 of Part 7 within section 420(1)(e), and

"trading company" means a company the business of which consists wholly or mainly in the carrying on of a trade.

(5) If B is a member of a group of companies, in the definition of "relevant shares" in subsection (4) references to B are to be read as including references to any other company which is a member of that group.

(6) For the purposes of sections 554K and 554M an exit event occurs if—

(a) shares in the relevant company are admitted to trading on a stock exchange,

(b) all the shares in the relevant company, or a substantial proportion of them, are disposed of to persons none of whom is connected with any of the persons making any disposal,

(c) if the relevant company is a trading company (as defined in subsection (4)), the company's trade, or a substantial proportion of it, is transferred to a person who is not a relevant connected person,

(d) the relevant company's assets, or a substantial proportion of them, are disposed of to a person who is not a relevant connected person,

(e) the winding up of the relevant company starts, or

(f) a person ("P") who controls the relevant company ceases to control it, so long as no person connected with P starts to control it.

(7) For the purposes of subsection (6)—

(a) "the relevant company" means—

(i) if the relevant shares mentioned in section 554K(1)(a)(i) or (ii) or 554M(1)(a)(i) or (ii) are shares (including stock), the company in which they are shares, or

(ii) if the relevant shares so mentioned are instruments within paragraph (b) of the definition of "relevant shares" in subsection (4), the company by which those instruments are issued,

(b) "relevant connected person" means a person who—

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(i) is connected with the relevant company, or

(ii) is a shareholder in the relevant company or is connected with a shareholder in the relevant company,

(c) the relevant company's trade, or a substantial proportion of it, is transferred to another person if—

(i) the relevant company ceases to carry on the trade or the proportion of it, and

(ii) on that occurring, the other person starts to carry on the trade or the proportion of it, and

(d) section 12(7) of CTA 2009 applies for the purpose of determining when the winding up of the relevant company starts.

### 554J Exclusions: earmarking for employee share schemes (1)

(1) This section applies if—

(a) there is an arrangement ("B's employee share scheme") under which, in respect of A's employment with B, an award may be made to A of—

(i) relevant shares, or

(ii) a sum of money the amount of which is to be determined by reference to the market value of any relevant shares at the time the sum is to be paid,

(b) the main purpose of the award of the relevant shares or sum of money would not be the provision of relevant benefits,

(c) the award of the relevant shares or sum of money would be on terms ("the deferred award terms") the main purpose of which is to defer the receipt of the shares by A, or the payment of the sum of money to A, to a specified date ("the vesting date") which is after the date ("the award date") on which the award is made, while providing that the award is revoked if specified conditions are not met on or before the vesting date,

(d) the vesting date would not be more than ten years after the award date, and

(e) as at the award date, there would be a reasonable chance that the award of the relevant shares or sum of money will be revoked because not all the specified conditions will be met on or before the vesting date.

(2) In addition to the provision relating to revocation required by subsection (1)(c) (which must be included), the deferred award terms may also provide that the award of the relevant shares or sum of money is partly revoked if specified conditions are not met on or before the vesting date.

(3) Chapter 2 does not apply by reason of a relevant step within section 554B (by reason of which it would otherwise apply) taken by a person ("P") if—

(a) the subject of the relevant step is relevant shares ("earmarked shares") which are earmarked, or otherwise start being held, solely with a view to the meeting of—

(i) an award of relevant shares or a sum of money made to A under B's employee share scheme as mentioned in subsection (1)(a) in relation to which the requirements of subsection (1)(b) to (e) are met, or

(ii) an award of relevant shares or a sum of money which is expected to be made to A under B's employee share scheme as mentioned in subsection (1)(a) and in relation to which the requirements of subsection (1)(b) to (e) would be met,

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(b) the number of relevant shares of any type which are earmarked shares does not exceed the maximum number of relevant shares of that type which might reasonably be expected to be needed for meeting the award or expected award, and

(c) there is no connection (direct or indirect) between the relevant step and a tax avoidance arrangement.

(4) If the relevant step mentioned in subsection (3) is taken in relation to an expected award as mentioned in subsection (3)(a)(ii), subsection (5) applies if—

(a) the award is not made before the end of the date ("the final award date") falling immediately after the period of three months starting with the date on which P takes the relevant step, and

(b) as at the end of the final award date, any of the earmarked shares continue to be held by or on behalf of P solely on the basis mentioned in subsection (3)(a).

(5) This Part has effect as if a relevant step within section 554B were taken at the end of the final award date—

(a) the subject of which is—

(i) the shares which continue to be held as mentioned in subsection (4)(b), and

(ii) any relevant income in relation to those shares (see subsection (13)), and

(b) by reason of which Chapter 2 is to apply (subject only to section 554A(4)).

(6) Subsection (7) applies if, at any time ("the relevant time")—

(a) any of the earmarked shares cease to be held by or on behalf of P solely on the basis mentioned in subsection (3)(a), but

(b) the shares continue to be held by or on behalf of P on the basis mentioned in section 554B(1)(a) or (b).

(7) This Part has effect as if a relevant step within section 554B were taken at the relevant time—

(a) the subject of which is—

(i) the shares mentioned in subsection (6), and

(ii) any relevant income in relation to those shares (see subsection (13)), and

(b) by reason of which Chapter 2 is to apply (subject only to section 554A(4)).

(8) Subsection (9) applies if—

(a) the relevant step mentioned in subsection (3) is taken in relation to an award which has been made as mentioned in subsection (3)(a)(i), or

(b) the relevant step mentioned in subsection (3) is taken in relation to an expected award as mentioned in subsection (3)(a)(ii) and the award is made before the end of the final award date.

(9) This Part has effect as if a relevant step within section 554B were taken at the end of the vesting date—

(a) the subject of which is—

(i) any of the earmarked shares to which none of subsections (10) to (12) applies, and

(ii) any relevant income in relation to any of the earmarked shares mentioned in sub-paragraph (i) (see subsection (13)), and

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(b) by reason of which Chapter 2 is to apply (subject only to section 554A(4)).

(10) This subsection applies to any earmarked shares if—

(a) A receives the shares before the end of the vesting date, and

(b) the receipt of the shares by A gives rise to employment income of A which is chargeable to income tax or which is exempt income.

(11) This subsection applies to any earmarked shares if—

(a) the sum of money mentioned in subsection (1)(a)(ii) (or a part of it) is paid to A before the end of the vesting date,

(b) the payment of the sum to A gives rise to employment income of A which is chargeable to income tax or which is exempt income, and

(c) the payment represents the proceeds of the disposal of the shares, or the payment is made from another source and, correspondingly, the shares are no longer held by any person in relation to the award.

(12) This subsection applies to any earmarked shares if—

(a) before the end of the vesting date, the award (or any part of it) is revoked in accordance with the deferred award terms, and

(b) correspondingly, the shares are no longer held by any person in relation to the award.

(13) In subsections (5)(a)(ii), (7)(a)(ii) and (9)(a)(ii) "relevant income", in relation to any earmarked shares, means any income—

(a) which, before the relevant step is treated as being taken by subsection (5), (7) or (9) (as the case may be)—

(i) arises (directly or indirectly) from the shares, and

(ii) is the subject of a relevant step within section 554B taken by P by reason of which Chapter 2 would apply apart from section 554Q, and

(b) which, at the time the relevant step is treated as being taken, continues to be held by or on behalf of P on the basis mentioned in section 554B(1)(a) or (b).

### 554K Exclusions: earmarking for employee share schemes (2)

(1) This section applies if—

(a) there is an arrangement ("B's employee share scheme") under which, in respect of A's employment with B, an award may be made to A of—

(i) relevant shares, or

(ii) a sum of money the amount of which is to be determined by reference to the market value of any relevant shares at the time the sum is to be paid,

(b) the main purpose of the award would not be the provision of relevant benefits,

(c) the relevant shares would be—

(i) shares (including stock) in, or

(ii) instruments within paragraph (b) of the definition of "relevant shares" in section 554I(4) issued by,

a trading company or a company which controls a trading company,

(d) the award would be on terms the main purpose of which is to ensure—

(i) that the relevant shares are received, or

(ii) that the sum of money is paid,

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only if a specified exit event, or an exit event within a specified description, occurs, and

(e) as at the time the award is made, there would be a reasonable chance that the specified exit event, or an exit event within the specified description, will occur.

(2) Chapter 2 does not apply by reason of a relevant step within section 554B (by reason of which it would otherwise apply) taken by a person ("P") if—

(a) the subject of the relevant step is relevant shares ("earmarked shares") which are earmarked, or otherwise start being held, solely with a view to the meeting of—

(i) an award of relevant shares or a sum of money made to A under B's employee share scheme as mentioned in subsection (1)(a) in relation to which the requirements of subsection (1)(b) to (e) are met, or

(ii) an award of relevant shares or a sum of money which is expected to be made to A under B's employee share scheme as mentioned in subsection (1)(a) and in relation to which the requirements of subsection (1)(b) to (e) would be met,

(b) the number of relevant shares of any type which are earmarked shares does not exceed the maximum number of relevant shares of that type which might reasonably be expected to be needed for meeting the award or expected award, and

(c) there is no connection (direct or indirect) between the relevant step and a tax avoidance arrangement.

(3) If the relevant step mentioned in subsection (2) is taken in relation to an expected award as mentioned in subsection (2)(a)(ii), subsection (4) applies if—

(a) the award is not made before the end of the date ("the final award date") falling immediately after the period of three months starting with the date on which P takes the relevant step, and

(b) as at the end of the final award date, any of the earmarked shares continue to be held by or on behalf of P solely on the basis mentioned in subsection (2)(a).

(4) This Part has effect as if a relevant step within section 554B were taken at the end of the final award date—

(a) the subject of which is—

(i) the shares which continue to be held as mentioned in subsection (3)(b), and

(ii) any relevant income in relation to those shares (see subsection (12)), and

(b) by reason of which Chapter 2 is to apply (subject only to section 554A(4)).

(5) Subsection (6) applies if, at any time ("the relevant time")—

(a) any of the earmarked shares cease to be held by or on behalf of P solely on the basis mentioned in subsection (2)(a), but

(b) the shares continue to be held by or on behalf of P on the basis mentioned in section 554B(1)(a) or (b).

(6) This Part has effect as if a relevant step within section 554B were taken at the relevant time—

(a) the subject of which is—

(i) the shares mentioned in subsection (5), and

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(ii) any relevant income in relation to those shares (see subsection (12)), and

(b) by reason of which Chapter 2 is to apply (subject only to section 554A(4)).

(7) Subsection (8) applies if—

(a) the relevant step mentioned in subsection (2) is taken in relation to an award which has been made as mentioned in subsection (2)(a)(i), or

(b) the relevant step mentioned in subsection (2) is taken in relation to an expected award as mentioned in subsection (2)(a)(ii) and the award is made before the end of the final award date,

and the specified exit event, or an exit event within the specified description, occurs.

(8) This Part has effect as if a relevant step within section 554B were taken at the end of the exit period—

(a) the subject of which is—

(i) any of the earmarked shares to which neither subsection (9) nor subsection (10) applies, and

(ii) any relevant income in relation to any of the earmarked shares mentioned in sub-paragraph (i) (see subsection (12)), and

(b) by reason of which Chapter 2 is to apply (subject only to section 554A(4)).

(9) This subsection applies to any earmarked shares if—

(a) A receives the shares before the end of the exit period, and

(b) the receipt of the shares by A gives rise to employment income of A which is chargeable to income tax or which is exempt income.

(10) This subsection applies to any earmarked shares if—

(a) the sum of money mentioned in subsection (1)(a)(ii) (or a part of it) is paid to A before the end of the exit period,

(b) the payment of the sum to A gives rise to employment income of A which is chargeable to income tax or which is exempt income, and

(c) the payment represents the proceeds of the disposal of the shares, or the payment is made from another source and, correspondingly, the shares are no longer held by any person in relation to the award.

(11) In subsections (8), (9)(a) and (10)(a) "the exit period" means the period of six months starting with the date on which the exit event occurs.

(12) In subsections (4)(a)(ii), (6)(a)(ii) and (8)(a)(ii) "relevant income", in relation to any earmarked shares, means any income—

(a) which, before the relevant step is treated as being taken by subsection (4), (6) or (8) (as the case may be)—

(i) arises (directly or indirectly) from the shares, and

(ii) is the subject of a relevant step within section 554B taken by P by reason of which Chapter 2 would apply apart from section 554Q, and

(b) which, at the time the relevant step is treated as being taken, continues to be held by or on behalf of P on the basis mentioned in section 554B(1)(a) or (b).

### 554L Exclusions: earmarking for employee share schemes (3)

(1) This section applies if—

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(a) there is an arrangement ("B's employee share scheme") under which, in respect of A's employment with B, a right ("a relevant share option") may be granted to A—

(i) to acquire relevant shares, or

(ii) to receive a sum of money the amount of which is to be determined by reference to the market value of any relevant shares at the time the sum is to be paid,

(b) the main purpose of the grant of the relevant share option would not be the provision of relevant benefits,

(c) the grant would be made on terms ("the deferred grant terms") the main purpose of which is to ensure that the relevant share option is not exercisable by A before a specified date ("the vesting date") which is after the date ("the grant date") on which the grant is made, while providing that the relevant share option is not to be exercisable at all by A if specified conditions are not met on or before the vesting date,

(d) the vesting date would not be more than ten years after the grant date, and

(e) as at the grant date, there would be a reasonable chance that the relevant share option will not be exercisable at all by A because not all the specified conditions will be met on or before the vesting date.

(2) In addition to the provision relating to revocation required by subsection (1)(c) (which must be included), the deferred grant terms may also provide that the relevant share option may be exercised by A only in part if specified conditions are not met on or before the vesting date.

(3) Chapter 2 does not apply by reason of a relevant step within section 554B (by reason of which it would otherwise apply) taken by a person ("P") if—

(a) the subject of the relevant step is relevant shares ("earmarked shares") which are earmarked, or otherwise start being held, solely with a view to providing relevant shares, or paying a sum of money, pursuant to—

(i) a relevant share option granted to A under B's employee share scheme as mentioned in subsection (1)(a) in relation to which the requirements of subsection (1)(b) to (e) are met, or

(ii) a relevant share option which is expected to be granted to A under B's employee share scheme as mentioned in subsection (1)(a) and in relation to which the requirements of subsection (1)(b) to (e) would be met,

(b) the number of relevant shares of any type which are earmarked shares does not exceed the maximum number of relevant shares of that type which might reasonably be expected to be needed for providing shares, or paying a sum of money, pursuant to the relevant share option which is granted or expected to be granted, and

(c) there is no connection (direct or indirect) between the relevant step and a tax avoidance arrangement.

(4) If the relevant step mentioned in subsection (3) is taken in relation to an expected grant of a relevant share option as mentioned in subsection (3)(a)(ii), subsection (5) applies if—

(a) the grant is not made before the end of the date ("the final grant date") falling immediately after the period of three months starting with the date on which P takes the relevant step, and

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(b) as at the end of the final grant date, any of the earmarked shares continue to be held by or on behalf of P solely on the basis mentioned in subsection (3)(a).

(5) This Part has effect as if a relevant step within section 554B were taken at the end of the final grant date—

(a) the subject of which is—

(i) the shares which continue to be held as mentioned in subsection (4)(b), and

(ii) any relevant income in relation to those shares (see subsection (15)), and

(b) by reason of which Chapter 2 is to apply (subject only to section 554A(4)).

(6) Subsection (7) applies if, at any time ("the relevant time")—

(a) any of the earmarked shares cease to be held by or on behalf of P solely on the basis mentioned in subsection (3)(a), but

(b) the shares continue to be held by or on behalf of P on the basis mentioned in section 554B(1)(a) or (b).

(7) This Part has effect as if a relevant step within section 554B were taken at the relevant time—

(a) the subject of which is—

(i) the shares mentioned in subsection (6), and

(ii) any relevant income in relation to those shares (see subsection (15)), and

(b) by reason of which Chapter 2 is to apply (subject only to section 554A(4)).

(8) Subsection (9) applies if—

(a) the relevant step mentioned in subsection (3) is taken in relation to a grant of a relevant share option made as mentioned in subsection (3)(a)(i), or

(b) the relevant step mentioned in subsection (3) is taken in relation to an expected grant of a relevant share option as mentioned in subsection (3)(a)(ii) and the grant is made before the end of the final grant date.

(9) This Part has effect as if a relevant step within section 554B were taken at the end of the final exercise date—

(a) the subject of which is—

(i) any of the earmarked shares to which none of subsections (10) to (13) applies, and

(ii) any relevant income in relation to any of the earmarked shares mentioned in sub-paragraph (i) (see subsection (15)), and

(b) by reason of which Chapter 2 is to apply (subject only to section 554A(4)).

(10) This subsection applies to any earmarked shares if—

(a) the relevant share option becomes exercisable (in whole or in part) by A before the end of the vesting date,

(b) A exercises the option (wholly or partly) before the end of the final exercise date and, as a result, receives the shares, and

(c) the receipt of the shares gives rise to employment income of A—

(i) which is chargeable to income tax or would be chargeable apart from **[**[F1181]Chapter 5B of Part 2**]**, or

(ii) which is exempt income.

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(11) This subsection applies to any earmarked shares if—

(a) the relevant share option becomes exercisable (in whole or in part) by A before the end of the vesting date,

(b) A exercises the option (wholly or partly) before the end of the final exercise date and, as a result, a sum of money is paid to A as mentioned in subsection (1)(a)(ii),

(c) the payment of the sum gives rise to employment income of A—

(i) which is chargeable to income tax or would be chargeable apart from section 474, or

(ii) which is exempt income, and

(d) the payment represents the proceeds of the disposal of the shares, or the payment is made from another source and, correspondingly, the shares are no longer held by any person in relation to the relevant share option.

(12) This subsection applies to any earmarked shares if—

(a) in accordance with the deferred grant terms, before the end of the vesting date, the relevant share option ceases to be exercisable by A (in whole or in part), and

(b) correspondingly, the shares are no longer held by any person in relation to the relevant share option.

(13) This subsection applies to any earmarked shares if—

(a) the relevant share option becomes exercisable by A (in whole or in part) before the end of the vesting date but the option lapses (in whole or in part) before the end of the final exercise date, and

(b) correspondingly, the shares are no longer held by any person in relation to the relevant share option.

(14) In subsections (9) to (13) "the final exercise date" means the date which is ten years after the grant date.

(15) In subsections (5)(a)(ii), (7)(a)(ii) and (9)(a)(ii) "relevant income", in relation to any earmarked shares, means any income—

(a) which, before the relevant step is treated as being taken by subsection (5), (7) or (9) (as the case may be)—

(i) arises (directly or indirectly) from the shares, and

(ii) is the subject of a relevant step within section 554B taken by P by reason of which Chapter 2 would apply apart from section 554Q, and

(b) which, at the time the relevant step is treated as being taken, continues to be held by or on behalf of P on the basis mentioned in section 554B(1)(a) or (b).

**Textual Amendments**

**F1181** Words in s. 554L(10)(c)(i) substituted (with effect in accordance with Sch. 9 para. 48 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 9 paras. 18**, 47

## 554M Exclusions: earmarking for employee share schemes (4)

(1) This section applies if—

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) there is an arrangement ("B's employee share scheme") under which, in respect of A's employment with B, a right ("a relevant share option") may be granted to A—

(i) to acquire relevant shares, or

(ii) to receive a sum of money the amount of which is to be determined by reference to the market value of any relevant shares at the time the sum is to be paid,

(b) the main purpose of the grant of the relevant share option would not be the provision of relevant benefits,

(c) the relevant shares would be—

(i) shares (including stock) in, or

(ii) instruments within paragraph (b) of the definition of "relevant shares" in section 554I(4) issued by,

a trading company or a company which controls a trading company,

(d) the grant would be made on terms ("the deferred grant terms") the main purpose of which is to ensure that the relevant share option is exercisable by A only if a specified exit event, or an exit event within a specified description, occurs, and

(e) as at the time the grant is made, there would be a reasonable chance that the specified exit event, or an exit event within the specified description, will occur.

(2) Chapter 2 does not apply by reason of a relevant step within section 554B (by reason of which it would otherwise apply) taken by a person ("P") if—

(a) the subject of the relevant step is relevant shares ("earmarked shares") which are earmarked, or otherwise start being held, solely with a view to providing relevant shares, or paying a sum of money, pursuant to—

(i) a relevant share option granted to A under B's employee share scheme as mentioned in subsection (1)(a) in relation to which the requirements of subsection (1)(b) to (e) are met, or

(ii) a relevant share option which is expected to be granted to A under B's employee share scheme as mentioned in subsection (1)(a) and in relation to which the requirements of subsection (1)(b) to (e) would be met,

(b) the number of relevant shares of any type which are earmarked shares does not exceed the maximum number of relevant shares of that type which might reasonably be expected to be needed for providing shares, or paying a sum of money, pursuant to the relevant share option which is granted or expected to be granted, and

(c) there is no connection (direct or indirect) between the relevant step and a tax avoidance arrangement.

(3) If the relevant step mentioned in subsection (2) is taken in relation to an expected grant of a relevant share option as mentioned in subsection (2)(a)(ii), subsection (4) applies if—

(a) the grant is not made before the end of the date ("the final grant date") falling immediately after the period of three months starting with the date on which P takes the relevant step, and

(b) as at the end of the final grant date, any of the earmarked shares continue to be held by or on behalf of P solely on the basis mentioned in subsection (2)(a).

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(4) This Part has effect as if a relevant step within section 554B were taken at the end of the final grant date—

(a) the subject of which is—

(i) the shares which continue to be held as mentioned in subsection (3)(b), and

(ii) any relevant income in relation to those shares (see subsection (14)), and

(b) by reason of which Chapter 2 is to apply (subject only to section 554A(4)).

(5) Subsection (6) applies if, at any time ("the relevant time")—

(a) any of the earmarked shares cease to be held by or on behalf of P solely on the basis mentioned in subsection (2)(a), but

(b) the shares continue to be held by or on behalf of P on the basis mentioned in section 554B(1)(a) or (b).

(6) This Part has effect as if a relevant step within section 554B were taken at the relevant time—

(a) the subject of which is—

(i) the shares mentioned in subsection (5), and

(ii) any relevant income in relation to those shares (see subsection (14)), and

(b) by reason of which Chapter 2 is to apply (subject only to section 554A(4)).

(7) Subsection (8) applies if—

(a) the relevant step mentioned in subsection (2) is taken in relation to a grant of a relevant share option made as mentioned in subsection (2)(a)(i), or

(b) the relevant step mentioned in subsection (2) is taken in relation to an expected grant of a relevant share option as mentioned in subsection (2)(a)(ii) and the grant is made before the end of the final grant date,

and the specified exit event, or an exit event within the specified description, occurs.

(8) This Part has effect as if a relevant step within section 554B were taken at the end of the exit period—

(a) the subject of which is—

(i) any of the earmarked shares to which none of subsections (9) to (11) applies, and

(ii) any relevant income in relation to any of the earmarked shares mentioned in sub-paragraph (i) (see subsection (14)), and

(b) by reason of which Chapter 2 is to apply (subject only to section 554A(4)).

(9) This subsection applies to any earmarked shares if—

(a) A exercises the relevant share option (wholly or partly) before the end of the exit period and, as a result, receives the shares, and

(b) the receipt of the shares gives rise to employment income of A—

(i) which is chargeable to income tax or would be chargeable apart from **[**[F1182]Chapter 5B of Part 2**]**, or

(ii) which is exempt income.

(10) This subsection applies to any earmarked shares if—

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(a) A exercises the relevant share option (wholly or partly) before the end of the exit period and, as a result, a sum of money is paid to A as mentioned in subsection (1)(a)(ii),

(b) the payment of the sum gives rise to employment income of A—

(i) which is chargeable to income tax or would be chargeable apart from **[**F1183Chapter 5B of Part 2**]**, or

(ii) which is exempt income, and

(c) the payment represents the proceeds of the disposal of the shares, or the payment is made from another source and, correspondingly, the shares are no longer held by any person in relation to the relevant share option.

(11) This subsection applies to any earmarked shares if—

(a) the relevant share option becomes exercisable by A before the end of the exit period but the option lapses (in whole or in part) at or before the end of that period, and

(b) correspondingly, the shares are no longer held by any person in relation to the relevant share option.

(12) In subsections (8), (9)(a), (10)(a) and (11)(a) "the exit period" means—

(a) the period of six months starting with the date on which the exit event occurs, or

(b) if it ends earlier, the period during which the relevant share option is exercisable by A in accordance with the deferred grant terms.

(13) If the exit event is an event within section 554I(6)(a), in subsection (12)(a) the reference to six months is to be read as a reference to five years.

(14) In subsections (4)(a)(ii), (6)(a)(ii) and (8)(a)(ii) "relevant income", in relation to any earmarked shares, means any income—

(a) which, before the relevant step is treated as being taken by subsection (4), (6) or (8) (as the case may be)—

(i) arises (directly or indirectly) from the shares, and

(ii) is the subject of a relevant step within section 554B taken by P by reason of which Chapter 2 would apply apart from section 554Q, and

(b) which, at the time the relevant step is treated as being taken, continues to be held by or on behalf of P on the basis mentioned in section 554B(1)(a) or (b).

**Textual Amendments**

**F1182** Words in s. 554M(9)(b)(i) substituted (with effect in accordance with Sch. 9 para. 48 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 9 paras. 19(2)**, 47

**F1183** Words in s. 554M(10)(b)(i) substituted (with effect in accordance with Sch. 9 para. 48 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 9 paras. 19(3)**, 47

## 554N Exclusions: other cases involving employment-related securities etc

(1) Chapter 2 does not apply by reason of a relevant step the subject of which is employment-related securities if—

(a) by virtue of the step, the securities are acquired by a person, and

(b) section 425(2) applies... to the acquisition.

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(2) Chapter 2 does not apply by reason of a relevant step the subject of which is an employment-related securities option if—

(a) by virtue of the step, the option is acquired by a person, and

(b) section 475(1) applies... to the acquisition.

(3) Terms used in subsection (1) or (2) have the same meaning as they have in Chapter 2 or 5 of Part 7 (as the case may be).

(4) Chapter 2 does not apply by reason of an event within subsection (5) if by virtue of the event an amount counts as employment income of A in respect of A's employment with B.

(5) The events within this subsection are—

(a) a chargeable event for the purposes of section 426, 438 or 476,

(b) an event which gives rise to the discharge of a notional loan for the purposes of section 446U, or

(c) a disposal to which Chapter 3D of Part 7 applies.

(6) Chapter 2 does not apply by reason of an event to which subsection (4) would apply apart from section 421B(6), ... 429, **[**F1184430A(5)(b),**]** 443... or 477(2) or apart from an election under section 430 or 431.

(7) Subsection (11) applies if there is an acquisition of an asset within section 554C(4)(a) or (b) ("the relevant asset") and—

(a) relevant consideration is given by A for the relevant asset of an amount equal to or greater than the market value of the relevant asset at the time of the acquisition, or

(b) ignoring any relevant consideration given for the relevant asset, the acquisition gives rise (or would give rise) to earnings of A within Chapter 1 of Part 3 **[**F1185, or an amount treated under section 226A as earnings of A,**]** from A's employment with B—

(i) the amount of which is equal to or greater than the market value of the relevant asset at the time of the acquisition, and

(ii) which are not exempt income.

(8) In subsection (7) "relevant consideration"—

(a) means consideration—

(i) which is given before, or at or about, the time of the acquisition, and

(ii) which is money or money's worth, but

(b) does not include—

(i) a promise to do anything, or

(ii) the performance of any duties of, or in connection with, an employment.

(9) If section 437(1) or 452(1) applies in relation to the acquisition, or would apply if Chapter 3 or 4A of Part 7 (as the case may be) applied in relation to the acquisition, in subsection (7) references to the market value of the relevant asset are to be read as references to that value determined on the basis mentioned in section 437(1) or 452(1) (as the case may be).

(10) Subsection (11) also applies if—

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(a) there is an acquisition of an asset within section 554C(4)(a) or (b) ("the relevant asset"),

(b) the acquisition is pursuant to an employment-related securities option (within the meaning of Chapter 5 of Part 7...) acquired by reason of A's employment, or former or prospective employment, with B, and

(c) the acquisition is a chargeable event for the purposes of section 476 ....

(11) Chapter 2 does not apply by reason of a relevant step taken after the acquisition if—

(a) the subject of the relevant step is the relevant asset, and

(b) there is no connection (direct or indirect) between the relevant step and a tax avoidance arrangement.

(12) In subsections (7) to (11) "acquisition" is to be read in accordance with section 421B(2)(a).

(13) Chapter 2 does not apply by reason of a relevant step within section 554C(1)(a) taken by a person if—

(a) the payment of the sum of money is by way of a loan ("the relevant loan"),

(b) the relevant loan is made and used solely for the purpose of enabling A to exercise an employment-related securities option (within the meaning of Chapter 5 of Part 7),

(c) the exercise of the option by A gives rise to employment income of A in respect of A's employment with B—

(i) which is chargeable to income tax or would be chargeable apart from **[**[F1186]Chapter 5B of Part 2**]**, or

(ii) which is exempt income, and

(d) there is no connection (direct or indirect) between the relevant step and a tax avoidance arrangement.

(14) Subsection (15) applies if—

(a) apart from subsection (13), Chapter 2 would apply by reason of the relevant step mentioned in that subsection, and

(b) by the end of the relevant period, the relevant loan has not been fully repaid.

(15) This Part has effect as if a relevant step within section 554C(1)(a) were taken at the end of the relevant period—

(a) the subject of which is a sum of money of an amount equal to the outstanding amount of the relevant loan as at the end of the relevant period,

(b) in relation to which the relevant person (within the meaning of section 554C(1)) is the person to whom the relevant loan is made, and

(c) by reason of which Chapter 2 is to apply.

(16) In subsections (14) and (15) "the relevant period" means the period of 40 days starting with the day on which the relevant step mentioned in subsection (13) is taken.

**[**[F1187](17) See paragraph 31 of Schedule 11 to F(No. 2)A 2017 for provision about exclusions where a loan is made for the purpose of enabling the exercise of an employment-related securities option and the relevant step is within paragraph 1 of that Schedule.**]**

**Textual Amendments**

**F1184** Word in s. 554N(6) inserted (17.7.2014) by Finance Act 2014 (c. 26), **Sch. 9 para. 38**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F1185** Words in s. 554N(7)(b) inserted (1.9.2013) by Finance Act 2013 (c. 29), **Sch. 23 paras. 15**, 38; S.I. 2013/1755, art. 2

**F1186** Words in s. 554N(13)(c)(i) substituted (with effect in accordance with Sch. 9 para. 48 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 9 paras. 20(6)**, 47

**F1187** S. 554N(17) inserted (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 32**

## 554O Exclusions: employee car ownership schemes

(1) This section applies if—

(a) there is an arrangement ("the car ownership arrangement") which—

(i) provides for A to purchase a new car from another person ("P") using a loan ("the car loan") to be made to A by **[**F1188an authorised lender**]** ,

(ii) specifies the date ("the repayment date") by which the car loan must be fully repaid which must be no later than four years after the date on which the car loan is made, and

(iii) permits A, in order to obtain funds to repay the car loan, to sell the car back to P on a specified date at a specified price based on an estimate (made at the time the car ownership arrangement is made) of the likely outstanding amount of the car loan on the specified date, and

(b) as provided for by the car ownership arrangement, A purchases the car using the car loan.

(2) Chapter 2 does not apply by reason of a relevant step taken for the sole purpose of—

(a) the purchase of the car or its sale-back as provided for by the car ownership arrangement, or

(b) the making of the car loan as so provided,

so long as the car ownership arrangement is not a tax avoidance arrangement and there is no other connection (direct or indirect) between the relevant step and a tax avoidance arrangement.

(3) Subsection (4) applies if—

(a) apart from subsection (2), Chapter 2 would apply by reason of the making of the car loan, and

(b) by the end of the repayment date, the car loan has not been fully repaid.

(4) This Part has effect as if a relevant step within section 554C(1)(a) were taken at the end of the repayment date—

(a) the subject of which is a sum of money of an amount equal to the outstanding amount of the car loan as at the end of the repayment date,

(b) in relation to which the relevant person (within the meaning of section 554C(1)) is A, and

(c) by reason of which Chapter 2 is to apply.

(5) In this section—

"car" has the meaning given by section 235(2), and

**[**F1189"authorised lender" means a person who—

(a) has permission under Part 4A of the Financial Services and Markets Act 2000 to enter into, or to exercise or have the right to exercise rights and duties under, a contract of the kind mentioned in paragraph 23 of Schedule 2 to that Act, and

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(b) is not acting as a trustee.**]**

F1190 **[** The definition of "authorised lender" must be read with—

(6)
(a) section 22 of the 2000 Act,
(b) any relevant order under that section, and
(c) Schedule 2 to that Act.**]**

F1191 **[** See paragraph 33 of Schedule 11 to F(No. 2)A 2017 for provision about exclusions for (7) car loans in a case in which the relevant step is within paragraph 1 of that Schedule.**]**

**Textual Amendments**

**F1188** Words in s. 554O(1)(a)(i) substituted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013 (S.I. 2013/1881), art. 1(2)(6), **Sch. para. 9(a)**

**F1189** Words in s. 554O(5) substituted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013 (S.I. 2013/1881), art. 1(2)(6), **Sch. para. 9(b)**

**F1190** S. 554O(6) inserted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) (No.2) Order 2013 (S.I. 2013/1881), art. 1(2)(6), **Sch. para. 9(c)**

**F1191** S. 554O(7) inserted (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 34**

**[**

### F1192 554OA Exclusions: transfer of employment-related loans

(1) Chapter 2 does not apply by reason of a relevant step taken by a person ("P") if—

(a) the step is acquiring a right to payment of an amount equal to the whole or part of a payment made by way of a loan to a relevant person (the "borrower"),
(b) the loan, at the time it was made, was an employment-related loan,
(c) at the time the relevant step is taken, the section 180 threshold is not exceeded in relation to the loan,
(d) at the time the relevant step is taken, the borrower is an employee, or a prospective employee, of P, and
(e) there is no connection (direct or indirect) between the relevant step and a tax avoidance arrangement.

(2) For the purposes of this section, the section 180 threshold is not exceeded in relation to a loan if, at all times in the relevant tax year—

(a) the amount outstanding on the loan, or
(b) if two or more employment-related loans are made by the same employer, the aggregate of the amount outstanding on them,

does not exceed the amount specified at the end of section 180(2) (normal threshold for benefit of a loan to be treated as earnings).

(3) Subsection (4) applies if—

(a) two or more employment-related loans are made by the same employer, and
(b) during the relevant tax year, a person acquires a right to payment of an amount (the "transfer amount") equal to the whole or part of the payment made by way of any of the loans.

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(4) The transfer amount is to be treated as an "amount outstanding" on that loan for the purposes of subsection (2)(b).

(5) In this section—

(a) "employment-related loan" has the same meaning as it has for the purposes of Chapter 7 of Part 3;

(b) "relevant tax year" means the tax year in which the relevant step is taken.**]**

F1193 **[** See paragraph 27 of Schedule 11 to F(No. 2)A 2017 for provision about exclusions (6) where a loan is an employment-related loan and the relevant step is within paragraph 1 of that Schedule.**]**

**Textual Amendments**

**F1192** S. 554OA inserted (with effect in accordance with Sch. 6 para. 13 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 6 para. 5**

**F1193** S. 554OA(6) inserted (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 28**

### 554P Exclusions: employment income exemptions under Part 4

(1) Chapter 2 does not apply by reason of a relevant step if an employment income exemption under Part 4 applies to the subject of the relevant step.

(2) If the employment income exemption applies to the subject of the relevant step in part only, the relevant step is to be treated for the purposes of this Part as being two separate relevant steps—

(a) one in relation to the subject of the step so far as the exemption applies to it, and

(b) one in relation to the subject of the step so far as the exemption does not apply to it,

with subsection (1) applying only in relation to the separate relevant step mentioned in paragraph (a).

(3) In order to give effect to subsection (2), the sum of money or asset which is the subject of the relevant step is to be apportioned between the two separate relevant steps on a just and reasonable basis.

(4) In this section "employment income exemption" includes the exemption under section 271.

### 554Q Exclusions: income arising from earmarked sum or asset

(1) This section applies if—

(a) a sum of money or asset ("sum or asset R") is held by or on behalf of a person ("P"),

(b) income arises from sum or asset R, and

(c) when the income arises, it—

(i) is received by or on behalf of P, and

(ii) is the subject of a relevant step within section 554B taken by P.

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(2) Chapter 2 does not apply by reason of the relevant step mentioned in subsection (1)(c)(ii) if—

(a) before the income arises, sum or asset R was the subject of a relevant step within section 554B taken by P,

(b) Chapter 2 applied by reason of the relevant step mentioned in paragraph (a) in respect of A's employment with B or would have so applied apart from this section or section 554R or any of sections 554H to 554M or section 554T,

(c) immediately before the income arises, sum or asset R is still earmarked or otherwise held on the basis mentioned in section 554B(1)(a) or (b), and

(d) subsection (3) does not apply.

(3) This subsection applies if it is reasonable to suppose that, taking into account the type of investments from which the income derives (directly or indirectly), in essence, the income represents a return from sum or asset R which exceeds the return which might be expected applying the assumption that all relevant connected persons are acting at arm's length of each other.

(4) In subsection (3) "relevant connected person" means a person with a connection (direct or indirect) to the arrangement under which the income arises.

### 554R Exclusions: acquisitions out of sums or assets

(1) This section applies if—

(a) a sum of money or asset ("sum or asset S") is held by or on behalf of a person ("P"),

(b) a sum of money or asset ("sum or asset T") is acquired by or on behalf of P wholly out of sum or asset S,

(c) sum or asset T is not acquired (directly or indirectly) from A or any person linked with A, and

(d) subsection (2) does not apply.

(2) This subsection applies if it is reasonable to suppose that, in essence—

(a) at the time of the acquisition of sum or asset T, the value of sum or asset T is greater or less than the value of sum or asset S, and

(b) the difference (or any part of the difference) in the values might not have been expected applying the assumption that all relevant connected persons are acting at arm's length of each other.

(3) In subsection (2)—

(a) the reference to sum or asset S is to sum or asset S so far as sum or asset T is acquired out of it, and

(b) "relevant connected person" means a person with a connection (direct or indirect) to the arrangement under which sum or asset T is acquired.

(4) The cases covered by subsection (1)(b) include (in particular) cases in which sum or asset T represents the proceeds of the disposal of sum or asset S.

(5) Subsection (6) applies if, on its acquisition, sum or asset T is the subject of a relevant step within section 554B taken by P.

(6) Chapter 2 does not apply by reason of the relevant step if—

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(a) before the acquisition, sum or asset S was the subject of a relevant step within section 554B taken by P,

(b) Chapter 2 applied by reason of the relevant step mentioned in paragraph (a) in respect of A's employment with B or would have applied apart from this section or section 554Q or 554T, and

(c) immediately before the acquisition, sum or asset S is still earmarked or otherwise held on the basis mentioned in section 554B(1)(a) or (b).

(7) Subsection (8) applies if—

(a) on its acquisition, sum or asset T—

(i) is the subject of a relevant step within section 554B taken by P by reason of which Chapter 2 applies or would apply apart from subsection (6) above or any of sections 554H to 554M, 554Q or 554T, or

(ii) if sub-paragraph (i) does not apply, is held by or on behalf of P on the same basis as that on which sum or asset S was held by or on behalf of P immediately before the acquisition, and

(b) for the sole purpose of the acquisition, sum or asset S or sum or asset T is the subject of a relevant step within section 554C(1)(a) to (c).

(8) Chapter 2 does not apply by reason of the relevant step mentioned in subsection (7)(b).

**[F1194 554RA Exclusions: relevant repayments**

(1) This section applies (subject to subsection (5)) if—

(a) a right to repayment of principal under a relevant loan (the "repayment right") is held by or on behalf of a person ("P"), and

(b) on or after 9 December 2010, a sum of money (the "repayment sum") is acquired by or on behalf of P by way of repayment of principal under the relevant loan.

(2) In this section "relevant loan" means a loan made on or after 6 April 1999.

(3) Subsection (4) applies if—

(a) on its acquisition, the repayment sum is the subject of a relevant step within section 554B taken by P, or

(b) for the sole purpose of the acquisition, the making of the payment of the repayment sum is a relevant step within section 554C(1)(a).

(4) Chapter 2 does not apply by reason of the relevant step if, on its acquisition, the repayment sum is held by or on behalf of P on the same basis as that on which the repayment right was held by or on behalf of P immediately before the acquisition.

(5) This section does not apply where there is any connection (direct or indirect) between the acquisition by or on behalf of P of the repayment sum and a tax avoidance arrangement (other than the arrangement under which the relevant loan was made).**]**

**Textual Amendments**

**F1194** S. 554RA inserted (with effect in accordance with Sch. 6 para. 14 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 6 para. 8**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### 554S Exclusions: pension income chargeable under Part 9 etc

(1) Chapter 2 does not apply by reason of a relevant step within section 554C or 554D if the step is the provision of pension income which is chargeable to income tax under Part 9 or is exempt income (within the meaning of that Part).

(2) Sections 554T, 554U, 554V, 554W and 554X contain further provision relating to retirement benefits etc and are to be applied, so far as applicable, in that order.

### 554T Exclusions: employee pension contributions

(1) Chapter 2 does not apply by reason of a relevant step within section 554B if the sum of money or asset which is the subject of the step arises or derives (whether wholly or partly or directly or indirectly) from an excluded pension contribution paid by A on or after 6 April 2011.

(2) If the sum of money or asset arises or derives from the excluded pension contribution only partly, the relevant step is to be treated for the purposes of this Part as being two separate relevant steps—

(a) one in relation to the sum of money or asset so far as it arises or derives from the excluded pension contribution, and

(b) one in relation to the sum of money or asset so far as it does not arise or derive from the excluded pension contribution,

with subsection (1) applying only in relation to the separate relevant step mentioned in paragraph (a).

(3) Chapter 2 does not apply by reason of a relevant step within section 554C or 554D if the sum of money or asset which is the subject of the step—

(a) represents relevant benefits, and

(b) arises or derives (whether wholly or partly or directly or indirectly) from an excluded pension contribution paid by A.

(4) If the sum of money or asset arises or derives from the excluded pension contribution only partly, the relevant step is to be treated for the purposes of this Part as being two separate relevant steps—

(a) one in relation to the sum of money or asset so far as it arises or derives from the excluded pension contribution, and

(b) one in relation to the sum of money or asset so far as it does not arise or derive from the excluded pension contribution,

with subsection (3) applying only in relation to the separate relevant step mentioned in paragraph (a).

(5) In order to give effect to subsection (2) or (4), the sum of money or asset which is the subject of the relevant step is to be apportioned between the two separate relevant steps on a just and reasonable basis.

(6) For the purposes of this section an excluded pension contribution is a contribution—

(a) which is made to an arrangement by A by way of a payment of a sum of money,

(b) by virtue of which A acquires rights to receive relevant benefits under the arrangement (and nothing else),

(c) which is neither a relievable pension contribution nor a tax-relieved contribution, and

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(d) which is not a repayment of any loan and otherwise has nothing to do with any loan and has nothing to do with a sum of money or asset which has been the subject of a relevant step within section 554C(1)(d).

(7) In this section—

"relevant benefits" has the same meaning as in Chapter 2 of Part 6, but ignoring section 393B(2)(a),

"relievable pension contribution" means a contribution in respect of which an individual is entitled to relief under section 188 of FA 2004, and

"tax-relieved contribution" has the meaning given by paragraph 3(3) of Schedule 34 to FA 2004.

### 554U Exclusions: pre-6 April 2006 contributions to employer-financed retirement benefit schemes

(1) This section applies if the subject of a relevant step is a sum of money or asset which has (wholly or partly) arisen or derived (directly or indirectly) from a sum of money ("the taxed sum")—

(a) which was paid by B in accordance with an employer-financed retirement benefits scheme (within the meaning of Chapter 2 of Part 6) with a view to the provision of benefits under the scheme, and

(b) in respect of which A is taxed.

(2) For the purpose of determining whether A is taxed in respect of a sum of money, paragraph 53(3) of Schedule 36 to FA 2004 applies as it applies for the purpose of determining whether an employee is taxed for the purposes of paragraph 53(1)(b) of that Schedule.

(3) Chapter 2 does not apply by reason of the relevant step.

(4) Subsection (5) applies if the sum of money or asset which is the subject of the relevant step only partly arises or derives from the taxed sum.

(5) The relevant step is to be treated for the purposes of this Part as being two separate relevant steps—

(a) one in relation to the sum of money or asset so far as it arises or derives from the taxed sum, and

(b) one in relation to the sum of money or asset so far as it does not arise or derive from the taxed sum,

with subsection (3) applying only in relation to the separate relevant step mentioned in paragraph (a).

(6) In order to give effect to subsection (5), the sum of money or asset which is the subject of the relevant step is to be apportioned between the two separate relevant steps on a just and reasonable basis.

(7) If B is a company and is a member of a group of companies at any time ("the relevant time"), in subsection (1)(a), in relation to any sum of money paid at the relevant time, the reference to B is to be read as including a reference to any other company which is a member of that group at the relevant time.

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### 554V Exclusions: purchases of annuities out of pension scheme rights

(1) This section applies if—

(a) an annuity contract is purchased from an insurance company wholly out of rights which A has under a pension scheme, and

(b) A's rights out of which the annuity contract is purchased are, wholly or partly, pre-6 April 2011 annuity rights.

(2) If the purchaser—

(a) takes a relevant step for the sole purpose of purchasing the annuity contract or transferring the beneficiary's rights under the annuity contract to A or a person linked with A, or

(b) on the purchase of the annuity contract, otherwise takes a relevant step within section 554B the subject of which is the beneficiary's rights under the annuity contract,

Chapter 2 does not apply by reason of the relevant step.

(3) If the insurance company—

(a) takes a relevant step for the sole purpose of selling the annuity contract, or

(b) on the sale of the annuity contract, otherwise takes a relevant step within section 554B the subject of which is a sum of money or asset representing the purchase price received for the annuity contract,

Chapter 2 does not apply by reason of the relevant step.

(4) If A's rights out of which the annuity contract is purchased are only partly pre-6 April 2011 annuity rights, any relevant step mentioned in subsection (2)(a) or (b) or (3)(a) or (b) is to be treated for the purposes of this Part as being two separate relevant steps—

(a) one in relation to the annuity contract so far as it is purchased out of rights which are pre-6 April 2011 annuity rights, and

(b) one in relation to the annuity contract so far as it is purchased out of rights which are not pre-6 April 2011 annuity rights,

with subsection (2) or (3) (as the case may be) applying only in relation to the separate relevant step mentioned in paragraph (a) of this subsection.

(5) In order to give effect to subsection (4), the sum of money or asset which is the subject of the relevant step mentioned in subsection (2)(a) or (b) or (3)(a) or (b) is to be apportioned between the two separate relevant steps on a just and reasonable basis.

(6) In this section—

"annuity contract" means a contract for the provision of an annuity—

(a) granted for consideration in money or money's worth in the ordinary course of a business of granting annuities on human life, and

(b) payable for a term ending at a time ascertainable only by reference to the end of a human life,

although for this purpose it does not matter that the annuity may in some circumstances end before or after the life,

"insurance company" means—

(a) a person or EEA firm within section 275(1)(a) or (b) of FA 2004, or

(b) a person resident in a territory outside the European Economic Area—

(i) whose normal business includes the provision of annuities, and

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(ii) who is regulated in the conduct of that business by the government of that territory or by a body established under the law of that territory for the purpose of regulating such business, and

"pre-6 April 2011 annuity rights" means rights, which accrued before 6 April 2011, specifically to receive an annuity.

### 554W Exclusions: certain retirement benefits etc

(1) This section applies if—

(a) a relevant benefit is provided under a relevant scheme by way of a payment of a lump sum wholly out of rights which A has under the scheme,

(b) A's rights out of which the lump sum is paid are, wholly or partly, pre-6 April 2011 lump sum rights, and

(c) the payment of the lump sum is a relevant step within section 554C.

(2) Chapter 2 does not apply by reason of the relevant step.

(3) If A's rights out of which the lump sum is paid are only partly pre-6 April 2011 lump sum rights, the relevant step is to be treated for the purposes of this Part as being two separate relevant steps—

(a) one in relation to the lump sum so far as it is paid out of rights which are pre-6 April 2011 lump sum rights, and

(b) one in relation to the lump sum so far as it is paid out of rights which are not pre-6 April 2011 lump sum rights,

with subsection (2) applying only in relation to the separate relevant step mentioned in paragraph (a).

(4) In order to give effect to subsection (3), the lump sum is to be apportioned between the two separate relevant steps on a just and reasonable basis.

(5) In this section—

"pre-6 April 2011 lump sum rights" means rights, which accrued before 6 April 2011, specifically to receive relevant benefits by way of lump sum payments,

"relevant benefit" has the same meaning as in Chapter 2 of Part 6, and

"relevant scheme" means an employer-financed retirement benefits scheme (within the meaning of that Chapter) or a superannuation fund to which section 615(3) of ICTA applies.

### 554X Exclusions: transfers between certain foreign pension schemes

(1) This section applies if rights which A has under a section 390 scheme are transferred to another section 390 scheme or to an overseas pension scheme.

(2) This section also applies if—

(a) rights which A has under an overseas pension scheme are transferred to another overseas pension scheme, and

(b) some or all of the rights transferred are section 390 scheme rights.

(3) Chapter 2 does not apply by reason of—

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(a) a relevant step within section 554C taken for the sole purpose of transferring the rights, or

(b) a relevant step within section 554B taken by the transferee in relation to the transferred rights on their transfer.

(4) Subsection (5) applies in relation to a transfer within subsection (2) if not all the transferred rights are section 390 scheme rights.

(5) Any relevant step mentioned in subsection (3) is to be treated for the purposes of this Part as being two separate relevant steps—

(a) one in relation to the section 390 scheme rights, and

(b) one in relation to the rest of the transferred rights,

with subsection (3) applying only in relation to the separate relevant step mentioned in paragraph (a) of this subsection.

(6) In order to give effect to subsection (5), the sum of money or asset which is the subject of the relevant step mentioned in subsection (3) is to be apportioned between the two separate relevant steps on a just and reasonable basis.

(7) Subsection (8) applies if any of the transferred rights arise or derive (directly or indirectly) from contributions to any scheme which—

(a) are paid by B on or after 6 April 2006, and

(b) are neither tax-relieved contributions nor tax-exempt provision.

(8) Any relevant step mentioned in subsection (3) is to be treated for the purposes of this Part as being two separate relevant steps—

(a) one in relation to the rights mentioned in subsection (7), and

(b) one in relation to the rest of the transferred rights,

with subsection (3) applying only in relation to the separate relevant step mentioned in paragraph (b) of this subsection.

(9) In order to give effect to subsection (8), the sum of money or asset which is the subject of the relevant step mentioned in subsection (3) is to be apportioned between the two separate relevant steps on a just and reasonable basis.

(10) If subsection (5) applies in relation to a transfer—

(a) in subsection (7) the reference to the transferred rights is to be read as a reference to the transferred section 390 scheme rights only, and

(b) in subsections (8) and (9) references to any relevant step mentioned in subsection (3) are to be read as references to the separate relevant step mentioned in subsection (5)(a).

(11) If B is a company and is a member of a group of companies at any time ("the relevant time"), in subsection (7)(a), in relation to any contribution paid at the relevant time, the reference to B is to be read as including a reference to any other company which is a member of that group at the relevant time.

(12) In this section—

"overseas pension scheme" has the same meaning as in Part 4 of FA 2004 (see section 150(7) of that Act),

"section 390 scheme" means a scheme in relation to which a claim was accepted under section 390,

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"section 390 scheme rights" means rights which A has under an overseas pension scheme and which—

(a) have been transferred to the scheme (directly or indirectly) from a section 390 scheme, or

(b) have arisen or derived (directly or indirectly) from rights that have been so transferred, and

"tax-exempt provision" and "tax-relieved contribution" have the meaning given by paragraph 3(3) and (4) of Schedule 34 to FA 2004.

**[**

**Exclusions: payments in respect of a tax liability**

F1195**554XA**

(1) Chapter 2 does not apply by reason of a relevant step which is the payment of a sum of money if—

(a) the payment is a relevant tax payment, or

(b) where the payment is not a relevant tax payment—

(i) the payment is made to a person for the purpose of the person making a relevant tax payment,

(ii) the person makes a relevant tax payment of an amount equal to the amount of the first payment, and

(iii) the relevant tax payment is made before the end of the period of 60 days beginning with the day on which the first payment is made.

(2) "Relevant tax payment" means a payment made to Her Majesty's Revenue and Customs in respect of a relevant liability for—

(a) . . . . . .

(b) . . . . . .

(c) inheritance tax, or

(d) corporation tax.

(3) But a provisional payment of tax (see section 554Z11D) is not a relevant tax payment.

(4) A liability is a "relevant liability" if—

(a) under the terms of an agreement for the discharge of the liability, or

(b) by way of a decision on an application under this section,

an officer of Revenue and Customs agrees that the liability is to be treated as arising in respect of the relevant arrangement concerned.

(5) A person may make an application to Her Majesty's Revenue and Customs for a liability to be treated, for the purposes of this section, as arising in respect of the relevant arrangement concerned.

(6) An application under this section must be made in such form and manner, and contain such information, as may be specified by, or on behalf of, the Commissioners for Her Majesty's Revenue and Customs.

(7) An officer of Revenue and Customs must notify the applicant of the decision on an application under this section.**]**

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**Textual Amendments**

**F1195** S. 554XA inserted (with effect in accordance with Sch. 6 para. 13 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 6 para. 9**

### 554Y Power to exclude other relevant steps

(1) The Commissioners for Her Majesty's Revenue and Customs may by regulations provide for Chapter 2 not to apply—

(a) by reason of a relevant step falling within a specified description, or

(b) in the cases otherwise specified in the regulations.

(2) Regulations under this section may, in consequence of provision within subsection (1)—

(a) provide—

(i) for a relevant step to be treated for the purposes of this Part as if it were two or more separate relevant steps,

(ii) for the provision within subsection (1) to apply only to one or some of the separate relevant steps, and

(iii) for the sum of money or asset which is the subject of the relevant step to be apportioned between the separate relevant steps on a just and reasonable basis,

(b) make provision, in relation to cases in which Chapter 2 does not apply by reason of a relevant step by virtue of the provision within subsection (1)—

(i) for a relevant step to be treated as taking place if, subsequently, specified conditions are met or not met, and

(ii) for Chapter 2 to apply by reason of the relevant step treated as taking place, and

(c) make other provision modifying the application of any provision of this Part.

(3) Regulations under this section may contain incidental, supplemental, consequential and transitional provision and savings.

(4) Regulations under this section may have retrospective effect.

*Interpretation*

### 554Z Interpretation: general

(1) This section applies for the purposes of this Part.

(2) "A" and "B" are defined in section 554A(1)(a) **[**F1196or, as the case may be, section 554AA(1)**]**.

(3) "Arrangement" includes any agreement, scheme, settlement, transaction, trust or understanding (whether or not it is legally enforceable).

(4) "Market value" has the same meaning as it has for the purposes of TCGA 1992 by virtue of Part 8 of that Act.

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(5) Section 170(2) to (11) of TCGA 1992 applies for the purpose of determining whether a company is a member of a group of companies.

(6) And for that purpose, section 170(2) to (11) is to be read as if for "75 per cent" (wherever occurring) there were substituted " 51 per cent " (with section 1154(2) of CTA 2010 applying accordingly).

(7) References to the payment of a sum of money include (in particular) references to the payment of a sum of money by way of a loan.

(8) "Pension scheme" has the same meaning as in Part 4 of FA 2004 (see section 150(1) of that Act).

(9) "Relevant step" is defined in section 554A(2) **[**F1197, but see also Schedule 11 to F(No. 2)A 2017**]**.

(10) References to a relevant step which involves a sum of money are references to—

(a) a step within section 554B where the subject of the relevant step is a sum of money,

(b) a step within section 554C(1)(a) **[**F1198to (ab)**]** , ...

(c) a step within section 554C(1)(d) where the subject of the relevant step is a sum of money**[**F1199, or

(d) a step within paragraph 1 **[**F1200or 1A**]** of Schedule 11 to F(No. 2)A 2017.**]**

(11) References to the asset which is the subject of a relevant step are, in the case of a step within section 554C(1)(e), references to the lease granted.

(12) For this purpose, the lease granted is to be treated as including any extensions of the lease, or any later lease, which by virtue of section 554C(7) or (8) is taken into account in determining the likely effective duration of the lease for the purposes of section 554C(1)(e).

(13) "Tax avoidance arrangement" means an arrangement which has a tax avoidance purpose.

(14) For the purposes of subsection (13) an arrangement has a tax avoidance purpose if subsection (15) applies to a person who is a party to the arrangement.

(15) This subsection applies to a person if the main purpose, or one of the main purposes, of the person in entering into the arrangement is the avoidance of tax or national insurance contributions.

(16) The following paragraphs apply for the purpose of determining whether any relevant step or any other step is connected with a tax avoidance arrangement—

(a) the step is connected with a tax avoidance arrangement if (for example) the step is taken (wholly or partly) in pursuance of—

(i) the tax avoidance arrangement, or

(ii) an arrangement at one end of a series of arrangements with the tax avoidance arrangement being at the other end, and

(b) it does not matter if the person taking the step is unaware of the tax avoidance arrangement.

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**Textual Amendments**

**F1196** Words in s. 554Z(2) inserted (with effect in accordance with Sch. 1 para. 14 of the amending Act) by Finance Act 2018 (c. 3), **Sch. 1 para. 5(4)**

**F1197** Words in s. 554Z(9) inserted (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 46(4)**

**F1198** Words in s. 554Z(10)(b) inserted (with effect in accordance with Sch. 6 para. 13 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 6 para. 6**

**F1199** S. 554Z(10)(d) and word inserted (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 46(5)**

**F1200** Words in s. 554Z(10)(d) inserted (22.7.2020) by Finance Act 2020 (c. 14), **Sch. 2 para. 25**

## 554Z1 Interpretation: persons linked with A

(1) In this Part references to any person linked with A are references to—

(a) any person who is or has been connected with A,

(b) a close company in which A or a person within any other paragraph of this subsection is or has been a participator,

(c) a company in which A or a person within any other paragraph of this subsection is or has been a participator and which would be a close company if it were a UK resident company, or

(d) a company which is a 51% subsidiary of a company within paragraph (b) or (c).

**[**F1201(2) In applying section 993 of ITA 2007 for the purposes of subsection (1), two people living together as if they were a married couple or civil partners are treated as if they were spouses or civil partners of each other.**]**

(3) In subsection (1) "participator"—

(a) in relation to a close company, means a person who is a participator in relation to the company for the purposes of section 455 of CTA 2010 (see sections 454 and 455(5) of that Act), and

(b) in relation to a company which would be a close company if it were a UK resident company, means a person who would be such a participator if the company were a close company.

**Textual Amendments**

**F1201** S. 554Z1(2) substituted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 25(4)**

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## CHAPTER 2

TREATMENT OF RELEVANT STEP FOR INCOME TAX PURPOSES

*Employment income*

### 554Z2 Value of relevant step to count as employment income

(1) If this Chapter applies by reason of a relevant step, the value of the relevant step (see section 554Z3) counts as employment income of A in respect of A's employment with B—

(a) if the relevant step is taken before A's employment with B starts, for the tax year in which the employment starts, or

(b) otherwise, for the tax year in which the relevant step is taken.

F1202(1AA) **[** But subsection (1) is subject to section 554Z2A (close companies).**]**

F1203(1A) **[** Where the value of a relevant step would (apart from this subsection) count as employment income of more than one person—

(a) the value of the relevant step is to be apportioned between each of those persons on a just and reasonable basis, and

(b) subsection (1) applies as if the reference to the value of the relevant step in relation to A were a reference to so much of the value of the relevant step that is apportioned to A.**]**

(2) If the relevant step gives rise to—

(a) an amount which (apart from this subsection) would be treated as earnings of A under a provision of the benefits code, or

(b) any income of A which (apart from this subsection) would be dealt with under Chapter 3 of Part 4 of ITTOIA 2005,

subsection (1) applies instead of that provision of the benefits code or Chapter 3 of Part 4 of ITTOIA 2005 (as the case may be).

(3) In particular, in a case in which the relevant step is the making of an employment-related loan (within the meaning of Chapter 7 of Part 3), the effect of subsection (2)(a) is that the loan is not to be treated for any tax year as a taxable cheap loan for the purposes of that Chapter.

F1204(4) **[** See paragraph 37 of Schedule 11 to F(No. 2)A 2017 for provision about the effect of subsection (2)(a) in a case in which the relevant step is within paragraph 1 of that Schedule.**]**

**Textual Amendments**

**F1202** S. 554Z2(1AA) inserted (with effect in accordance with Sch. 1 para. 14 of the amending Act) by Finance Act 2018 (c. 3), **Sch. 1 para. 3(1)**

**F1203** S. 554Z2(1A) inserted (15.9.2016) by Finance Act 2016 (c. 24), **s. 18(2)**

**F1204** S. 554Z2(4) inserted (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 38**

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### F1205 554Z2A Exception to section 554Z2(1): close companies

(1) Section 554Z2(1) does not apply in the case of a relevant step if—

(a) this Chapter applies in the case of the relevant step only by reason of section 554AA (close companies),

(b) the relevant step is a step within section 554B, 554C or 554D,

(c) the relevant step gives rise to a charge to tax under either—

(i) section 455 of CTA 2010 by virtue of section 459 of that Act (loans treated as made to participator), or

(ii) section 415 of ITTOIA 2005 (release of loan to participator in a close company), and

(d) in a case within paragraph (c)(i), either the payment condition or the consent condition is met in relation to the charge under section 455 of CTA 2010.

(2) The payment condition is met in relation to a charge to tax under section 455 of CTA 2010 if—

(a) the net section 455 charge is paid in full on or before the due date, or

(b) the net section 455 charge is nil.

(3) The "net section 455 charge" means the amount of the charge to tax under section 455 of CTA 2010 less the amount of section 458 relief from that charge.

(4) In subsection (3) "section 458 relief" means relief given under section 458 of that Act—

(a) in respect of a repayment made, or a release or writing-off occurring, on or before the due date, and

(b) on a claim made on or before the due date.

(5) The consent condition is met in relation to a charge to tax under section 455 of CTA 2010 if—

(a) the charge to tax is reported, in a company tax return of B's, as required under Schedule 18 to FA 1998 (company tax returns etc),

(b) the payment condition is not met in relation to that charge, and

(c) an officer of Revenue and Customs considers that section 554Z2(1) should not apply in the case of the relevant step concerned.

(6) In this section, references to the "due date" in relation to a charge to tax under section 455 of CTA 2010 are references to the day on which the tax is due and payable (see section 455(3) of CTA 2010).**]**

**Textual Amendments**

**F1205** S. 554Z2A inserted (with effect in accordance with Sch. 1 para. 14 of the amending Act) by Finance Act 2018 (c. 3), **Sch. 1 para. 3(2)**

### 554Z3 Value of relevant step

(1) If the relevant step involves a sum of money, its value is the amount of the sum.

(2) In any other case, the value of the relevant step is—

(a) the market value when the relevant step is taken of the asset which is the subject of the step, or

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(b) if higher, the cost of the relevant step.

(3) Subsection (2)(a) is subject to sections 437 and 452.

(4) Subsection (2)(b) is to be ignored if—

(a) the relevant step is within section 554C(1)(c), and

(b) any of Chapters 2 to 4A of Part 7 apply by virtue of the acquisition.

(5) Subsection (2)(b) is also to be ignored if section 554Z7 applies.

(6) In subsection (2)(b) the reference to the cost of the relevant step is to the expense incurred in connection with the relevant step (including a proper proportion of any expense relating partly to the relevant step and partly to other matters) by the person or persons at whose cost the relevant step is taken.

(7) Subsections (1) and (2) are subject to sections 554Z4, 554Z5, 554Z6, 554Z7 and 554Z8, which, so far as applicable, are to be applied in that order.

### 554Z4 Residence issues

(1) After the value of the relevant step is determined under section 554Z3, the particular tax year or years which the value of the relevant step is "for" are to be determined.

(2) For this purpose, apply sections 16(1) to (4) and 17(1) to (3) as if the value of the relevant step were general earnings.

**[**F1206(3) Subsection (4) applies if the value of the relevant step, or a part of it, is "for"—

(a) a tax year for which A is non-UK resident, or

(b) a tax year that is a split year as respects A.

(4) The value, or the part of it, is to be reduced—

(a) in a case within subsection (3)(a), by so much of the value, or the part of it, as is not in respect of UK duties, and

(b) in a case within subsection (3)(b), by so much of the value, or the part of it, as is both—

(i) attributable to the overseas part of the tax year, and

(ii) not in respect of UK duties.

(5) The extent to which—

(a) the value, or the part of it, is not in respect of UK duties, or

(b) so much of the value, or the part of it, as is attributable to the overseas part of the tax year is not in respect of UK duties,

is to be determined on a just and reasonable basis.**]**

**[** F1207(5A) Any attribution required for the purposes of subsection (4)(b)(i) is to be done on a just and reasonable basis.

(5B) "UK duties" means duties performed in the United Kingdom.**]**

(6) This section does not change the tax year for which the value of the relevant step counts as employment income under section 554Z2(1).

**[** F1208(7) Subsections (8) and (9) apply if—

(a) the relevant step is the payment of a lump sum,

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(b) the payment of the lump sum is the provision of a relevant benefit under an employer-financed retirement benefits scheme, and

(c) the person by whom the lump sum is received is resident in the United Kingdom in the tax year in which the lump sum is received.

(8) If the lump sum is wholly in respect of rights which have accrued on or after 6 April 2017, there is no reduction under subsection (4).

(9) If the lump sum is wholly or partly in respect of rights which accrued before 6 April 2017, the amount of any reduction under subsection (4) is given by—

$$R \times \frac{A}{LS}$$

where—

A is so much of the lump sum as is in respect of rights which accrued before 6 April 2017,

LS is the amount of the lump sum, and

R is the amount which (ignoring this subsection) is given by subsection (4) as the amount of the reduction.

(10) In subsection (7)—

"employer-financed retirement benefits scheme" has the same meaning as in Chapter 2 of Part 6 (see section 393A), and

"relevant benefit" has the same meaning as in that Chapter (see section 393B).**]**

**Textual Amendments**

**F1206** S. 554Z4(3)-(5) substituted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 68(2)**

**F1207** S. 554Z4(5A)(5B) inserted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 68(3)**

**F1208** S. 554Z4(7)-(10) inserted (27.4.2017) by Finance Act 2017 (c. 10), **Sch. 3 para. 7**

**[**

### Temporary non-residents

**F1209 554Z4A**

(1) This section applies if A is temporarily non-resident.

(2) Any relevant step within subsection (3) is to be treated for the purposes of section 554Z2 as if it were taken in the period of return.

(3) A relevant step is within this subsection if—

(a) it is the payment of a lump sum to a relevant person (see section 554C(2)),

(b) the lump sum is a relevant benefit provided under a relevant scheme,

(c) the step is taken in the temporary period of non-residence, and

(d) ignoring this section—

(i) no charge to tax arises by virtue of section 554Z2 by reason of the step, but

(ii) such a charge would arise if the existence of any double taxation relief arrangements were disregarded.

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(4) Subsection (3)(d)(i) includes a case where the charge could be prevented by making a DTR claim, even if no claim is in fact made.

(5) Nothing in any double taxation relief arrangements is to be read as preventing A from being chargeable to income tax in respect of any relevant step treated by virtue of this section as taken in the period of return (or as preventing a charge to that tax from arising as a result).

(6) Part 4 of Schedule 45 to FA 2013 (statutory residence test: anti-avoidance) explains—

(a) when an individual is to be regarded as "temporarily non-resident", and

(b) what "the temporary period of non-residence" and "the period of return" mean.

(7) In this section—

"double taxation relief arrangements" means arrangements that have effect under section 2(1) of TIOPA 2010;

"DTR claim" means a claim for relief under section 6 of that Act;

"relevant benefit" has the same meaning as in Chapter 2 of Part 6;

"relevant scheme" means an employer-financed retirement benefits scheme (within the meaning of that Chapter) or a superannuation fund to which section 615(3) of ICTA applies.**]**

**Textual Amendments**

**F1209** S. 554Z4A inserted (with effect in accordance with Sch. 45 para. 153(3) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 126**

### [F1210 554Z5 Overlap with money or asset subject to earlier tax liability

(1) This section applies if there is overlap between—

(a) the sum of money or asset ("sum or asset P") which is the subject of the relevant step, and

(b) a sum of money or asset ("sum or asset Q") by reference to which, on an occasion that occurred before the relevant step is taken, A became subject to a liability for income tax ("the earlier tax liability").

(2) But this section does not apply where—

(a) the earlier tax liability arose by reason of a step within section 554B taken in a tax year before 6 April 2011, and

(b) the value of the relevant step is (or if large enough would be) reduced under paragraph 59 of Schedule 2 to FA 2011.

(3) Where either the payment condition or the liability condition is met, the value of the relevant step is reduced (but not below nil) by an amount equal to so much of the sum of money, or (as the case may be) the value of so much of the asset, as is within the overlap.

(4) The payment condition is that, at the time the relevant step is taken—

(a) the earlier tax liability has become due and payable, and

(b) either—

(i) it has been paid in full, or

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(ii) the person liable for the earlier tax liability has agreed terms with an officer of Revenue and Customs for the discharge of that liability.

(5) The liability condition is that, at the time the relevant step is taken, the earlier tax liability is not yet due and payable.

(6) For the purposes of this section there is overlap between sum or asset P and sum or asset Q so far as it is just and reasonable to conclude that—

(a) they are the same sum of money or asset, or

(b) sum or asset P directly, or indirectly, represents sum or asset Q.

(7) Subsection (8) applies where—

(a) the earlier tax liability arose by virtue of the application of this Chapter by reason of an earlier relevant step (the "earlier relevant step"), and

(b) reductions were made under this section to the value of the earlier relevant step.

(8) Where this subsection applies, sum or asset P is treated as overlapping with any other sum of money or asset so far as the other sum of money or asset was treated as overlapping with sum or asset Q for the purposes of this section.

(9) In subsection (1)(b)—

(a) the reference to A includes a reference to any person linked with A, and

(b) the reference to a liability for income tax does not include a reference to a liability for income tax arising by reason of section 175 (benefit of taxable cheap loan treated as earnings).

(10) In subsection (3) the reference to the value of the relevant step is a reference to that value—

(a) after any reductions made to it under section 554Z4, this section or 554Z7, but

(b) before any reductions made to it under section 554Z6 or 554Z8.

(11) For the purposes of subsection (4)(b)(i) a person is not to be regarded as having paid any tax by reason only of making—

(a) a payment on account of income tax,

(b) a payment that is treated as a payment on account under section 223(3) of FA 2014 (accelerated payments), or

(c) a payment pending determination of an appeal made in accordance with section 55 of TMA 1970.**]**

**[** See paragraphs 4(5) and (6) and 12(4) and (5) of Schedule 11 of F(No. 2)A 2017) for
F1211(12) provision about the effect of subsection (3) in certain cases where the relevant step is within paragraph 1 of that Schedule.**]**

**Textual Amendments**

**F1210** S. 554Z5 substituted (with effect in accordance with Sch. 6 para. 13 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 6 para. 10**

**F1211** S. 554Z5(12) inserted (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 46(6)**

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### 554Z6 Overlap with certain earnings

(1) This section applies if the relevant step gives rise to relevant earnings of A from A's employment with B—

(a) which are, in accordance with section 16 and (if applicable) section 17, "for" a tax year in which A is UK resident **[**[F1212](and, in the case of a tax year that is a split year as respects A, are not "excluded" by virtue of section 15(1A)(a) and (b)(i))**]**, or

(b) which are, in accordance with section 29 and (if applicable) section 30, "for" a tax year in which A is non-UK resident but which are in respect of duties performed in the United Kingdom for the purposes of section 27(1)(a).

(2) The value of the relevant step (after any reductions under section 554Z4 or 554Z5) is reduced (but not below nil) by the amount of the relevant earnings.

(3) For the purposes of this section the following are "relevant" earnings—

(a) earnings within Chapter 1 of Part 3,

(b) amounts treated as earnings under Chapter 12 of Part 3, and

(c) a deemed employment payment under section 50 or any part of such a payment.

(4) But anything which is exempt income, or which falls within Chapter 3 of Part 4 of ITTOIA 2005, is not "relevant".

**Textual Amendments**

**F1212** Words in s. 554Z6(1)(a) inserted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 69**

### 554Z7 Exercise price of share options

(1) Subsection (3) applies if—

(a) the relevant step is a step within section 554B (other than one treated as being taken by section 554L(5), (7) or (9) or 554M(4), (6) or (8)),

(b) B is a company,

(c) there is an arrangement ("B's employee share scheme") under which, in respect of A's employment with B, a right ("a relevant share option") may be granted to A—

(i) to acquire relevant shares, or

(ii) to receive a sum of money the amount of which is to be determined by reference to the market value of any relevant shares at the time the sum is to be paid,

(d) in order to exercise the relevant share option so as—

(i) to acquire the relevant shares, or

(ii) to receive the sum of money,

A would, under the terms of the option, have to pay a sum of money the amount of which can be determined at the time of the grant of the option,

(e) the subject of the relevant step is relevant shares ("earmarked shares") which are earmarked, or otherwise start being held, solely with a view to providing shares, or paying a sum of money, pursuant to—

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(i) a relevant share option granted to A under B's employee share scheme as mentioned in paragraph (c) in relation to which the requirements of paragraph (d) are met, or

(ii) a relevant share option which is expected to be granted to A under B's employee share scheme as mentioned in paragraph (c) and in relation to which the requirements of paragraph (d) would be met,

(f) the number of relevant shares of any type which are earmarked shares does not exceed the maximum number of relevant shares of that type which might reasonably be expected to be needed for providing shares, or paying a sum of money, pursuant to the relevant share option which is granted or expected to be granted, and

(g) there is no connection (direct or indirect) between the relevant step and a tax avoidance arrangement.

(2) Subsection (3) also applies if—

(a) the relevant step is a step treated as being taken by section 554L(9) or 554M(8), and

(b) in order to exercise the relevant share option to which the step relates so as—

(i) to acquire the shares which are the subject of the relevant step, or

(ii) to receive the sum of money determined by reference to the market value of those shares,

A would, under the terms of the option, have to pay a sum of money the amount of which can be determined at the time the option is granted.

(3) The value of the relevant step (after any reductions under sections 554Z4 to 554Z6) is to be reduced (but not below nil) by—

(a) the amount of the sum of money which A would have to pay as mentioned in subsection (1)(d) or (2)(b), or

(b) if the value of the relevant step was reduced under section 554Z4, X% of the amount of that sum of money.

(4) In subsection (3)(b) "X%" means the proportion of the value of the relevant step (as determined under section 554Z3) left after the reduction under section 554Z4.

(5) If subsection (3) applies by virtue of subsection (1) and the relevant step is taken in relation to an expected grant of a relevant share option as mentioned in subsection (1)(e)(ii), subsection (7) applies if—

(a) the grant is not made before the end of the date ("the final grant date") falling immediately after the period of three months starting with the date on which the relevant step is taken, and

(b) as at the end of the final grant date, any of the earmarked shares continue to be held by or on behalf of P solely on the basis mentioned in subsection (1)(e).

(6) If subsection (3) applies by virtue of subsection (1), subsection (7) also applies if at any time after the taking of the relevant step—

(a) any of the earmarked shares cease to be held by or on behalf of P solely on the basis mentioned in subsection (1)(e), but

(b) the shares continue to be held by or on behalf of P on the basis mentioned in section 554B(1)(a) or (b).

(7) This Part has effect as if a relevant step within section 554B were taken at the end of the final grant date or when the shares cease to be held as mentioned in subsection (6)—

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(a) the subject of which is the earmarked shares mentioned in subsection (5)(b) or (6), and

(b) by reason of which this Chapter is to apply (subject only to section 554A(4)).

(8) In this section "relevant shares" has the meaning given by section 554I(4).

### 554Z8 Cases where consideration given for relevant step

(1) Subsection (2) applies if—

(a) the relevant step is a step within section 554C(1)(a) to (c),

(b) the relevant step is for consideration given by A in the form of the transfer of an asset to P from A,

(c) the transfer by A of the asset is made before, or at or about, the time the relevant step is taken and is not by way of a loan, and

(d) there is no connection (direct or indirect) between the transfer by A of the asset and a tax avoidance arrangement.

(2) The value of the relevant step (after any reductions under sections 554Z4 to 554Z6) is reduced (but not below nil) by—

(a) the market value of the asset transferred by A at the time of its transfer, or

(b) if the value of the relevant step was reduced under section 554Z4, X% of that market value.

(3) For the purposes of subsection (1)(d) it is (in particular) to be assumed that the transfer by A of the asset is connected with a tax avoidance arrangement if—

(a) before the transfer, the asset was transferred to A by another person by way of a loan, or

(b) the asset is, or carries with it, any rights or interests under the relevant arrangement or any arrangement which is connected (directly or indirectly) with the relevant arrangement.

(4) In subsection (3)(b) "the relevant arrangement" has the meaning given by section 554A(1)(b).

(5) Subsection (6) applies if—

(a) the relevant step is a step within section 554C(1)(b) or (c) or (e) or 554D and does not also involve a sum of money,

(b) the relevant step is for consideration given by A in the form of the payment of a sum of money to P by A, ...

(c) the payment is made before, or at or about, the time the relevant step is taken**[**F1213, and

(d) there is no connection (direct or indirect) between the payment and a tax avoidance arrangement.**]**

(6) The value of the relevant step (after any reductions under sections 554Z4 to 554Z6) is reduced (but not below nil) by—

(a) the amount of the consideration given, or

(b) if the value of the relevant step was reduced under section 554Z4, X% of the amount of that consideration.

(7) In subsections (2)(b) and (6)(b) "X%" means the proportion of the value of the relevant step (as determined under section 554Z3) left after the reduction under section 554Z4.

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(8) In this section references to A include references to any person linked with A.

**Textual Amendments**

**F1213** S. 554Z8(5)(d) and word inserted (with effect in accordance with s. 18(9) of the amending Act) by Finance Act 2016 (c. 24), **s. 18(3)**

*Remittance basis*

### 554Z9 Remittance basis: [F1214A [F1215did not] meet section 26A requirement]

(1) [F1216Subsections (2) and (2A) apply] if—

(a) the value of the relevant step, or a part of it, is "for" a tax year ("the relevant tax year") as determined under section 554Z4,

(b) section 809B, 809D or 809E of ITA 2007 (remittance basis) [F1217applied] to A for the relevant tax year,

[F1218(c) A [F1219did not] meet the requirement of section 26A for the relevant tax year (reading references there to the employee as references to A),]

(d) A's employment with B in the relevant tax year [F1220was] employment with a foreign employer, and

(e) the duties of A's employment with B in the relevant tax year [F1221were] performed wholly outside the United Kingdom.

[ But [F1223subsections (2) and (2A) do not apply] if section 24A applies in relation to F1222(1A) A's employment with B for the relevant tax year.]

(2) [F1224Except in a case within subsection (2A),] A's employment income by virtue of section 554Z2(1), or the relevant part of it, is "taxable specific income" in a tax year so far as it is remitted to the United Kingdom in that year.

[ Where the relevant step is within paragraph 1 of Schedule 11 to F(No. 2)A 2017, A's F1225(2A) employment income by virtue of section 554Z2(1), or the relevant part of it, is "taxable specific income" in the tax year in which the relevant step is treated as being taken so far as the income is remitted to the United Kingdom in that tax year or in any previous tax year.]

(3) For [F1226the purposes of subsections (2) and (2A)], any income which is remitted before A's employment with B starts is treated as being remitted in the tax year in which the employment starts.

(4) Subsection (5) applies if in the relevant tax year—

(a) A has associated employments, and

(b) the duties of the associated employments are not performed wholly outside the United Kingdom.

(5) The amount of A's employment income to which [F1227subsection (2) or (2A)] applies is limited to such amount as is just and reasonable, having regard to—

(a) A's employment income for the relevant tax year from all associated employments, together with A's employment with B,

(b) the proportion of that income [F1228(or of so much of it as is attributable to the UK part of the relevant tax year, if it was a split year as respects A)] which

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is general earnings to which section 22 applies or is employment income to which section 41A applies,

(c) the nature of and time devoted to the duties performed outside the United Kingdom, and those performed in the United Kingdom, in the relevant tax year **[**F1229(or the UK part of it)**]**, and

(d) all other relevant circumstances,

and, if the amount of A's employment income to which **[**F1230subsection (2) or (2A)**]** would otherwise apply exceeds that limit, the amount of A's employment income to which **[**F1231subsection (2) or (2A) (as the case may be)**]** applies is instead to be such amount as is just and reasonable.

(6) In this section "associated employments" means employments with B or with employers associated with B; and section 24(5) and (6) applies for the purposes of this subsection.

**Textual Amendments**

**F1214** Words in s. 554Z9 heading substituted (with effect in accordance with Sch. 46 para. 25 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 13(2)** (with Sch. 46 para. 26)

**F1215** Words in s. 554Z9 heading substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(11)(a)**

**F1216** Words in s. 554Z9(1) substituted (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 40(2)**

**F1217** Word in s. 554Z9(1)(b) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(11)(b)(i)**

**F1218** S. 554Z9(1)(c) substituted (with effect in accordance with Sch. 46 para. 25 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 13(1)** (with Sch. 46 para. 26)

**F1219** Words in s. 554Z9(1)(c) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(11)(b)(ii)**

**F1220** Word in s. 554Z9(1)(d) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(11)(b)(iii)**

**F1221** Word in s. 554Z9(1)(e) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(11)(b)(iv)**

**F1222** S. 554Z9(1A) inserted (with effect in accordance with Sch. 3 para. 7(4) of the amending Act) by Finance Act 2014 (c. 26), **Sch. 3 para. 5**

**F1223** Words in s. 554Z9(1A) substituted (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 40(3)**

**F1224** Words in s. 554Z9(2) inserted (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 40(4)**

**F1225** S. 554Z9(2A) inserted (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 40(5)**

**F1226** Words in s. 554Z9(3) substituted (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 40(6)**

**F1227** Words in s. 554Z9(5) substituted (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 40(7)(a)**

**F1228** Words in s. 554Z9(5)(b) inserted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 70(a)**

**F1229** Words in s. 554Z9(5)(c) inserted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 70(b)**

**F1230** Words in s. 554Z9(5) substituted (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 40(7)(b)(i)**

**F1231** Words in s. 554Z9(5) substituted (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 40(7)(b)(ii)**

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## 554Z10 Remittance basis: [F1232A [F1233met] section 26A requirement]

(1) [F1234Subsections (2) and (2A) apply] if—

[F1235(a) the value of the relevant step, or a part of it, is "for" a tax year ("the relevant tax year") as determined under section 554Z4,]

(b) section 809B, 809D or 809E of ITA 2007 (remittance basis) [F1236applied] to A for the relevant tax year, and

[F1237(c) A [F1238met] the requirement of section 26A for the relevant tax year (reading references there to the employee as references to A).]

[F1239(2) [F1240Except in a case within subsection (2AA),] The overseas portion of (as the case may be)—

(a) A's employment income by virtue of section 554Z2(1), or

(b) the relevant part of A's employment income by virtue of that section,

is "taxable specific income" in a tax year so far as the overseas portion is remitted to the United Kingdom in that year.]

[F1241(2AA) Where the relevant step is within paragraph 1 of Schedule 11 to F(No. 2)A 2017, the overseas portion of (as the case may be)—

(a) A's employment income by virtue of section 554Z2(1), or

(b) the relevant part of A's employment income by virtue of that section,

is "taxable specific income" in the tax year in which the relevant step is treated as being taken so far as the overseas portion is remitted to the United Kingdom in that tax year or in any previous tax year.]

[F1242(2A) The overseas portion" of A's employment income by virtue of section 554Z2(1), or of the relevant part of that income, is so much of that income, or of the relevant part of it, as is not in respect of UK duties.

(2B) "UK duties" means duties performed in the United Kingdom.]

(3) For [F1243the purposes of this section], any income which is remitted before A's employment with B starts is treated as being remitted in the tax year in which the employment starts.

[F1244(4) The extent to which—

(a) the employment income, or the relevant part of it, is not in respect of UK duties, or

(b) so much of the employment income, or of the relevant part of it, as is attributable to the UK part of the relevant tax year is not in respect of UK duties,

is to be determined on a just and reasonable basis.]

**Textual Amendments**

**F1232** Words in s. 554Z10 heading substituted (with effect in accordance with Sch. 46 para. 25 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 14(2)** (with Sch. 46 para. 26)

**F1233** Word in s. 554Z10 heading substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(12)(a)**

**F1234** Words in s. 554Z10(1) substituted (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 41(2)**

**F1235** S. 554Z10(1)(a) substituted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 71(2)**

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**F1236** Word in s. 554Z10(1)(b) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(12)(b)**

**F1237** S. 554Z10(1)(c) substituted (with effect in accordance with Sch. 46 para. 25 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 14(1)(c)** (with Sch. 46 para. 26)

**F1238** Word in s. 554Z10(1)(c) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(12)(c)**

**F1239** S. 554Z10(2) substituted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 71(3)**

**F1240** Words in s. 554Z10(2) inserted (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 41(3)**

**F1241** S. 554Z10(2AA) inserted (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 41(4)**

**F1242** S. 554Z10(2A)(2B) inserted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 71(4)**

**F1243** Words in s. 554Z10(3) substituted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 71(5)**

**F1244** S. 554Z10(4) substituted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 71(6)**

## 554Z11 Remittance basis: supplementary

(1) Subsection (2) applies if section 554Z9(1)(a) or 554Z10(1)(a) applies to a part ("the relevant part") of the value of the relevant step.

(2) Any reduction to the value of the relevant step to be made under any of sections 554Z5 to 554Z8 is to be made so that X% of the reduction is made by way of reducing the relevant part.

(3) In subsection (2) "X%" means the proportion of the value of the relevant step represented by the relevant part before any reductions under any of sections 554Z5 to 554Z8.

(4) For the purpose of applying section **[**F1245554Z9(2) or (2A) or 554Z10(2) or (2AA)**]** , see Chapter A1 of Part 14 of ITA 2007 for the meaning of "remitted to the United Kingdom" etc.

(5) If the relevant step involves a sum of money, for the purposes of that Chapter the sum of money is treated as deriving from A's employment income (or the relevant part of it) to which section **[**F1246554Z9(2) or (2A) or 554Z10(2) or (2AA)**]** applies.

(6) In any other case, for the purposes of that Chapter the asset which is the subject of the relevant step is treated as deriving from A's employment income (or the relevant part of it) to which section **[**F1247554Z9(2) or (2A) or 554Z10(2) or (2AA)**]** applies.

(7) Subsection (8) applies if—

(a) after the relevant step is taken, there is another relevant step ("the later relevant step") by reason of which this Chapter applies in respect of A's employment with B, and

(b) within the meaning of section 554Z5, there is overlap between the sum of money or asset ("sum or asset R") which is the subject of the relevant step and the sum of money or asset ("sum or asset S") which is the subject of the later relevant step.

(8) Except so far as, in any event—

(a) sum or asset S and sum or asset R are the same sum of money or asset, or

(b) sum or asset S derives from sum or asset R,

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for the purposes of Chapter A1 of Part 14 of ITA 2007 sum or asset S is treated, to the extent of the overlap, as deriving from sum or asset R.

(9) Subsections (10) and (11) apply if—

(a) the relevant tax year within the meaning of section 554Z9 or 554Z10 is the tax year 2007-08 or any earlier tax year, and

(b) A—

(i) was UK resident in that year, but

(ii) was not domiciled in the United Kingdom, or was not ordinarily UK resident, in that year.

(10) Section 554Z9 or 554Z10 (as the case may be) applies as if section 809B of ITA 2007 applied to A for the relevant tax year.

(11) In section 554Z9(1)(d) the reference to a foreign employer is to be read as not including a person resident in the Republic of Ireland.

**Textual Amendments**

**F1245** Words in s. 554Z11(4) substituted (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 42(2)**

**F1246** Words in s. 554Z11(5) substituted (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 42(3)**

**F1247** Words in s. 554Z11(6) substituted (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 42(4)**

### Temporary non-residents

**[F1248 554Z11A**

(1) This section applies if A is temporarily non-resident.

(2) Any amount within subsection (3) is to be treated for the purposes of section 554Z9(2) **[**[F1249]or (2A)**]** or (as the case may be) 554Z10(2) **[**[F1250]or (2AA)**]** as if it were remitted to the United Kingdom in the period of return.

(3) An amount is within this subsection if—

(a) it is all or part of a relevant benefit provided to a relevant person (see section 554C(2)) under a relevant scheme,

(b) it is provided in the form of the lump sum,

(c) it is remitted to the United Kingdom in the temporary period of non-residence, and

(d) ignoring this section—

(i) no charge to tax arises by virtue of section 554Z9(2) or 554Z10(2) in respect of it, but

(ii) such a charge would arise by virtue of one of those sections if the existence of any double taxation relief arrangements were disregarded.

(4) Subsection (3)(d)(i) includes a case where the charge could be prevented by making a DTR claim, even if no claim is in fact made.

(5) Nothing in any double taxation relief arrangements is to be read as preventing A from being chargeable to income tax in respect of any income treated by virtue of this

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section as remitted to the United Kingdom in the period of return (or as preventing a charge to that tax from arising as a result).

(6) Part 4 of Schedule 45 to FA 2013 (statutory residence test: anti-avoidance) explains—

(a) when an individual is to be regarded as "temporarily non-resident", and

(b) what "the temporary period of non-residence" and "the period of return" mean.

(7) In this section—

"double taxation relief arrangements" means arrangements that have effect under section 2(1) of TIOPA 2010;

"DTR claim" means a claim for relief under section 6 of that Act;

"relevant benefit" has the same meaning as in Chapter 2 of Part 6;

"relevant scheme" means an employer-financed retirement benefits scheme (within the meaning of that Chapter) or a superannuation fund to which section 615(3) of ICTA applies;

"remitted to the United Kingdom" has the same meaning as in Chapter A1 of Part 14 of ITA 2007.**]**

**Textual Amendments**

**F1248** S. 554Z11A inserted (with effect in accordance with Sch. 45 para. 153(3) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 127**

**F1249** Words in s. 554Z11A(2) inserted (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 43(2)(a)**

**F1250** Words in s. 554Z11A(2) inserted (16.11.2017) by Finance (No. 2) Act 2017 (c. 32), **Sch. 11 para. 43(2)(b)**

### *[F1251 Double taxation: earlier income tax liability*

**Textual Amendments**

**F1251** Ss. 554Z11B-554Z11G and cross-heading inserted (with effect in accordance with Sch. 6 para. 15(2)(3) of the amending Act) by Finance Act 2017 (c. 10), **Sch. 6 para. 11**

### 554Z11B Earlier income tax liability: application of section 554Z11C

(1) Section 554Z11C applies if the conditions in subsections (2) and (3) are met.

(2) The first condition is that there is overlap between—

(a) the sum of money or asset ("sum or asset P") which is the subject of the relevant step, and

(b) a sum of money or asset ("sum or asset Q") by reference to which, on an occasion that occurred before the relevant step is taken, A became subject to a liability for income tax ("the earlier tax liability").

(3) The second condition is that at the time the relevant step is taken—

(a) an amount is payable by a person (the "liable person") in respect of the earlier tax liability, but the whole or part of that amount is unpaid and not otherwise accounted for, and

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(b) the liable person has not agreed any terms with an officer of Revenue and Customs for the discharge of the earlier tax liability.

(4) For the purposes of this section there is overlap between sum or asset P and sum or asset Q so far as it is just and reasonable to conclude that—

(a) they are the same sum of money or asset, or

(b) sum or asset P directly, or indirectly, represents sum or asset Q.

(5) In subsection (2)(b)—

(a) the reference to A includes a reference to any person linked with A, and

(b) the reference to a liability for income tax does not include a reference to a liability for income tax arising by reason of section 175 (benefit of taxable cheap loan treated as earnings).

### 554Z11CEarlier income tax liability: treatment of payments

(1) In this section—

(a) "the earlier charge" means so much of the earlier tax liability as relates to the overlap between sum or asset P and sum or asset Q, and

(b) "the Chapter 2 overlap charge" means so much of the Chapter 2 tax liability as relates to the overlap between sum or asset P and sum or asset Q.

(2) The amount of a tax liability that relates to the overlap between sum or asset P and sum or asset Q is to be determined on a just and reasonable basis.

(3) Subsection (4) applies where, after the relevant step is taken, an amount (the "earlier charge paid amount") is paid in respect of all or part of—

(a) the earlier charge, or

(b) any late payment interest in respect of the charge.

(4) An amount equal to the earlier charge paid amount is treated as a payment on account of—

(a) the Chapter 2 overlap charge, or

(b) if that charge has been paid in full, any late payment interest payable in respect of the charge.

(5) Except where subsection (10) applies, subsection (6) applies where an amount (the "Chapter 2 paid amount") is paid in respect of all or part of—

(a) the Chapter 2 overlap charge, or

(b) any late payment interest in respect of the charge.

(6) An amount equal to the Chapter 2 paid amount is treated as a payment on account of—

(a) the earlier charge, or

(b) if the earlier charge has been paid in full, any late payment interest payable in respect of the charge.

(7) Subsection (10) applies where—

(a) the condition in 554Z11B(2) is met because there is overlap between sum or asset P and each of two or more items within section 554Z11B(2)(b), and

(b) an amount (the "Chapter 2 aggregate paid amount") is paid in respect of all or part of—

(i) two or more relevant Chapter 2 overlap charges, or

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(ii) any late payment interest in respect of any of those charges.

(8) In subsection (7)(b), "relevant Chapter 2 overlap charge" means so much of the Chapter 2 tax liability as relates to the overlap between sum or asset P and one of those items within section 554Z11B(2)(b).

(9) For the purposes of subsection (10)—

(a) in the case of each of those items, the "earlier charge" in respect of the overlap between sum or asset P and the item is so much of the liability mentioned in section 554Z11B(2)(b) in the case of the item as relates to the overlap, and

(b) the Chapter 2 aggregate paid amount is to be allocated, in such proportions as are just and reasonable in all the circumstances, between the earlier charges given by paragraph (a).

(10) The amount allocated to an earlier charge under subsection (9) is treated as a payment on account of—

(a) the earlier charge to which it is allocated, and

(b) if the earlier charge has been paid in full, any late payment interest payable in respect of the charge.

(11) In this section—

"late payment interest" means interest payable under—

(a) section 86 of TMA 1970,

(b) section 101 of FA 2009, or

(c) regulation 82 of the Income Tax (Pay As You Earn) Regulations 2003 (S.I. 2003/2682);

"Chapter 2 tax liability" means the liability for income tax arising by virtue of the application of Chapter 2 by reason of the relevant step.

### 554Z11DEarlier income tax liability: provisional payments of tax

(1) Subsection (2) applies for the purposes of—

(a) section 554Z11B(3)(a), and

(b) section 554Z11C(3), (4)(b), (7)(b) and (10)(b).

(2) A person is not to be regarded as having paid, or otherwise accounted for, any tax by reason only of making a provisional payment of tax, except in accordance with an application granted under section 554Z11E.

(3) In this Part, "provisional payment of tax" means—

(a) a payment on account of income tax,

(b) a payment that is treated as a payment on account under section 223(3) of FA 2014 (accelerated payments), or

(c) a payment pending determination of an appeal made in accordance with section 55 of TMA 1970.

(4) The reference in subsection (3)(a) to a payment on account of income tax does not include a reference to a payment treated under section 554Z11C as a payment on account of a tax liability.

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### 554Z11E Application for provisional payments to be treated as payment of tax

(1) A person may make an application to Her Majesty's Revenue and Customs for a provisional payment of tax to be treated for the purposes of section 554Z11C as—

(a) an earlier charge paid amount,

(b) a Chapter 2 paid amount, or

(c) a Chapter 2 aggregate paid amount.

(2) Where an application under subsection (1) is granted, the provisional payment of tax to which it relates may not be repaid.

(3) An application for approval must be made in such form and manner, and contain such information, as may be specified by, or on behalf of, the Commissioners for Her Majesty's Revenue and Customs.

(4) An officer of Revenue and Customs must notify the applicant of the decision on an application.

### 554Z11F Provisional payments of tax: further provision

(1) This section applies in a case to which section 554Z11C applies (see section 554Z11B(1)).

(2) If a provisional payment of tax is made in respect of an earlier charge in relation to an overlap, it is to be treated as also being made in respect of the Chapter 2 overlap charge in relation to the overlap.

(3) If a provisional payment of tax is made in respect of a Chapter 2 overlap charge in relation to an overlap, it is to be treated as also being made in respect of the earlier charge in relation to the overlap.

(4) If section 554Z11C(10) applies in a case (see section 554Z11C(7)) and a provisional payment of tax is made in respect of two or more relevant Chapter 2 overlap charges—

(a) the amount of the provisional payment of tax is to be allocated, in such proportions as are just and reasonable in all the circumstances, between those relevant Chapter 2 overlap charges, and

(b) a provisional payment of tax, equal to the amount allocated to the relevant Chapter 2 overlap charge relating to any particular overlap, is to be treated as also being made in respect of the earlier charge given by section 554Z11C(9) in respect of that overlap.

(5) Subsection (6) applies if—

(a) the provisional payment of tax is repaid, and

(b) late payment interest on the earlier charge or the Chapter 2 overlap charge would have accrued during the relevant period if the provisional payment of tax had not been made.

(6) The late payment interest mentioned in subsection (5) is treated as having accrued as if the provisional payment of tax had not been made.

(7) For the purposes of subsection (5), the "relevant period" is the period beginning on the day on which the provisional payment of tax is made and ending with the day on which the repayment is made.

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### 554Z11GEarlier income tax liability: supplementary provision

(1) This section applies in a case to which section 554Z11C applies (see section 554Z11B(1)).

(2) Subsection (3) applies where an employer is treated by virtue of section 687A or 695A as making a payment of income ("the notional payment") by reason of the value of the relevant step, of which sum or asset P is the subject, counting as employment income.

(3) The reference in section 222 (payments by employer on account of tax where deduction not possible) to the notional payment is to be treated as a reference to that payment reduced by an amount equal to so much of the sum of money or (as the case may be) the value of so much of the asset—

(a) as is within the overlap, and

(b) in relation to which an amount is treated under section 554Z11C as a payment on account of either the earlier charge or the Chapter 2 overlap charge.

(3) Subsection (4) applies for the purposes of sections 65(5)(b) and 70(3)(b) of the Inheritance Tax Act 1984 (tax relief for payments which are income of a person for income tax purposes etc).

(4) The value of the relevant step of which sum or asset P is the subject is to be treated as reduced by an amount equal to so much of the sum of money or (as the case may be) the value of so much of the asset —

(a) as is within the overlap, and

(b) in relation to which an amount is treated under section 554Z11C as a payment on account of either the earlier charge or the Chapter 2 overlap charge.**]**

*Supplementary*

### 554Z12 Relevant step taken after A's death etc

(1) Subsection (3), (4) or (5) (as the case may be) applies if the relevant step is a step within section 554C **[**F1252, by virtue of subsection (1)(a) or (b) to (e) of that section,**]** or 554D and—

(a) the relevant step is taken on or after A's death, or

(b) if relevant, any of A's employment income by virtue of section 554Z2(1) is remitted to the United Kingdom on or after A's death.

But none of those subsections applies if A's employment with B never started before A's death.

(2) In subsections (3) to (5) "the relevant person" means the relevant person (within the meaning of section 554C(1) or 554D(1) or (2)) in relation to the relevant step.

(3) If the relevant person is A, A's personal representatives are liable for, as the case may be, the income tax on—

(a) A's employment income by virtue of section 554Z2(1), or

(b) so much of that income as is remitted.

(4) If the relevant person is an individual other than A, the amount which, as the case may be—

(a) counts as employment income of A, or

(b) is remitted,

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is to count as an amount of employment income of the relevant person for the tax year in which the relevant step is taken or the income is remitted.

(5) If the relevant person is not an individual, the relevant taxable person is chargeable to income tax on the amount which, as the case may be—

(a) counts as employment income of A, or

(b) is remitted.

(6) In subsection (5) "the relevant taxable person" is to be read as follows—

(a) if the person (or any of the persons) who took the relevant step is UK resident, "the relevant taxable person" is the person (or each of the UK resident persons) who took the relevant step,

(b) if paragraph (a) does not apply and B is still alive or in existence when the relevant step is taken, "the relevant taxable person" is B, or

(c) if neither paragraph (a) nor paragraph (b) applies, "the relevant taxable person" is the non-UK resident person (or each of the non-UK resident persons) who took the relevant step.

(7) For the purposes of subsection (5)—

(a) the rate of tax is the rate applying for the purposes of section 394(2) (see section 394(4)) at the time of the relevant step or remittance of income, and

(b) the tax is charged for the tax year in which the relevant step is taken or the income is remitted.

(8) If there is more than one relevant person in relation to the relevant step, the amount which, as the case may be—

(a) counts as employment income of A, or

(b) is remitted,

is to be apportioned between the relevant persons on a just and reasonable basis with subsections (3) to (5) applying accordingly.

**[**F1253(9) Section 554Z4A and section 554Z11A apply for the purposes of subsection (4) as for the purposes of section 554Z2 and section 554Z9(2) or 554Z10(2) respectively (reading references in sections 554Z4A and 554Z11A to "A" as references to "the relevant person").

(10) But those sections do not apply for the purposes of subsection (4) if the relevant person's temporary period of non-residence began before A died.**]**

**Textual Amendments**

**F1252** Words in s. 554Z12(1) inserted (with effect in accordance with Sch. 6 para. 13 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 6 para. 7**

**F1253** S. 554Z12(9)(10) inserted (with effect in accordance with Sch. 45 para. 153(3) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 128**

### 554Z13 Subsequent income tax liability

(1) This section applies if—

(a) after the relevant step is taken, another event ("the later event") occurs,

(b) other than by virtue of—

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(i) this Chapter,
(ii) Chapters 2 to 5 of Part 7, or
(iii) Part 9,

the later event would (apart from this section) give rise to a liability for income tax of A or any other person on an amount ("the later amount"), and

(c) it is just and reasonable for this section to apply in order to avoid a double charge to income tax in respect of the sum of money or asset which is the subject of the relevant step.

(2) So far as it is just and reasonable in order to avoid a double charge to income tax as mentioned in subsection (1)(c), there is to be no liability to income tax on the later amount by virtue of the later event.

### 554Z14 Relief where earmarking not followed by further relevant step

(1) An application for relief may be made by A (or, if A has died, A's personal representatives) to an officer of Revenue and Customs if—

(a) this Chapter has applied by reason of a relevant step ("the original relevant step") within section 554B taken by a person ("P"),

(b) there occurs an event ("the relevant event") which is not a relevant step in relation to a relevant sum or asset,

(c) by reason of the relevant event no further relevant step is or will be taken by P or any other person in relation to any relevant sum or asset, and

(d) there is no connection (direct or indirect) between the relevant event and a tax avoidance arrangement.

(2) In section 554Z(15) the reference to the avoidance of tax includes (in particular) a reference to the avoidance of tax by way of obtaining relief under this section.

(3) In subsection (1) "relevant sum or asset" means—

(a) the sum of money or asset which is the subject of the original relevant step, or

(b) a sum of money or asset which (directly or indirectly) has arisen or derived, or may arise or derive, from the sum of money or asset mentioned in paragraph (a).

(4) The application for relief must be made within four years from the time when the relevant event occurs.

(5) If an officer of Revenue and Customs is satisfied that the requirements in subsection (1) are met, the officer must give such relief as the officer considers just and reasonable (if any) in respect of income tax paid on any previously charged amount.

(6) In subsection (5) "previously charged amount" means—

(a) the amount which counted as employment income of A under this Chapter as a result of this Chapter applying by reason of the original relevant step, or

(b) any amount treated by section 222 as earnings of A in relation to the notional payment (within the meaning of that section) which B is treated as having made by virtue of the original relevant step.

(7) Subsection (8) applies if, by virtue of this Chapter having applied by reason of the original relevant step, any tax liability of A or any other person arising from another event is reduced (including to nil) by virtue of section 554Z5 or 554Z13 or otherwise.

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(8) In determining what is a just and reasonable amount of relief, the officer of Revenue and Customs must have regard (in particular) to the reduction in the tax liability and reduce the amount of relief which would otherwise have been given accordingly (including to nil).

(9) The relief is to be given by repayment or otherwise as appropriate.

(10) In relation to times after the relief is given, the Tax Acts have effect as if this Chapter had never applied by reason of the original relevant step.

### 554Z15 Location of employment duties

The following provisions apply for the purposes of this Chapter—

(a) section 38 (but as if references to general earnings were to the value of the relevant step or a part of it),

(b) section 39(1) and (2),

(c) section 40 (but as if in subsections (3) and (4) references to section 24(1)(b) were to section 554Z9(4)(b)), and

(d) section 41 (but as if references to general earnings were to the value of the relevant step or a part of it).

## CHAPTER 3

UNDERTAKINGS GIVEN BY EMPLOYERS ETC IN RELATION TO RETIREMENT BENEFITS ETC

### 554Z16 Application etc

(1) This Chapter applies if there is an undertaking ("the relevant undertaking") that a contribution to which subsection (2) would apply will be paid.

(2) This subsection applies to a contribution if—

(a) the contribution is paid to an arrangement which is not a registered pension scheme,

(b) in connection with that arrangement (directly or indirectly), relevant benefits are to be provided (directly or indirectly) out of the contribution by a relevant third person,

(c) the provision of the relevant benefits would be a relevant step, and

(d) the contribution is neither a tax-relieved contribution nor tax-exempt provision.

(3) In subsection (2)—

"relevant benefits" has the same meaning as in Chapter 2 of Part 6, but ignoring section 393B(2)(a),

"relevant third person" means a person within section 554A(7)(a) to (c) (ignoring this Chapter), and

"tax-exempt provision" and "tax-relieved contribution" have the meaning given by paragraph 3(3) and (4) of Schedule 34 to FA 2004.

(4) In this Chapter references to an undertaking include references to—

(a) an undertaking which is not legally enforceable, and

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(b) an undertaking which is to be performed only on or following the meeting of a condition (including a condition which might never be met).

### 554Z17 Employer etc to be treated as relevant third person etc

(1) If B takes a step within section 554Z18 or 554Z19, Chapters 1 and 2 have effect in relation to the step—

(a) as if B were a relevant third person for the purposes of section 554A(1)(d), and

(b) as if the step were a relevant step within section 554B (if it would not otherwise be).

(2) For the purpose of determining whether Chapter 2 applies by reason of the step, Chapter 1 has effect—

(a) as if sections 554F to 554O, 554S to 554U, 554W and 554X were omitted,

(b) if the step is within section 554Z18, as if sections 554Q(2)(d), (3) and (4) and 554R(1)(c) and (d), (2) and (3) were omitted, and

(c) if the step is within section 554Z19, as if sections 554Q and 554R were omitted.

(3) If Chapter 2 applies by reason of the step, Chapter 2 has effect as if sections 554Z7 to 554Z12 were omitted.

(4) If Chapter 2 does not apply by reason of the step by virtue of section 554E(3) or (6), section 554E(10) and (11) does not apply in relation to the step.

(5) For further modifications of Chapters 1 and 2, see sections 554Z18(3) and (4), 554Z19(5) and (6), 554Z20 and 554Z21.

(6) Regulations under section 554Y may (in particular) make provision covering cases in which Chapters 1 and 2 have effect as provided for by this section.

(7) In this Chapter—

(a) references to B do not include references to B acting as a trustee,

(b) if B is a company and is a member of a group of companies, references to B are to be read as including references to any other company which is a member of that group, and

(c) if B is a limited liability partnership, references to B are to be read as including references to any company which is a wholly-owned subsidiary (as defined in section 1159(2) of the Companies Act 2006) of B.

### 554Z18 Earmarking etc

(1) B takes a step within this section if—

(a) a sum of money or asset held by or on behalf of B is earmarked (however informally) by B with a view to the relevant undertaking being performed at a later time (wholly or partly) out of—

(i) that sum of money or asset, or

(ii) any sum of money or asset which may arise or derive (directly or indirectly) from it, or

(b) a sum of money or asset otherwise starts being held by or on behalf of B, specifically with a view, so far as B is concerned, to the relevant undertaking being performed at a later time (wholly or partly) out of—

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(i) that sum of money or asset, or

(ii) any sum of money or asset which may arise or derive (directly or indirectly) from it.

(2) For the purposes of subsection (1)(b) it does not matter whether or not the sum of money or asset in question has previously been held by or on behalf of B on a basis which is different to that mentioned in subsection (1)(b).

(3) Subsection (4) applies if, in the application of section 554Q or 554R in any case, the relevant step mentioned in section 554Q(2)(a) or 554R(6)(a) is a step within this section taken by B.

(4) In section 554Q(2)(c) or 554R(6)(c) (as the case may be) the reference to section 554B(1)(a) or (b) is to be read as a reference to subsection (1)(a) or (b) above.

### 554Z19 Provision of security

(1) B takes a step within this section if B provides security for the performance of the relevant undertaking.

(2) For the purposes of this Part, the sum of money or asset which is the subject of the step is to be taken to be—

(a) any sums of money which, as at the time the step is taken, are the subject of the security, and

(b) any assets which, as at that time, are the subject of the security,

and references to the sum of money or asset which is the subject of a relevant step are to be read accordingly.

(3) If, when the step is taken, the security covers other undertakings as well as the relevant undertaking, the sums of money and assets within subsection (2)(a) and (b) are to be apportioned between the relevant undertaking and the other undertakings on a just and reasonable basis.

(4) Subsections (2) and (3) are subject to section 554Z20(7).

(5) Section 554Q does not apply in any case in which the relevant step mentioned in section 554Q(2)(a) would be a step within this section taken by B.

(6) Section 554R(6) does not apply in any case in which the relevant step mentioned in section 554R(6)(a) would be a step within this section taken by B.

(7) In this Chapter references to providing security for the performance of an undertaking are references to providing such security in any way, however informal.

### 554Z20 Valuation of step within section 554Z19

(1) This section applies if, by virtue of section 554Z17, Chapter 2 applies by reason of a step taken by B within section 554Z19.

(2) Section 554Z3 has effect as if subsections (3) and (4) below were substituted for subsections (1) to (6) of that section.

(3) The value of the relevant step is—

(a) the amount to be paid as a contribution under the relevant undertaking determined, as at the time the step is taken, on a just and reasonable basis

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assuming that any condition to be met before any payment is made will be met, or

(b) if lower, the value of the security.

(4) For the purposes of subsection (3)(b) the value of the security—

(a) consists of—

(i) the total amount of the sums of money included in the subject of the step (see section 554Z19(2)(a)), and

(ii) the total market value, as at the time the step is taken, of the assets included in the subject of the step (see section 554Z19(2)(b)), but

(b) is to be subject to a just and reasonable reduction to take account of any term of the security which limits the total amount which may be made available under the security for the performance of the relevant undertaking to an amount which is lower than the amount determined under paragraph (a).

(5) The following subsections apply if, as at the end of the day of an anniversary of the taking of the step ("the anniversary day"), B continues to provide the security for the performance of the relevant undertaking.

(6) This Part has effect as if B's continuing to provide the security were a new step ("the anniversary step") within section 554Z19—

(a) which is taken by B at the end of the anniversary day, and

(b) by reason of which Chapter 2 is to apply by virtue of section 554Z17 (subject only to section 554A(4)).

(7) If the total amount of the sums of money which are the subject of the security ("the security sums") varies from time to time, for the purpose of determining the sums of money included in the subject of the anniversary step, in section 554Z19(2)(a) the reference to the time the step is taken is to be read as a reference to the time during the preceding year at which the total amount of the security sums is at its highest.

(8) For the purposes of subsection (4)(a)(ii) the market value of any asset included in the subject of the anniversary step may be determined as at any time during the preceding year (so long as the asset is the subject of the security, or one of the assets which is the subject of the security, as at that time).

(9) In subsections (7) and (8) "the preceding year" means the year ending with the anniversary day.

### 554Z21 Relief for earmarking or security not followed by contribution or relevant benefit

(1) This section applies if, by virtue of section 554Z17, Chapter 2 applies by reason of a step taken by B within section 554Z18 or 554Z19.

(2) Section 554Z14 has effect in relation to the step with the following modifications.

(3) Subsection (1)(b) has effect as if for "not a relevant step in relation to a relevant sum or asset" there were substituted " neither the payment of the relevant contribution (or any part of it) nor the provision of any relevant benefit ".

(4) Subsection (1)(c) has effect as if for the words from "no further relevant step" to "any relevant sum or asset" there were substituted " the relevant contribution (or any part of it) will not be paid or a relevant benefit will not be provided ".

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(5) Subsection (1) has effect as if subsection (6) below were substituted for subsection (3).

(6) In subsection (1)—

(a) "the relevant contribution" means the contribution to be paid under the relevant undertaking (within the meaning of Chapter 3), and

(b) "relevant benefit" means a relevant benefit to be provided out of the relevant contribution as mentioned in section 554Z16(2)(b) and (c).**]**

## PART 8

FORMER EMPLOYEES: DEDUCTIONS FOR LIABILITIES

*Deductions **[**[F1254]in calculating net income**]***

**Textual Amendments**

**F1254** Words in s. 555 cross-heading substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 440(5)** (with Sch. 2)

### 555 Former employee entitled to deduction [F1255in calculating net income]

(1) This Part applies if—

(a) a former employee makes a deductible payment, or

(b) a former employer makes a deductible payment on behalf of a former employee and the payment is treated—

(i) as a relevant retirement benefit, or

(ii) as post-employment earnings,

of the former employee.

(2) A deduction of the amount of the deductible payment may be made **[**[F1256]in calculating the former employee's net income**]** for the tax year in which the payment is made **[**[F1257](see Step 2 of the calculation in section 23 of ITA 2007)**]**.

(3) Subsection (2) applies only if the former employee makes a claim to the deduction.

(4) The entitlement to a deduction under this section is subject to sections 556 and 557.

(5) For the application of this Part in relation to former office-holders, see section 564.

**[**[F1258](6) See section 263ZA of TCGA 1992 for relief from capital gains tax where the amount of the deduction allowed under this section exceeds the remaining total income (as defined in that section).**]**

**Textual Amendments**

**F1255** Words in s. 555 sidenote substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 440(4)** (with Sch. 2)

**F1256** Words in s. 555(2) substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 440(2)(a)** (with Sch. 2)

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**F1257** Words in s. 555(2) inserted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 440(2)(b)** (with Sch. 2)
**F1258** S. 555(6) substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 440(3)** (with Sch. 2)

### 556 Deductible payments made outside the time limits allowed

(1) No deduction may be made under section 555 if the deductible payment is made—

(a) on or before the day on which the former employee ceased to hold the former employment, or

(b) after the end of the sixth tax year following the tax year in which the former employee ceased to hold the former employment.

(2) If subsection (1)(a) applies, see section 346 (deduction for employee liabilities).

### [F1259 556A Deductible payments made pursuant to tax avoidance arrangements

No deduction may be made under section 555 if the deductible payment is made in pursuance of arrangements the main purpose, or one of the main purposes, of which is the avoidance of tax.]

**Textual Amendments**
**F1259** S. 556A inserted (with effect in accordance with s. 67(4) of the amending Act) by Finance Act 2009 (c. 10), **s. 67(3)**

### 557 Deductible payments wholly or partly borne by the former employer etc.

(1) This section applies if—

(a) a deductible payment is made by the former employee (and not by the former employer on behalf of the former employee), but

(b) the whole or a part of the cost of making the payment is borne—

(i) by the former employer, or

(ii) out of the proceeds of a contract of insurance.

(2) No deduction of the amount of the cost borne as mentioned in subsection (1)(b) (the "relevant amount") may be made under section 555.

(3) But this is subject to subsection (4) if the whole or a part of the relevant amount is treated—

(a) as a relevant retirement benefit of the former employee, or

(b) as post-employment earnings of the former employee.

(4) In such a case, a deduction of so much of the relevant amount as is treated in that way may be made under section 555.

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*Interpretation*

## 558 Meaning of "deductible payment"

(1) For the purposes of this Part each of the following is a deductible payment—

A. Payment in or towards the discharge of a liability related to the former employment.

B. Payment of any costs or expenses incurred in connection with—

(a) a claim that the former employee is subject to a liability related to the former employment, or

(b) proceedings relating to or arising out of a claim that the former employee is subject to a liability related to the former employment.

**[**F1260BA Payment of any costs or expenses not falling within paragraph B which are incurred in connection with the former employee giving evidence about matters related to the former employment in, or for the purposes of—

(a) a proceeding or other process (whether or not involving the former employee), or

(b) an investigation (whether or not likely to lead to any proceeding or other process involving the former employee).

BB Payment of any costs or expenses not falling within paragraph B or BA which are incurred in connection with a proceeding or other process, or an investigation, in which—

(a) acts of the former employee related to the former employment, or

(b) any other matters related to the former employment,

are being or are likely to be considered.**]**

C. Payment of a premium under a qualifying insurance contract, but only to the extent that the premium relates to—

(a) provision in the contract for the former employee to be indemnified against a payment falling within paragraph A, or

(b) provision in the contract for the payment of any costs or expenses falling within paragraph B **[**F1261, BA or BB**]** .

(2) But a payment which falls within paragraph A **[**F1262B, BA or BB**]** is not a deductible payment if it would have been unlawful for the former employer to enter into a contract of insurance in respect of the liability, or costs or expenses, in question.

(3) In this Part—

(a) "premium", in relation to a qualifying insurance contract, means an amount payable to the insurer under the contract, and

(b) where a qualifying insurance contract relates to more than one person, employment or risk, the part of the premium to be treated as relating to each of them is to be determined by apportionment on a just and reasonable basis.

**[**F1263(4) In this section and section 560—

(a) "acts" includes failures to act and acts are "related to the former employment" if the former employee was acting—

(i) in the employee's capacity as holder of the former employment, or

(ii) in any other capacity in which the former employee was acting in the performance of the duties of that employment,

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(b) "giving evidence" includes making a formal or informal statement or answering questions,

(c) "proceeding or other process" includes any civil, criminal or arbitration proceedings, any disciplinary or regulatory proceedings of any kind and any process operated for resolving disputes or adjudicating on complaints, and

(d) references to a proceeding or other process or an investigation include a reference to a proceeding or other process or an investigation that is likely to take place.**]**

**Textual Amendments**

**F1260** Words in s. 558(1) inserted (with effect in accordance with s. 4(8) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 4(6)(a)**

**F1261** Words in s. 558(1) inserted (with effect in accordance with s. 4(8) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 4(6)(b)**

**F1262** Words in s. 558(2) substituted (with effect in accordance with s. 4(8) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 4(6)(c)**

**F1263** S. 558(4) inserted (with effect in accordance with s. 4(8) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 4(6)(d)**

## 559 Liabilities related to the former employment

For the purposes of this Part each of the following kinds of liability is related to the former employment— A. Liability imposed upon the former employee because he did an act, or failed to do an act—

(a) in his capacity as holder of the former employment, or

(b) in any other capacity in which he acted in the performance of the duties of the former employment.

B. Liability imposed upon the former employee in connection with any proceedings relating to, or arising from, a claim that he is subject to a liability because he did an act, or failed to do an act—

(a) in his capacity as holder of the former employment, or

(b) in any other capacity in which he acted in the performance of the duties of the former employment.

## 560 Meaning of "qualifying insurance contract"

(1) In section 558 "qualifying insurance contract" means a contract of insurance which meets conditions A, B, C and D.

(2) Condition A is that, so far as the risks insured against are concerned, the contract only relates to one or more of the following—

(a) the indemnification of a former employee against a liability related to the former employment,

(b) the indemnification of a person against vicarious liability in respect of a liability related to another person's employment,

(c) the payment of costs or expenses incurred—

(i) in connection with a claim that a person is subject to a liability to which the insurance relates, or

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(ii) in connection with any proceedings relating to or arising out of a claim that a person is subject to a liability to which the insurance relates,

**[**F1264(ca) the payment of costs or expenses incurred in connection with a former employee giving evidence about matters related to the former employment in, or for the purposes of—

(i) a proceeding or other process (whether or not involving the former employee), or

(ii) an investigation (whether or not likely to lead to any proceeding or other process involving the former employee).

(cb) the payment of any costs or expenses incurred in connection with a proceeding or other process, or an investigation, in which—

(i) acts of a former employee related to the employment, or

(ii) any other matters related to the former employment of a former employee,

are being or are likely to be considered,**]**

(d) the indemnification of an employer against loss from a payment made by the employer to a former employee in respect of—

(i) a liability related to the former employment, or

(ii) any costs or expenses incurred as mentioned in paragraph (c) **[**F1265, (ca) or (cb)**]** .

(3) Condition B is that—

(a) the period of insurance under the contract does not exceed 2 years or, if it does, it does so only because of one or more renewals, each for a period of 2 years or less, and

(b) the insured is not required to renew the contract for any period.

(4) Condition C is—

(a) that the insured is not entitled under the contract to receive any payment or other benefit in addition to—

(i) cover for the risks insured against, and

(ii) any right to renew the contract, or

(b) if the insured is so entitled, that the part of the premium reasonably attributable to the entitlement is not a significant part of the whole premium.

(5) Condition D is that the contract is not connected with another contract.

**Textual Amendments**

**F1264** S. 560(2)(ca)(cb) inserted (with effect in accordance with s. 4(8) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 4(7)(a)**

**F1265** Words in s. 560(2)(d) inserted (with effect in accordance with s. 4(8) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 4(7)(b)**

## 561 Connected contracts

(1) An insurance contract is connected with another contract for the purposes of section 560 if conditions E and F are met—

(a) at the time when both contracts are first in force, or

(b) at any time after that time.

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(2) Condition E is that one of the contracts was entered into—

(a) by reference to the other, or

(b) with a view to enabling or facilitating entry into the other on particular terms.

(3) Condition F is that the terms on which one of the contracts was entered into are significantly different from what they would have been if—

(a) it had not been entered into in anticipation of the other being entered into, or

(b) the other had not also been entered into.

(4) If—

(a) there is only one such significant difference in terms, and

(b) the contracts meet conditions A, B and C specified in section 560,

the difference may be disregarded in the following cases.

(5) The first case is where the difference is a reduction in premiums under the contract that is reasonably attributable only to the contract—

(a) containing a right to renew, or

(b) being entered into by way of renewal.

(6) The second case is where—

(a) two or more contracts have been entered into as part of a single transaction, and

(b) the difference is reductions in their premiums that are reasonably attributable only to the premium under each of them having been fixed by reference to the appropriate proportion of the combined premium.

(7) In subsection (6) "the combined premium" means the amount that would have been the total premium under a single contract relating to all the risks covered by the contracts.

### 562 Meaning of "former employee" and "employment"

(1) In this Part "former employee" means an individual who has ceased to hold an employment.

(2) In this Part "employment" includes in particular—

(a) any employment under a contract of service,

(b) any employment under a contract of apprenticeship, and

(c) any employment in the service of the Crown.

"Employee" and "employer" have corresponding meanings.

### 563 Other interpretation

In this Part each of the following expressions, when used in relation to a former employee, has the meaning given—

"former employment" means the employment which the former employee has ceased to hold;

"former employer" means—

(a) the person under whom the former employee held the former employment,

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(b) a person for the time being carrying on the whole or any part of the business or other undertaking for the purposes of which the former employee held the former employment,

(c) a person who is for the time being subject to any of the liabilities with respect to that business or other undertaking of the person mentioned in paragraph (a), and

(d) a person who is connected with a person falling within paragraph (a), (b) or (c);

"post-employment earnings" means so much of any amount received after the former employee has ceased to hold the former employment as constitutes general earnings for the purposes of the employment income Parts;

"relevant retirement benefit" means a benefit—

(a) **[**F1266which is received by the former employee under an employer-financed retirement benefits scheme, and

(b) which, under Chapter 2 of Part 6, counts as employment income of the former employee.**]**

**Textual Amendments**

**F1266** Words in s. 563 substituted (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 35 para. 64** (with Sch. 36)

### 564 Application of this Part to office-holders

(1) The provisions of this Part are expressed to apply to former employees but they apply equally to former office-holders.

(2) In those provisions as they apply to a former office-holder—

(a) references to holding a former employment are to holding the office;

(b) "former employment" means the office held;

(c) "former employer" means the person under whom the person held the office.

(3) In this Part "office" includes in particular any position which has an existence independent of the person who holds it and may be filled by successive holders.

## PART 9

PENSION INCOME

**Modifications etc. (not altering text)**

**C19** Pt. 9: power to amend conferred (17.12.2014) by Taxation of Pensions Act 2014 (c. 30), **s. 4(3)**

**C20** Pt. 9 excluded by 2004 c. 12, Sch. 36 para. 45A(1) (as inserted (26.3.2015) by Finance Act 2015 (c. 11), **Sch. 4 para. 19**)

**C21** Pt. 9 modified (6.4.2023) by The Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) Regulations 2023 (S.I. 2023/113), regs. 1(2), **23(2)**, **24(2)**, **26(2)**, **28(2)** (with reg. 1(3))

**C22** Pt. 9 modified (14.9.2023) by The Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) (No. 2) Regulations 2023 (S.I. 2023/912), regs. 1(2), **9(2)**, 11(2), 16(2) (with reg. 1(3))

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**C23** Pt. 9 modified (31.10.2023) by The Registered Pension Schemes (Authorised Member Payments) Regulations 2023 (S.I. 2023/1012), regs. 1, **4**

**C24** Pt. 9 modified (for the tax year 2024-25 and subsequent tax years) by S.I. 2009/1171, **reg. 5ZA** (as inserted by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 3) Regulations 2024 (S.I. 2024/1167), regs. 1(2)(3), **5(3)** (with reg. 6))

**C25** Pt. 9 modified (13.2.2025 with effect in relation to the tax year 2024-25 and subsequent tax years) by The MPs', Senedd and Assembly Pension Schemes (Tax) Regulations 2025 (S.I. 2025/52), regs. 1(2)(3), **4**, 6, 7

**C26** Pt. 9 modified (14.7.2026 for the tax year 2014-15 and subsequent tax years) by The Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) Regulations 2026 (S.I. 2026/673), regs. 1(2)(5), **12**

## CHAPTER 1

INTRODUCTION

### 565 Structure of Part 9

The structure of this Part is as follows— Chapter 2—

(a) imposes the charge to tax on pension income, and

(b) provides for deductions to be made from the amount of income chargeable;

Chapters 3 to 15 set out the types of income which are charged to tax under this Part and, for each type of income, identify—

(a) the amount of income chargeable to tax for a tax year, and

(b) the person liable to pay any tax charged;

**[**[F1267]Chapter 15A—

(a) provides for certain amounts paid under registered pension schemes in the form of lump sums to be subject to the charge to tax on pension income, and

(b) deals with exemptions from the charge to tax (whether under this Part or any other provision) in relation to certain other amounts paid under registered pension schemes in the form of lump sums.**]**

**Textual Amendments**

**F1267** Words in s. 565 substituted (for the tax year 2024-25 and subsequent tax years) by Finance Act 2024 (c. 3), Sch. 9 paras. 39, **124** (with Sch. 9 paras. 125-132 (as amended (18.11.2024 for the tax year 2024-25 and subsequent tax years) by S.I. 2024/1012, regs. 1(2)(3), **17**))

## CHAPTER 2

TAX ON PENSION INCOME

### 566 Nature of charge to tax on pension income and relevant definitions

(1) The charge to tax on pension income under this Part is a charge to tax on that income excluding any exempt income.

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(2) "Pension income" means the pensions, annuities and income of other types to which the provisions listed in subsection (4) apply.

This definition applies for the purposes of the Tax Acts.

(3) "Exempt income" means pension income on which no liability to income tax arises as a result of any provision of Chapters **[**F1268 15A**]** to 18 of this Part.

This definition applies for the purposes of this Part.

(4) These are the provisions referred to in subsection (2)—

| ***Provision*** | ***Income*** | ***Chapter (of this Part)*** |
|---|---|---|
| Section 569 | United Kingdom pensions | Chapter 3 |
| Section 573 | Foreign pensions | Chapter 4 |
| Section 577 | United Kingdom social security pensions | Chapter 5 |
| **[**F1269 Section 579A | Pensions under registered pension schemes | Chapter 5A**]** |
| Section 609 | Annuities for the benefit of dependants | Chapter 10 |
| Section 610 | Annuities under sponsored superannuation schemes | Chapter 10 |
| Section 611 | Annuities in recognition of another's services | Chapter 10 |
| Section 615 | Certain overseas government pensions paid in the United Kingdom | Chapter 11 |
| Section 619 | The House of Commons Members' Fund | Chapter 12 |
| F1270 | F1270 | F1270 |
| . . . | . . . | . . . |
| Section 629 | Pre-1973 pensions paid under OPA 1973 | Chapter 14 |
| Section 633 | Voluntary annual payments | Chapter 15 |
| **[**F1271 Section 637B | Pensions treated as arising from payment of pension commencement excess lump sums under registered pension schemes | Chapter 15A **]** |
| **[**F1272 Section **[**F1273 637G**]** | Pensions treated as arising from payment of trivial commutation lump sums and winding-up lump | Chapter 15A |

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

| | | |
|---|---|---|
| | sums under registered pension schemes | |
| Section [F1274637N] | Pensions treated as arising from payment of trivial commutation lump sum death benefits F1275 | Chapter 15A] |
| | ... under registered pension schemes | |

**Textual Amendments**

**F1268** Word in s. 566(3) substituted (6.4.2024 for the tax year 2024-25 and subsequent tax years) by Finance Act 2024 (c. 3), **Sch. 9 paras. 40(2)**, 124 (with Sch. 9 paras. 125-132 (as amended (18.11.2024 for the tax year 2024-25 and subsequent tax years) by S.I. 2024/1012, regs. 1(2)(3), **17**))

**F1269** Words in s. 566(4) table substituted (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 31 para. 3(2)** (with Sch. 36)

**F1270** Words in s. 566(4) table repealed (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), Sch. 31 para. 3(3), **Sch. 42 Pt. 3** (with Sch. 36)

**F1271** Words in s. 566(4) table inserted (for the tax year 2024-25 and subsequent tax years) by Finance Act 2024 (c. 3), Sch. 9 paras. 40(3)(a), **124** (with Sch. 9 paras. 125-132)

**F1272** Words in s. 566(4) table inserted (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 31 para. 3(4)** (with Sch. 36)

**F1273** Word in s. 566(4) table substituted (for the tax year 2024-25 and subsequent tax years) by Finance Act 2024 (c. 3), Sch. 9 paras. 40(3)(b), **124** (with Sch. 9 paras. 125-132 (as amended (18.11.2024 for the tax year 2024-25 and subsequent tax years) by S.I. 2024/1012, regs. 1(2)(3), **17**))

**F1274** Word in s. 566(4) table substituted (for the tax year 2024-25 and subsequent tax years) by Finance Act 2024 (c. 3), Sch. 9 paras. 40(3)(c)(i), **124** (with Sch. 9 paras. 125-132 (as amended (18.11.2024 for the tax year 2024-25 and subsequent tax years) by S.I. 2024/1012, regs. 1(2)(3), **17**))

**F1275** Words in s. 566(4) table omitted (for the tax year 2024-25 and subsequent tax years) by virtue of Finance Act 2024 (c. 3), Sch. 9 paras. 40(3)(c)(ii), **124** (with Sch. 9 paras. 125-132 (as amended (18.11.2024 for the tax year 2024-25 and subsequent tax years) by S.I. 2024/1012, regs. 1(2)(3), **17**))

## 567 Amount charged to tax

(1) The amount of pension income which is charged to tax under this Part for a particular tax year is as follows.

(2) In relation to each pension, annuity or other item of pension income, the amount charged to tax is the "net taxable pension income" for the tax year.

(3) The net taxable pension income for a pension, annuity or other item of pension income for a tax year is given by the formula—

$$TPI - DPI$$

where—

TPI means the amount of taxable pension income for that pension, annuity or item of pension income for that year (see subsection (4)), and

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DPI means the total amount of any deductions allowed from the pension, annuity or item of pension income (see subsection (5)).

(4) For the purposes of this Act—

(a) the amount of taxable pension income for a pension, annuity or other item of pension income for a tax year is determined in accordance with Chapters 3 to **[**F1276 15A**]** of this Part (which contain provisions relating to this amount for each type of pension income); and

(b) in determining the amount of taxable pension income for a pension, annuity or other item of pension income, any exempt income is to be excluded.

(5) The deductions allowed from a pension, annuity or other item of pension income are those under—

**[**F1277 section 567A (deduction to avoid double taxation where Part 7A has applied to the source of the pension income);**]**

**[**F1278 section 567B (deduction where inheritance tax is paid in respect of pension death benefit);**]**

section 617 (10% deduction from an overseas government pension to which section 615 applies);

Part 12 (payroll giving).

**Textual Amendments**

**F1276** Word in s. 567(4)(a) substituted (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 31 para. 4** (with Sch. 36)

**F1277** Words in s. 567(5) inserted (with effect in accordance with Sch . 2 para. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 26**

**F1278** Words in s. 567(5) inserted (with application in accordance with s. 71 of the amending Act) by Finance Act 2026 (c. 11), **ss. 70(2)**, 71

## **[**F1279 567A Cases in which Part 7A has applied to source of pension income

(1) This section applies if—

(a) for a tax year there is an amount ("amount TPI") of taxable pension income for a pension, annuity or other item of pension income,

(b) the pension, annuity or other item of pension income accrues or arises out of rights ("the relevant rights") which represent, or have arisen or derived (directly or indirectly) from, a sum of money or asset which was the subject of a relevant step within the meaning of Part 7A, and

(c) Chapter 2 of that Part applied by reason of the relevant step.

(2) A deduction is allowed from amount TPI.

(3) The amount of the deduction allowed is the amount ("amount EI") which counted as employment income of A under Chapter 2 of Part 7A in relation to the relevant step (see section 554Z2(1)).

(4) If amount EI exceeds amount TPI, the excess is to be carried forward to future tax years to be deducted under this section (when applicable) until all of amount EI has been deducted.

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(5) Subsection (6) applies if it is determined on a just and reasonable basis that the relevant rights represent, or have arisen or derived from, only part of the sum of money or asset which was the subject of the relevant step.

(6) In subsection (3) the reference to the amount which counted as employment income is to be read as a reference to the corresponding proportion of that amount.**]**

**Textual Amendments**

**F1279** S. 567A inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 27**

### [F1280 567B Cases where inheritance tax is paid in respect of pension death benefit

(1) This section applies if—

(a) there is an amount of taxable pension income ("amount TPI") for a tax year for a pension, annuity or other item of pension income,

(b) amount TPI reflects (to any extent) the payment to a person ("the beneficiary") of a benefit under a pension scheme on the death of a member of the scheme ("the deceased"),

(c) the benefit is not an excluded benefit, and

(d) at any time (whether before or after the benefit is paid)—

(i) the beneficiary pays an amount of inheritance tax that is attributable to the value of the deceased's notional pension property,

(ii) the deceased's personal representatives pay an amount of inheritance tax that is so attributable and pass on the burden of that payment to the beneficiary, or

(iii) the scheme administrator pays (under section 226B of IHTA 1984) an amount of inheritance tax that is so attributable, and the payment meets the condition in subsection (2).

(2) A payment of an amount of inheritance tax meets the condition in this subsection if (and so far as)—

(a) in consequence of the payment, the scheme administrator makes an adjustment (under section 226B(5) of IHTA 1984) as a result of which the beneficiary's entitlement to a benefit other than that mentioned in subsection (1) ("the other benefit") is reduced, and

(b) disregarding that reduction, the other benefit would not give rise to taxable pension income for any tax year.

(3) A deduction is allowed from amount TPI equal to the lesser of—

(a) the amount of inheritance tax paid as mentioned in subsection (1)(d)(i) or (ii), less so much (if any) of that inheritance tax as has been deducted under this subsection in an earlier tax year, and

(b) so much of amount TPI as reflects the payment to the beneficiary of the benefit mentioned in subsection (1).

(4) Where the deceased was under 75 on death, and the benefit mentioned in subsection (1) is a relevant lump sum death benefit, a deduction is allowed from amount TPI equal to the lesser of—

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(a) the amount of inheritance tax paid as mentioned in subsection (1)(d)(iii) so far as it meets the condition in subsection (2), less so much (if any) of that inheritance tax as has been deducted under this subsection in an earlier tax year, and

(b) so much of amount TPI as reflects the payment to the beneficiary of the benefit mentioned in subsection (1).

(5) Where a deduction is allowed under both of subsections (3) and (4), the deduction under subsection (4) is to be made first.

(6) For the purposes of subsection (1)(d) the deceased's personal representatives "pass on the burden" of a payment of inheritance tax to the beneficiary if—

(a) the personal representatives pay a sum to the beneficiary out of the deceased's estate that has been reduced by the amount of inheritance tax, or

(b) the beneficiary reimburses the personal representatives that amount.

(7) In this section—

"IHTA 1984" means the Inheritance Tax Act 1984;

"inheritance tax" includes interest on inheritance tax;

"excluded benefit" has the same meaning as in IHTA 1984;

"notional pension property" has the same meaning as in IHTA 1984;

"relevant lump sum death benefit" has the same meaning as in section 637S.**]**

**Textual Amendments**

**F1280** S. 567B inserted (with application in accordance with s. 71 of the amending Act) by Finance Act 2026 (c. 11), **ss. 70(3)**, 71

### 568 Person liable for tax

For the provision identifying which person is liable for any tax charged under this Part on a pension, annuity or other item of pension income, see Chapters 3 to **[**[F1281]15A**]**.

**Textual Amendments**

**F1281** Word in s. 568 substituted (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 31 para. 5** (with Sch. 36)

## CHAPTER 3

UNITED KINGDOM PENSIONS: GENERAL RULES

### 569 United Kingdom pensions

(1) This section applies to any pension paid by or on behalf of a person who is in the United Kingdom.

(2) But this section does not apply to a pension if any provision of Chapters 5 to 14 of this Part applies to it.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) For pensions paid by or on behalf of a person who is outside the United Kingdom, see Chapter 4 of this Part.

### 570 "Pension": interpretation

In this Chapter "pension" includes a pension which is paid voluntarily or is capable of being discontinued.

### 571 Taxable pension income

If section 569 applies, the taxable pension income for a tax year is the full amount of the pension accruing in that year irrespective of when any amount is actually paid.

### 572 Person liable for tax

If section 569 applies, the person liable for any tax charged under this Part is the person receiving or entitled to the pension.

### [F1282 572A Temporary non-residents

(1) This section applies if an individual is temporarily non-resident.

(2) Any pension within subsection (3) is to be treated for the purposes of section 571 as if it accrued in the period of return.

(3) A pension is within this subsection if—

(a) section 569 applies to it,

(b) it is in the form of a lump sum,

(c) it accrued in the temporary period of non-residence, and

(d) ignoring this section—

(i) it is not chargeable to tax under this Chapter, but

(ii) it would be so chargeable if the existence of any double taxation relief arrangements were disregarded.

(4) Subsection (3)(d)(i) includes a case where the charge could be prevented by making a DTR claim, even if no claim is in fact made.

(5) Nothing in any double taxation relief arrangements is to be read as preventing the individual from being chargeable to income tax in respect of any pension treated by virtue of this section as accruing in the period of return (or as preventing a charge to that tax from arising as a result).

(6) Part 4 of Schedule 45 to FA 2013 (statutory residence test: anti-avoidance) explains—

(a) when an individual is to be regarded as "temporarily non-resident", and

(b) what "the temporary period of non-residence" and "the period of return" mean.

(7) In this section—

"double taxation relief arrangements" means arrangements that have effect under section 2(1) of TIOPA 2010;

"DTR claim" means a claim for relief under section 6 of that Act.**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F1282** S. 572A inserted (with effect in accordance with Sch. 45 para. 153(3) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 129**

## CHAPTER 4

FOREIGN PENSIONS: GENERAL RULES

### 573 Foreign pensions

(1) This section applies to any pension paid by or on behalf of a person who is outside the United Kingdom to a person who is resident in the United Kingdom.

(2) But this section does not apply to a pension if any provision of Chapters 5 to 14 of this Part applies to it.

**[**F1283(2A) This section does not apply to pension within section 574(1)(ba) if—

(a) the pension is paid in respect of a deceased member of a pension scheme who had not reached the age of 75 at the date of death, and

(b) no pension payments to the person entitled to the pension were made before 6 April 2015 in respect of the deceased member out of any of the following—

(i) the fund from which the pension is paid, and

(ii) any fund represented (to any extent) by that fund.

(2B) This section does not apply to pension within section 574(1)(bb) if the pension is paid in respect of a deceased individual who had not reached the age of 75 at the date of death.

(2C) Subsection (2A) is subject to subsection (2D).

(2D) This section does apply to pension within section 574(1)(ba) paid in respect of a deceased member of a pension scheme who had not reached the age of 75 at the date of death if the pension is paid in respect of sums or assets held for the purposes of the pension scheme under which the pension is paid ("the paying scheme") that would, if the paying scheme were a registered pension scheme, be sums or assets—

(a) representing unused uncrystallised funds (within the meaning of paragraph 27E(4) and (5) of Schedule 28 to FA 2004) in the deceased member's case, and

(b) designated on or after 6 April 2015 as available for the payment of dependants' drawdown pension or nominees' drawdown pension, but

(c) not so designated before the end of the period of two years beginning with the earlier of the day on which the scheme manager of the paying scheme first knew of the member's death and the day on which the scheme manager could first reasonably have been expected to have known of it.**]**

**[**F1284(2E) Chapter 17 of this Part provides exemptions for certain annuities (see sections 646D and 646E: certain beneficiaries' annuities purchased out of unused or drawdown funds).

(2F) See also paragraph 45A of Schedule 36 to FA 2004 (exemption in certain cases for payments on or after 6 April 2015 to beneficiaries under joint-life or similar annuities purchased before 6 April 2006).**]**

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(3) For pensions paid by or on behalf of a person who is in the United Kingdom, see Chapter 3 of this Part.

**[**F1285(4) This section also applies to a pension paid by or on behalf of a person who is outside the United Kingdom to a person who is not resident in the United Kingdom if—

(a) the pension is a relevant lump sum paid under a pension scheme to that person in respect of a member of the scheme, and

(b) the member is, or immediately before the member's death was, resident in the United Kingdom.**]**

**Textual Amendments**

**F1283** S. 573(2A)-(2D) inserted (with effect in accordance with Sch. 2 para. 25(7) of the amending Act) by Taxation of Pensions Act 2014 (c. 30), **Sch. 2 para. 25(2)**

**F1284** S. 573(2E)(2F) inserted (26.3.2015) by Finance Act 2015 (c. 11), **Sch. 4 para. 20**

**F1285** S. 573(4) inserted (27.4.2017) by Finance Act 2017 (c. 10), **Sch. 3 para. 8**

## 574 "Pension": interpretation

**[**F1286(1) For the purposes of this Chapter "pension" includes—

(a) an annuity under, or purchased with sums or assets held for the purposes of, or representing acquired rights under, a relevant non-UK scheme or an overseas pension scheme,

**[**F1287(aa) a relevant lump sum (see section 574A),**]**

(b) an amount paid under a relevant non-UK scheme or an overseas pension scheme which, if the scheme were a registered pension scheme, would be income withdrawal ... (within the meaning of **[**F1288paragraph 7**]** of Schedule 28 to FA 2004),

**[**F1289(ba) an amount paid under a relevant non-UK scheme or an overseas pension scheme which, if the scheme were a registered pension scheme, would be dependants' income withdrawal or nominees' income withdrawal (within the meaning of paragraphs 21 and 27D of Schedule 28 to FA 2004),

(bb) an amount paid under a relevant non-UK scheme or an overseas pension scheme which, if the scheme were a registered pension scheme, would be successors' income withdrawal (within the meaning of paragraph 27J of Schedule 28 to FA 2004),**]** and

(c) if conditions A and B are met, a pension which is paid voluntarily or is capable of being discontinued.**]**

(2) Condition A is that the pension is paid to—

(a) a former employee or a former office-holder,

(b) the widow or widower **[**F1290or surviving civil partner**]** of a former employee or a former office-holder, or

(c) any child, relative or dependant of a former employee or a former office-holder.

(3) Condition B is that the pension is paid by or on behalf of—

(a) the person—

(i) who employed the former employee, or

(ii) under whom the former office-holder held the office, or

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(b) the successors of that person.

**[**[F1291](4) In this section—

"office" includes in particular any position which has an existence independent of the person who holds it and may be filled by successive holders;

"overseas pension scheme" has the same meaning as in Part 4 of FA 2004 (see section 150(7) of that Act);

"relevant non-UK scheme" is to be read in accordance with paragraph 1(5) of Schedule 34 to FA 2004.**]**

**Textual Amendments**

**F1286** S. 574(1) substituted (with effect in accordance with Sch. 16 para. 85 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 16 para. 21(2)(a)**

**F1287** S. 574(1)(aa) inserted (27.4.2017) by Finance Act 2017 (c. 10), **Sch. 3 para. 9**

**F1288** Words in s. 574(1)(b) substituted (with effect in accordance with Sch. 2 para. 25(7) of the amending Act) by Taxation of Pensions Act 2014 (c. 30), **Sch. 2 para. 25(3)(a)(ii)**

**F1289** S. 574(1)(ba)(bb) inserted (with effect in accordance with Sch. 2 para. 25(7) of the amending Act) by Taxation of Pensions Act 2014 (c. 30), **Sch. 2 para. 25(3)(b)**

**F1290** Words in s. 574(2)(b) inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **154**

**F1291** S. 574(4) substituted (with effect in accordance with Sch. 16 para. 85 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 16 para. 21(2)(b)**

## **[**[F1292]574A "Pension": relevant lump sums

(1) A lump sum paid under a pension scheme to a member of the scheme, or to a person in respect of a member of the scheme, is "a relevant lump sum" for the purposes of this Chapter if—

(a) the scheme is none of the following—

(i) a registered pension scheme,

(ii) a relevant non-UK scheme, and

(iii) an employer-financed retirement benefits scheme established in the United Kingdom, and

(b) the payment of the lump sum is not a relevant step by reason of which Chapter 2 of Part 7A applies.

(2) A lump sum paid under a relevant non-UK scheme to a member of the scheme, or to a person in respect of a member of the scheme, is "a relevant lump sum" for the purposes of this Chapter if the effect of paragraphs 1 to 7 of Schedule 34 to FA 2004 is that the member payment provisions (see paragraph 1(4) of that Schedule) do not apply in relation to the payment of the lump sum.

**[**[F1293](2A) A lump sum is not "a relevant lump sum" by virtue of subsection (2) if it is within paragraph 5ZA(1)(a) or (b) of Schedule 34 to FA 2004 (which specify certain lump sums paid to or in respect of transfer members of relevant non-UK schemes).**]**

(3) If section 573 applies to a relevant lump sum then, for the purposes of section 575, the full amount of the pension income arising by reason of the payment of the lump sum is the amount of the lump sum, reduced as follows—

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*Step 1* Deduct so much of the lump sum as is payable by reason of commutation of rights to receive pension income on which no liability to tax arises as a result of any provision of Chapter 17 of this Part.

*Step 2* Where the lump sum is paid under a pension scheme that was an employer-financed retirement benefits scheme immediately before 6 April 2017, deduct so much of the lump sum left after Step 1 as is deductible in accordance with subsection (6). Where the lump sum is paid otherwise than under such a scheme, deduct so much of the lump sum left after Step 1 as is paid in respect of the value immediately before 6 April 2017 of rights, accrued by then, specifically to receive benefits by way of lump sum payments.

*Step 3* If the lump sum is paid under an overseas pension scheme, deduct so much of the lump sum left after Step 2 as would, if the scheme were a registered pension scheme, not be liable to income tax under this Part. For the purposes of this Step—

(a) treat amounts not included in taxable pension income because of **[**F1294section 637G(2)**]** as being not liable to tax;

(b) assume that **[**F1295all of the member's lump sum allowance is available**][**F1296and all of the member's lump sum and death benefit allowance is available**]**.

(4) The amount given by subsection (3) is treated for the purposes of section 575 as arising when the lump sum is paid.

(5) The Commissioners may by regulations make provision (including provision amending this section) as to the assumptions to be made for the purposes of Step 3.

(6) These rules apply for the purposes of the first sentence of Step 2—

(a) "the post-Step 1 amount" means so much of the lump sum as is left after Step 1;

(b) "the relevant amount" means so much of the post-Step 1 amount as is paid in respect of rights specifically to receive benefits by way of lump sum payments;

(c) "reckonable service" means service in respect of which the rights to receive the relevant amount accrued (whether or not service in the same employment or with the same employer, and even if the rights originally accrued under a different employer-financed retirement benefits scheme established in or outside the United Kingdom);

(d) "pre-6 April 2017 reckonable service" means reckonable service that is service before 6 April 2017;

(e) "pre-6 April 2017 reckonable foreign service" means pre-6 April 2017 reckonable service that is foreign service;

(f) the deductible amount is the value immediately before 6 April 2017 of the rights then accrued to payment of so much of the relevant amount as is paid in respect of pre-6 April 2017 reckonable service if—

(i) at least 75% of pre-6 April 2017 reckonable service is made up of foreign service, or

(ii) the period of pre-6 April 2017 reckonable service exceeds 10 years and the whole of the last 10 years of that period is made up of foreign service, or

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(iii) the period of pre-6 April 2017 reckonable service exceeds 20 years and at least 50% of that period, including any 10 of the last 20 years, is made up of foreign service;

(g) otherwise, the deductible amount is the appropriate fraction of the value immediately before 6 April 2017 of the rights then accrued to payment of so much of the relevant amount as is paid in respect of pre-6 April 2017 reckonable service;

(h) "the appropriate fraction" is given by—

$$F \quad R$$

where—

F is the period of pre-6 April 2017 reckonable foreign service, and

R is the period of pre-6 April 2017 reckonable service.

(7) In this section—

"employer-financed retirement benefits scheme" has the same meaning as in Chapter 2 of Part 6 (see section 393A),

"foreign service" has the meaning given by section 395C,

"member", in relation to a pension scheme, has the meaning given by section 151 of FA 2004,

"overseas pension scheme" has the same meaning as in Part 4 of FA 2004 (see section 150(7) of that Act),

"payment" includes a transfer of assets and any other transfer of money's worth,

"pension scheme" has the meaning given by section 150(1) of FA 2004, and

"relevant non-UK scheme" is to be read in accordance with paragraph 1(5) of Schedule 34 to FA 2004.**]**

**Textual Amendments**

**F1292** S. 574A inserted (with effect in accordance with Sch. 3 para. 10(2) of the amending Act) by Finance Act 2017 (c. 10), **Sch. 3 para. 10(1)**

**F1293** S. 574A(2A) inserted (for the tax year 2024-25 and subsequent tax years) by Finance Act 2024 (c. 3), Sch. 9 paras. 61(2), **124** (with Sch. 9 paras. 125-132 (as amended (18.11.2024 for the tax year 2024-25 and subsequent tax years) by S.I. 2024/1012, regs. 1(2)(3), **17**))

**F1294** Words in s. 574A(3) substituted (for the tax year 2024-25 and subsequent tax years) by Finance Act 2024 (c. 3), Sch. 9 paras. 61(3)(a), **124** (with Sch. 9 paras. 125-132 (as amended (18.11.2024 for the tax year 2024-25 and subsequent tax years) by S.I. 2024/1012, regs. 1(2)(3), **17**))

**F1295** Words in s. 574A(3) substituted (for the tax year 2024-25 and subsequent tax years) by Finance Act 2024 (c. 3), **Sch. 9 paras. 61(3)(b)**, 124 (with Sch. 9 paras. 125-132 (as amended (18.11.2024 for the tax year 2024-25 and subsequent tax years) by S.I. 2024/1012, regs. 1(2)(3), **17**))

**F1296** Words in s. 574A(3) inserted (for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) Regulations 2026 (S.I. 2026/698), regs. 1(2)(6), **2(2)**

## 575 Taxable pension income

(1) If section 573 applies, the taxable pension income for a tax year is **[**F1297the full amount of the pension income arising in the tax year, but subject to subsections **[**F1298(1A)**]**... and (3) **[**F1299and section 576A**].]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**[**F1300(1A) If the person liable for the tax under this Part is an individual and the tax year is a split year as respects that individual, the taxable pension income for the tax year is the full amount of the pension income arising in the UK part of the year, subject to **[**F1301subsection**]** (3) and section 576A.**]**

**[**F1302(2) . . . . . .

(3) **[**F1303The full amount of the pension income arising in the tax year, or (as the case may be) the UK part of the tax year,**]** is treated as relevant foreign income for the purposes of Chapters 2 and 3 of Part 8 of **[**F1304ITTOIA 2005**]** (relevant foreign income: remittance basis and deductions and reliefs).

(4) . . . . . .

(5) See also Chapter 4 of that Part (unremittable income).**]**

**Textual Amendments**

**F1297** Words in s. 575(1) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 606(2)** (with Sch. 2)

**F1298** Word in s. 575(1) inserted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 72(2)**

**F1299** Words in s. 575(1) inserted (with effect in accordance with Sch. 16 para. 85 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 16 para. 21(3)**

**F1300** S. 575(1A) inserted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 72(3)**

**F1301** Word in s. 575(1A) substituted (with effect in accordance with Sch. 3 para. 2(6)(7) of the amending Act) by Finance Act 2017 (c. 10), **Sch. 3 para. 2(4)(a)(ii)**

**F1302** S. 575(2)-(5) substituted for s. 575(2) (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 606(3)** (with Sch. 2)

**F1303** Words in s. 575(3) substituted (with effect in accordance with Sch. 3 para. 2(6)(7) of the amending Act) by Finance Act 2017 (c. 10), **Sch. 3 para. 2(4)(a)(iii)**

**F1304** Words in s. 575(3) substituted (with effect in accordance with Sch. 3 para. 2(6)(7) of the amending Act) by Finance Act 2017 (c. 10), **Sch. 3 para. 2(4)(a)(iv)**

## 576 Person liable for tax

If section 573 applies, the person liable for any tax charged under this Part is the person receiving or entitled to the pension.

## **[**F1305576A Temporary non-residents

(1) This section applies if a person is temporarily non-resident.

(2) Any relevant withdrawals within subsection (3) are to be treated for the purposes of section 575 as if they arose in the period of return **[**F1306, but only if the total amount of—

(a) the relevant withdrawals within subsection (3), and

(b) the relevant withdrawals (as defined by section 579CA(4)) within section 579CA(3) for the same temporary period of non-residence,

exceeds £100,000**]**.

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(3) A relevant withdrawal is within this subsection if—

(a) it is paid to the person in the temporary period of non-residence, and

(b) ignoring this section, it is not chargeable to tax under this Part (or would not be if a DTR claim were made in respect of it).

**[**[F1307](4) A "relevant withdrawal" is an amount paid under a relevant non-UK scheme that—

(a) is paid to the person in respect of an arrangement relating to the person under the scheme and would, if the scheme were a registered pension scheme, be income withdrawal (within the meaning of paragraph 7 of Schedule 28 to FA 2004) paid to the person from the person's member's flexi-access drawdown fund in respect of the arrangement,

(b) is paid to the person in respect of an arrangement relating to the person under the scheme and would, if the scheme were a registered pension scheme, be dependants' income withdrawal (within the meaning of paragraph 21 of Schedule 28 to FA 2004) paid to the person from the person's dependant's flexi-access drawdown fund in respect of the arrangement,

(c) is paid to the person in respect of an arrangement relating to the person under the scheme and would, if the scheme were a registered pension scheme, be nominees' income withdrawal (within the meaning of paragraph 27D of Schedule 28 to FA 2004) paid to the person from the person's nominee's flexi-access drawdown fund in respect of the arrangement,

(d) is paid to the person in respect of an arrangement relating to the person under the scheme and would, if the scheme were a registered pension scheme, be successors' income withdrawal (within the meaning of paragraph 27J of Schedule 28 to FA 2004) paid to the person from the person's successor's flexi-access drawdown fund in respect of the arrangement,

(e) is a payment to the person of an annuity purchased using sums or assets held for the purposes of an arrangement relating to the person under the scheme and would, if the scheme were a registered pension scheme, be a payment of a short-term annuity (within the meaning of paragraph 6 of Schedule 28 to FA 2004) purchased using sums or assets out of the person's member's flexi-access drawdown fund in respect of the arrangement,

(f) is a payment to the person of an annuity purchased using sums or assets held for the purposes of an arrangement relating to the person under the scheme and would, if the scheme were a registered pension scheme, be a payment of a dependants' short-term annuity (within the meaning of paragraph 20 of Schedule 28 to FA 2004) purchased using sums or assets out of the person's dependant's flexi-access drawdown fund in respect of the arrangement,

(g) is a payment to the person of an annuity purchased using sums or assets held for the purposes of an arrangement relating to the person under the scheme and would, if the scheme were a registered pension scheme, be a payment of a nominees' short-term annuity (within the meaning of paragraph 27C of Schedule 28 to FA 2004) purchased using sums or assets out of the person's nominee's flexi-access drawdown fund in respect of the arrangement,

(h) is a payment to the person of an annuity purchased using sums or assets held for the purposes of an arrangement relating to the person under the scheme and would, if the scheme were a registered pension scheme, be a payment of a successors' short-term annuity (within the meaning of paragraph 27H of Schedule 28 to FA 2004) purchased using sums or assets out of the person's successor's flexi-access drawdown fund in respect of the arrangement,

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(i) is paid before 6 April 2015 to the person in respect of an arrangement relating to the person under the scheme which at the time of the payment was an arrangement to which section 165(3A) or 167(2A) of FA 2004 (flexible drawdown arrangements) applied and would, if the scheme had been a registered pension scheme, have been income withdrawal or dependants' income withdrawal (within the meaning of paragraphs 7 and 21 of Schedule 28 to FA 2004),

(j) is a payment to the person of an annuity purchased using sums or assets held for the purposes of an arrangement relating to the person under the scheme where—

(i) the payment would, if the scheme were a registered pension scheme, be of a lifetime annuity or dependants' annuity within paragraph 3(1A) or 17(1ZA), as the case may be, of Schedule 28 to FA 2004, and

(ii) the terms of the contract under which it is paid are such that there will or could be decreases in the amount of the annuity other than decreases which, if the scheme were a registered pension scheme, would be decreases from time to time allowed by regulations under paragraph 3(1)(d) or 17(1)(c), as the case may be, of Schedule 28 to FA 2004 (and any such regulations are to be treated as having effect for this purpose), or

(k) is a payment to the person under a money purchase arrangement relating to the person under the scheme that, if the scheme were a registered pension scheme, would be a payment to the person of a scheme pension that the person would for the purposes of Part 4 of FA 2004 be treated as having become entitled to at a time on or after 6 April 2015 when fewer than 11 other individuals were entitled to present payment of a scheme pension under the scheme.

(4A) For the purpose of determining whether the figure specified in subsection (2) is exceeded, any relevant withdrawal paid in a currency other than sterling is to be translated into sterling using the average exchange rate for the year ending with 31 March in the tax year in which the relevant withdrawal is paid.**]**

(5) If section 809B, 809D or 809E of ITA 2007 (remittance basis) **[**[F1308]applied**]** to the person for the year of return, any relevant withdrawal within subsection (3) that was remitted to the United Kingdom in the temporary period of non-residence is to be treated as remitted to the United Kingdom in the period of return.

(6) This section does not apply to a relevant withdrawal if—

(a) it is paid to or in respect of a relieved member of the scheme and is not referable to the member's UK tax-relieved fund under the scheme, or

(b) it is paid to or in respect of a transfer member of the scheme and is not referable to the member's relevant transfer fund under the scheme.

(7) Nothing in any double taxation relief arrangements is to be read as preventing the person from being chargeable to income tax in respect of any relevant withdrawal treated by virtue of this section as arising in the period of return (or as preventing a charge to that tax from arising as a result).

(8) Part 4 of Schedule 45 to FA 2013 (statutory residence test: anti-avoidance) explains—

(a) when a person is to be regarded as "temporarily non-resident", and

(b) what "the temporary period of non-residence" and "the period of return" mean.

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(9) In this section—

"double taxation relief arrangements" means arrangements that have effect under section 2(1) of TIOPA 2010;

"DTR claim" means a claim for relief under section 6 of that Act;

**[**[F1309]"member's flexi-access drawdown fund" and "dependant's flexi-access drawdown fund" have the same meaning as in Part 4 of FA 2004 (see paragraphs 8A and 22A of Schedule 28 to FA 2004);**]**

"remitted to the United Kingdom" has the same meaning as in Chapter A1 of Part 14 of ITA 2007;

**[**[F1310]"scheme pension" means a scheme pension within the meaning of paragraph 2 of Schedule 28 to FA 2004 or a dependants' scheme pension within the meaning of paragraphs 16 to 16C of that Schedule;**]**

"the year of return" means the tax year that consists of or includes the period of return.

(10) The following expressions have the meaning given in Schedule 34 to FA 2004—

"relevant non-UK scheme" (see paragraph 1(5));

"relieved member" (see paragraph 1(7));

"transfer member" (see paragraph 1(8));

"member's UK tax-relieved fund" (see paragraph 3(2));

"member's relevant transfer fund" (see paragraph 4(2)).**]**

**Textual Amendments**

**F1305** S. 576A substituted (with effect in accordance with Sch. 45 para. 153(3) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 116**

**F1306** Words in s. 576A(2) inserted (6.4.2015) by Taxation of Pensions Act 2014 (c. 30), **Sch. 1 para. 83(2)**(5)

**F1307** S. 576A(4)(4A) substituted for s. 576A(4) (6.4.2015) by Taxation of Pensions Act 2014 (c. 30), **Sch. 1 para. 83(3)**(5)

**F1308** Word in s. 576A(5) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(13)**

**F1309** Words in s. 576A(9) substituted (6.4.2015) by Taxation of Pensions Act 2014 (c. 30), **Sch. 1 para. 83(4)(a)**, (5)

**F1310** Words in s. 576A(9) inserted (6.4.2015) by Taxation of Pensions Act 2014 (c. 30), **Sch. 1 para. 83(4)(b)**, (5)

## CHAPTER 5

### UNITED KINGDOM SOCIAL SECURITY PENSIONS

### 577 United Kingdom social security pensions

(1) This section applies to—

the state pension,

graduated retirement benefit,

industrial death benefit,

widowed mother's allowance,

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widowed parent's allowance, and
widow's pension.

**[**F1311(1A) But this section does not apply to any social security pension lump sum (within the meaning of section 7 of F(No.2)A 2005).**]**

(2) In this section—

"state pension" means any pension payable under—

(za) **[**F1312any provision of Part 1 of the Pensions Act 2014 or any corresponding provision under the law of Northern Ireland,**]**

(a) section 44, 48A, **[**F1313**]** 48B, 48BB, 51 or 78 of SSCBA 1992, or

(b) section 44, **[**F1314**]**, 48B, 48BB, 51 or 78 of SSCB(NI)A 1992 **[**F1315or any provision under the law of Northern Ireland that corresponds to section 48AA of SSCBA 1992**]**;

"graduated retirement benefit" means any benefit payable under—

(a) section 36 or 37 of the National Insurance Act 1965 (c. 51), or

(b) section 35 or 36 of the National Insurance Act (Northern Ireland) 1966 (c. 6 (N.I.));

"industrial death benefit" means any benefit payable under—

(a) section 94 of, and Part 6 of Schedule 7 to, SSCBA 1992, or

(b) section 94 of, and Part 6 of Schedule 7 to, SSCB(NI)A 1992;

"widowed mother's allowance" means any allowance payable under—

(a) section 37 of SSCBA 1992, or

(b) section 37 of SSCB(NI)A 1992;

"widowed parent's allowance" means any allowance payable under—

(a) section 39A of SSCBA 1992, or

(b) section 39A of SSCB(NI)A 1992;

"widow's pension" means any pension payable under—

(a) section 38 of SSCBA 1992, or

(b) section 38 of SSCB(NI)A 1992.

(3) . . . . . .

(4) Chapter 17 of this Part provides a partial exemption for a pension to which this section applies in respect of any part of the pension which is attributable to an increase in respect of a child (see section 645).

**Textual Amendments**

**F1311** S. 577(1A) inserted (20.7.2005) by Finance (No. 2) Act 2005 (c. 22), **s. 10(2)**

**F1312** Words in s. 577(2) inserted (6.4.2016) by Pensions Act 2014 (c. 19), s. 56(4), **Sch. 12 para. 45**

**F1313** Word in s. 577 inserted (6.4.2016) by Pensions Act 2014 (c. 19), s. 56(4), **Sch. 12 para. 74(a)**

**F1314** Word in s. 577(2) substituted (22.7.2004) by Finance Act 2004 (c. 12), **Sch. 17 para. 9(4)(a)**

**F1315** Words in s. 577 inserted (6.4.2016) by Pensions Act 2014 (c. 19), s. 56(4), **Sch. 12 para. 74(b)**

## 578 Taxable pension income

If section 577 applies, the taxable pension income for a tax year is the full amount of the pension, benefit or allowance accruing in that year irrespective of when any amount is actually paid.

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### 579 Person liable for tax

If section 577 applies, the person liable for any tax charged under this Part is the person receiving or entitled to the pension, benefit or allowance.

## [F1316 CHAPTER 5A

## PENSIONS UNDER REGISTERED PENSION SCHEMES

**Textual Amendments**

**F1316** Pt. 9 Ch. 5A inserted (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 31 para. 6** (with Sch. 36)

**Modifications etc. (not altering text)**

**C27** Pt. 9 Ch. 5A restricted (6.4.2006) by Finance Act 2004 (c. 12), **Sch. 36 para. 43(2)** (with s. 283(5), Sch. 36)

**C28** Pt. 9 Ch. 5A modified (6.4.2006) by Finance Act 2004 (c. 12), Sch. 36 paras. 44, **45** (with s. 283(5), Sch. 36)

**C29** Pt. 9 Ch. 5A modified (1.4.2012 being "the specified day", see S.I. 2012/687, 688 and 966) by The Postal Services Act 2011 (Taxation) Regulations 2012 (S.I. 2012/764), regs. 1(1), **23(2)**

**C30** Pt. 9 Ch. 5A modified (1.4.2012 being "the specified day", see S.I. 2012/687, 688 and 966) by The Postal Services Act 2011 (Taxation) Regulations 2012 (S.I. 2012/764), regs. 1(1), **24**

### 579A Pensions

(1) This section applies to any pension under a registered pension scheme (but subject to subsection (2) **[**F1317and section 579CZA**]**).

(2) This section does not apply to a pension under a registered pension scheme if and to the extent that, when it is paid, a liability to the unauthorised payments charge arises in respect of the amount of the payment (see section 208 of FA 2004).

**[**F1318(3) Chapter 17 of this Part provides exemptions for certain annuities (see sections 646B and 646C: certain beneficiaries' annuities purchased out of unused or drawdown funds).**]**

**Textual Amendments**

**F1317** Words in s. 579A(1) inserted (with effect in accordance with Sch. 2 para. 25(7) of the amending Act) by Taxation of Pensions Act 2014 (c. 30), **Sch. 2 para. 25(4)**

**F1318** S. 579A(3) inserted (26.3.2015) by Finance Act 2015 (c. 11), **Sch. 4 para. 22**

### 579B Taxable pension income

If section 579A applies, the taxable pension income for a tax year is the full amount of the pension under the registered pension scheme that accrues in that year irrespective of when any amount is actually paid **[**F1319This is subject to section 579CA.**]**

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**Textual Amendments**

**F1319** Words in s. 579B inserted (with effect in accordance with Sch. 16 para. 85 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 16 para. 22(2)**

### 579C Person liable for tax

If section 579A applies, the person liable for any tax charged under this Part is the person receiving or entitled to the pension under the registered pension scheme.

### [F1320 579CZA Exemption for beneficiaries' income withdrawal in some cases

(1) Section 579A does not apply to dependants' income withdrawal or nominees' income withdrawal if it is paid—

(a) in respect of a deceased member of a registered pension scheme who had not reached the age of 75 at the date of the member's death, and

(b) to a person from the person's—

(i) dependant's drawdown pension fund,

(ii) dependant's flexi-access drawdown fund, or

(iii) nominee's flexi-access drawdown fund,

in respect of a money purchase arrangement under a registered pension scheme.

(2) Section 579A does not apply to successors' income withdrawal if it is paid—

(a) in respect of a deceased beneficiary of a deceased member of a registered pension scheme where the beneficiary had not reached the age of 75 at the date of the beneficiary's death, and

(b) to a person from the person's successor's flexi-access drawdown fund in respect of a money purchase arrangement under a registered pension scheme,

and here "beneficiary" means dependant, nominee or successor.

(3) Subsection (1) is subject to the following provisions of this section.

(4) Section 579A does apply to dependants' income withdrawal paid on or after 6 April 2015 to a person from the person's dependant's drawdown pension fund in respect of a money purchase arrangement under a registered pension scheme ("the drawdown fund") if before 6 April 2015—

(a) any payment of dependants' income withdrawal was made from—

(i) the drawdown fund, or

(ii) any fund represented (to any extent) by the drawdown fund, or

(b) any payment was made of a dependants' short-term annuity purchased using sums or assets out of—

(i) the drawdown fund, or

(ii) any fund represented (to any extent) by the drawdown fund.

(5) Section 579A does apply to dependants' income withdrawal paid in respect of a deceased member of a registered pension scheme to a person from the person's dependant's flexi-access drawdown fund in respect of a money purchase arrangement under a registered pension scheme ("the new fund") if—

(a) any of the sums or assets that make up the new fund—

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(i) became newly-designated dependant funds under paragraph 22A(2)(b) of Schedule 28 to FA 2004 or as a result of the operation of any of paragraphs 22B to 22D of that Schedule, or

(ii) arise, or (directly or indirectly) derive, from any such newly-designated dependant funds or from sums or assets which so arise or derive,

**[**[F1321](b) before 6 April 2015—

(i) any payment of dependants' income withdrawal in respect of the deceased member was made to the person from, or

(ii) any payment in respect of the deceased member was made to the person of a dependants' short-term annuity purchased using sums or assets out of,

the person's dependant's drawdown pension fund in respect of a money purchase arrangement under a registered pension scheme, and**]**

(c) any of the sums or assets that made up that fund at the time of that payment to any extent make up, or are represented by sums or assets that to any extent make up, the new fund.

(6) Where relevant unused uncrystallised funds—

(a) are designated on or after 6 April 2015 as available for the payment of dependants' drawdown pension or nominees' drawdown pension, and

(b) as a result of the designation make up (to any extent) a person's dependant's flexi-access drawdown fund or nominee's flexi-access drawdown fund in respect of a money purchase arrangement under a registered pension scheme, but

(c) are not so designated before the end of the relevant two-year period,

section 579A does apply to dependants' income withdrawal or nominees' income withdrawal paid to the person from the fund so far as it is paid in respect of sums or assets for the time being representing the whole or any part of those relevant unused uncrystallised funds.

(7) In this section—

"dependant", "nominee" and "successor" have the meaning given (respectively) by paragraphs 15, 27A and 27F of Schedule 28 to FA 2004,

"dependant's drawdown pension fund", "dependant's flexi-access drawdown fund", "nominee's flexi-access drawdown fund" and "successor's flexi-access drawdown fund" have the meaning given (respectively) by paragraphs 22, 22A, 27E and 27K of Schedule 28 to FA 2004,

"money purchase arrangement" has the meaning given by section 152 of FA 2004, and

"the relevant two-year period", in relation to relevant unused uncrystallised funds held for the purposes of a money purchase arrangement relating to a deceased individual under a registered pension scheme, means the period of two years beginning with the earlier of the day on which the scheme administrator of the scheme first knew of the individual's death and the day on which the scheme administrator could first reasonably have been expected to have known of it.

(8) For the purposes of this section, sums or assets held after the death of a member of a registered pension scheme for the purposes of a money purchase arrangement relating to the member under the scheme are "relevant unused uncrystallised funds" if—

(a) they are unused uncrystallised funds, and

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(b) the member had not reached the age of 75 at the date of the member's death.

(9) Paragraph 27E(4) and (5) of Schedule 28 to FA 2004 (meaning of "unused uncrystallised funds") apply for the purposes of subsection (8)(a).**]**

**Textual Amendments**

**F1320** S. 579CZA inserted (with effect in accordance with Sch. 2 para. 25(7) of the amending Act) by Taxation of Pensions Act 2014 (c. 30), **Sch. 2 para. 25(5)**

**F1321** S. 579CZA(5)(b) substituted (with effect in accordance with Sch. 4 para. 23(2) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 4 para. 23(1)**

### **[F1322 579CA Temporary non-residents**

(1) This section applies if a person is temporarily non-resident.

(2) Any relevant withdrawals within subsection (3) are to be treated for the purposes of section 579B as if they accrued in the period of return **[F1323**, but only if the total amount of—

(a) the relevant withdrawals within subsection (3), and

(b) the relevant withdrawals (as defined by section 576A(4)) within section 576A(3) for the same temporary period of non-residence,

exceeds £100,000**]**

(3) A relevant withdrawal is within this subsection if—

(a) it is paid to the person in the temporary period of non-residence, and

(b) ignoring this section, it is not chargeable to tax under this Part (or would not be if a DTR claim were made in respect of it).

**[F1324** (4) A "relevant withdrawal" is—

(a) any income withdrawal paid to the person from a member's flexi-access drawdown fund in respect of an arrangement relating to the person under a registered pension scheme,

(b) any dependants' income withdrawal paid to the person from a dependant's flexi-access drawdown fund in respect of an arrangement relating to the person under a registered pension scheme,

(c) any nominees' income withdrawal paid to the person from a nominee's flexi-access drawdown fund in respect of an arrangement relating to the person under a registered pension scheme,

(d) any successors' income withdrawal paid to the person from a successor's flexi-access drawdown fund in respect of an arrangement relating to the person under a registered pension scheme,

(e) any payment to the person of a short-term annuity purchased using sums or assets out of a member's flexi-access drawdown fund in respect of an arrangement relating to the person under a registered pension scheme,

(f) any payment to the person of a dependants' short-term annuity purchased using sums or assets out of a dependant's flexi-access drawdown fund in respect of an arrangement relating to the person under a registered pension scheme,

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(g) any payment to the person of a nominees' short-term annuity purchased using sums or assets out of a nominee's flexi-access drawdown fund in respect of an arrangement relating to the person under a registered pension scheme,

(h) any payment to the person of a successors' short-term annuity purchased using sums or assets out of a successor's flexi-access drawdown fund in respect of an arrangement relating to the person under a registered pension scheme,

(i) any uncrystallised funds pension lump sum paid to the person in respect of an arrangement relating to the person under a registered pension scheme, but only so far as section 579A applies in relation to the sum (see section 636A),

(j) any income withdrawal, or dependants' income withdrawal, paid before 6 April 2015 to the person under a registered pension scheme in respect of an arrangement relating to the person under the scheme which at the time of the payment was an arrangement to which section 165(3A) or 167(2A) of FA 2004 applied (flexible drawdown arrangements),

(k) any payment to the person of a lifetime annuity or dependants' annuity where—

(i) the annuity is within paragraph 3(1A) or 17(1ZA), as the case may be, of Schedule 28 to FA 2004,

(ii) the terms of the contract under which the annuity is paid are such that there will or could be decreases in the amount of the annuity other than decreases from time to time allowed by regulations under paragraph 3(1)(d) or 17(1)(c), as the case may be, of Schedule 28 to FA 2004 (and any such regulations are to be treated as having effect for this purpose), and

(iii) the annuity is purchased using sums or assets held for the purposes of a registered pension scheme, ...

(l) any payment to the person of a scheme pension, or dependants' scheme pension, under a money purchase arrangement under a registered pension scheme where—

(i) the person first acquired an actual (rather than a prospective) right to receive the scheme pension on or after 6 April 2015,

(ii) when the person first acquired that actual right, fewer than 11 other individuals were entitled to the present payment of a scheme pension, or dependants' scheme pension, under the registered pension scheme, and

(iii) the scheme pension is not payable under an annuity contract treated under section 153(8) or (8A) of FA 2004 as having become a registered pension scheme**[**F1325, or

(m) any payment to the person of a lump sum to which section 579A applies by virtue of section 636A(4ZA).**]**

(4A) For the purpose of determining whether the figure specified in subsection (2) is exceeded, any relevant withdrawal paid in a currency other than sterling is to be translated into sterling using the average exchange rate for the year ending with 31 March in the tax year in which the relevant withdrawal is paid.**]**

(5) Nothing in any double taxation relief arrangements is to be read as preventing the person from being chargeable to income tax in respect of any relevant withdrawal treated by virtue of this section as accruing in the period of return (or as preventing a charge to that tax from arising as a result).

(6) Part 4 of Schedule 45 to FA 2013 (statutory residence test: anti-avoidance) explains—

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) when a person is to be regarded as "temporarily non-resident", and

(b) what "the temporary period of non-residence" and "the period of return" mean.

(7) In this section—

"double taxation relief arrangements" means arrangements that have effect under section 2(1) of TIOPA 2010;

"DTR claim" means a claim for relief under section 6 of that Act;

**[**[F1326]"dependants' annuity", "dependant's flexi-access drawdown fund", "dependants' scheme pension", "dependants' short-term annuity", "lifetime annuity", "member's flexi-access drawdown fund", "money purchase arrangement", "nominee's flexi-access drawdown fund", "scheme pension", "short-term annuity", "successor's flexi-access drawdown fund" and "uncrystallised funds pension lump sum" have the same meaning as in Part 4 of FA 2004 (see section 152 of FA 2004 and paragraphs 2, 3, 6, 8A, 16 to 16C, 17, 20, 22A, 27E and 27K of Schedule 28, and paragraph 4A of Schedule 29, to FA 2004).**]]**

**Textual Amendments**

**F1322** S. 579CA substituted (with effect in accordance with Sch. 45 para. 153(3) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 117**

**F1323** Words in s. 579CA(2) inserted (6.4.2015) by Taxation of Pensions Act 2014 (c. 30), **Sch. 1 para. 81(2)**(5)

**F1324** S. 579CA(4)(4A) substituted for s. 579CA(4) (6.4.2015) by Taxation of Pensions Act 2014 (c. 30), **Sch. 1 para. 81(3)**(5)

**F1325** S. 579CA(4)(m) and word as substituted by paragraph 117 of Schedule 45 to the Finance Act 2013 inserted (with effect in accordance with s. 22(12) of the amending Act) by Finance (No. 2) Act 2015 (c. 33), **s. 22(6)(b)**

**F1326** Words in s. 579CA(7) substituted (6.4.2015) by Taxation of Pensions Act 2014 (c. 30), **Sch. 1 para. 81(4)**(5)

## **[**[F1327]**579CB Refund of overpaid inheritance tax treated as pension**

(1) This section applies if—

(a) an amount of inheritance tax that is attributable to the value of notional pension property of a deceased member of a registered pension scheme is paid,

(b) some or all of the inheritance tax paid—

(i) is repaid under section 241(1) of that Act to a person, other than a non-qualifying person, who is entitled to receive benefits under the scheme on the deceased's death (a "beneficiary"), or

(ii) is repaid under that section to the deceased's personal representatives and passed on by the personal representatives to a beneficiary,

(c) in a case in which the payment of inheritance tax mentioned in paragraph (a) was made by the beneficiary or by the deceased's personal representatives, a deduction is allowed under section 567B in respect of the payment, and

(d) the deceased was aged 75 or over at the date of their death.

(2) The relevant amount is treated for the purposes of this Part as though it were a pension paid under the registered pension scheme (and is treated as accruing in the tax year in which it is paid).

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) In subsection (2) "the relevant amount" means—

(a) in a case in which the payment of inheritance tax mentioned in subsection (1)(a) is made by the scheme administrator, the amount of the payment made to the beneficiary mentioned in subsection (1)(b)(i) or (ii);

(b) in a case in which the payment of inheritance tax mentioned in subsection (1)(a) is made by a beneficiary or by the deceased's personal representatives, the lesser of—

(i) the amount of the payment made to the beneficiary mentioned in subsection (1)(b)(i) or (ii), and

(ii) the deduction allowed under section 567B in respect of the payment of inheritance tax mentioned in subsection (1)(a).

(4) In this section—

"inheritance tax" includes interest on inheritance tax;

"non-qualifying person" has the same meaning as in section 206 of FA 2004 (special lump sum death benefit charge).**]**

**Textual Amendments**

**F1327** S. 579CB inserted (with application in accordance with s. 71 of the amending Act) by Finance Act 2026 (c. 11), **ss. 70(4)**, 71

## **[F1328 579D Interpretation**

In this Chapter—

"income withdrawal" has the meaning given by paragraph 7 of that Schedule;

**[F1329** "nominees' income withdrawal" has the meaning given by paragraph 27D of that Schedule;**]**

**[F1329** "successors' income withdrawal" has the meaning given by paragraph 27J of Schedule 28 to FA 2004.**]**

"pension under a registered pension scheme" includes—

(a) an annuity under, or purchased with sums or assets held for the purposes of, or representing acquired rights under, a registered pension scheme, and

(b) income withdrawal or dependants' income withdrawal **[F1330**, or nominees' income withdrawal or successors' income withdrawal,**]** under a registered pension scheme.**]]**

**Textual Amendments**

**F1328** S. 579D substituted (with effect in accordance with Sch. 16 para. 85 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 16 para. 22(4)**

**F1329** Words in s. 579D inserted (with effect in accordance with Sch. 2 para. 25(7) of the amending Act) by Taxation of Pensions Act 2014 (c. 30), **Sch. 2 para. 25(6)(a)**

**F1330** Words in s. 579D inserted (with effect in accordance with Sch. 2 para. 25(7) of the amending Act) by Taxation of Pensions Act 2014 (c. 30), **Sch. 2 para. 25(6)(b)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

# [F1331]CHAPTER 6

## APPROVED RETIREMENT BENEFITS SCHEMES

**Textual Amendments**

**F1331** Pt. 9 Ch. 6 repealed (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), Sch. 31 para. 7, **Sch. 42 Pt. 3** (with Sch. 36)

*Pensions and annuities*

### 580 Pensions and annuities

. . . . . .

### 581 Taxable pension income

. . . . . .

### 582 Person liable for tax

. . . . . .

*Unauthorised payments*

### 583 Unauthorised payments

. . . . . .

### 584 Taxable pension income

. . . . . .

### 585 Person liable for tax

. . . . . .

*Interpretation etc.*

### 586 Meaning of "retirement benefits scheme" etc.

. . . . . .

### 587 Application to marine pilots' benefit fund

. . . . . .

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**588 Meaning of "employee" , "former civil partner and "ex-spouse"**

. . . . . .

**589 Regulations**

. . . . . .

## F1333CHAPTER 7

FORMER APPROVED SUPERANNUATION FUNDS

**Textual Amendments**

**F1333** Pt. 9 Ch. 7 repealed (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), Sch. 31 para. 7, **Sch. 42 Pt. 3** (with Sch. 36)

*Annuities*

**590 Annuities**

. . . . . .

**591 Taxable pension income**

. . . . . .

**592 Person liable for tax**

. . . . . .

*Unauthorised payments*

**593 Unauthorised payments: application of section 583**

. . . . . .

*Interpretation*

**594 Meaning of "former approved superannuation fund"**

. . . . . .

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

# [F1334]CHAPTER 8

APPROVED PERSONAL PENSION SCHEMES

**Textual Amendments**

**F1334** Pt. 9 Ch. 8 repealed (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), Sch. 31 para. 7, **Sch. 42 Pt. 3** (with Sch. 36)

*Annuities*

## 595 Annuities

. . . . . .

## 596 Taxable pension income

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## 597 Person liable for tax

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*Income withdrawals*

## 598 Income withdrawals

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## 599 Taxable pension income

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## 600 Person liable for tax

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*Unauthorised personal pension payments*

## 601 Unauthorised personal pension payments

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## 602 Taxable pension income

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***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### 603 Person liable for tax

. . . . . .

*Interpretation*

### 604 Meaning of "personal pension scheme" and related expressions

. . . . . .

## [F1335]CHAPTER 9

RETIREMENT ANNUITY CONTRACTS

**Textual Amendments**

**F1335** Pt. 9 Ch. 9 repealed (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), Sch. 31 para. 7, **Sch. 42 Pt. 3** (with Sch. 36)

### 605 Annuities

. . . . . .

### 606 Meaning of "retirement annuity contract"

. . . . . .

### 607 Taxable pension income

. . . . . .

### 608 Person liable for tax

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## CHAPTER 10

OTHER EMPLOYMENT-RELATED ANNUITIES

### 609 Annuities for the benefit of dependants

(1) This section applies to any annuity which was granted for consideration consisting in whole or in part of sums **[**[F1336]—

(a) which, in the tax year 2012-13 or an earlier tax year, satisfied the conditions for relief under section 273 of ICTA or section 459 of ITA 2007 (obligatory contributions to secure an annuity for the benefit of dependants), or

(b) which fall within subsection (3)**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) But this section applies to an annuity which arises from a source outside the United Kingdom only if it is paid to a person resident in the United Kingdom.

**[**F1337(3) A sum falls within this subsection if—

(a) in the tax year 2013-14 or a later tax year, the sum is paid by an individual, or is deducted from an individual's earnings, under an Act or the individual's terms and conditions of employment,

(b) the sum is for the purpose of—

(i) securing a deferred annuity after the individual's death for the individual's surviving spouse or civil partner, or

(ii) making provision after the individual's death for the individual's children, and

(c) the individual—

(i) is UK resident for the tax year in which the sum is paid or deducted, or

(ii) at any time in that tax year, falls within any of paragraphs (a) to (f) of section 460(3) of ITA 2007 (matters relating to residence).

(4) Subsection (3)(a) does not cover contributions paid by a person under—

(a) Part 1 of the Social Security Contributions and Benefits Act 1992, or

(b) Part 1 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992.

(5) In subsection (3)(a) "earnings" has the meaning given by section 62.**]**

**Textual Amendments**

**F1336** Words in s. 609(1) substituted (with effect in accordance with Sch. 39 para. 32(6) of the amending Act) by Finance Act 2012 (c. 14), **Sch. 39 para. 32(4)**

**F1337** S. 609(3)-(5) inserted (with effect in accordance with Sch. 39 para. 32(6) of the amending Act) by Finance Act 2012 (c. 14), **Sch. 39 para. 32(5)**

## 610 Annuities under [F1338non-registered occupational pension] schemes

(1) This section applies to—

(a) any annuity paid under **[**F1339an occupational pension scheme that is not a registered pension scheme**]**, and

(b) any annuity acquired using funds held for the purposes of **[**F1340such an occupational pension scheme**]**.

(2) But this section applies to an annuity which arises from a source outside the United Kingdom only if it is paid to a person resident in the United Kingdom.

(3) This section does not apply to an annuity to which **[**F1341Chapter 5A**]** of this Part applies.

**[**F1342(4) In this section "occupational pension scheme" has the same meaning as in Part 4 of FA 2004 (see section 150(5) of that Act).**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F1338** Words in s. 610 heading substituted (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 31 para. 8(5)** (with Sch. 36)

**F1339** Words in s. 610(1)(a) substituted (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 31 para. 8(2)(a)** (with Sch. 36)

**F1340** Words in s. 610(1)(b) substituted (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 31 para. 8(2)(b)** (with Sch. 36)

**F1341** Words in s. 610(3) substituted (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 31 para. 8(3)** (with Sch. 36)

**F1342** S. 610(4) substituted (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 31 para. 8(4)** (with Sch. 36)

## 611 Annuities in recognition of another's services

(1) This section applies to any annuity purchased by any person in recognition of another person's services in any office or employment.

(2) But this section applies to an annuity which arises from a source outside the United Kingdom only if it is paid to a person resident in the United Kingdom.

(3) This section does not apply to an annuity to which **[**F1343Chapter 5A**]** of this Part applies.

(4) For the purposes of this section "office" includes in particular any position which has an existence independent of the person who holds it and may be filled by successive holders.

**Textual Amendments**

**F1343** Words in s. 611(3) substituted (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 31 para. 9** (with Sch. 36)

## **[**F1344**611A Exemptions from sections 609 to 611**

(1) Chapter 17 of this Part provides exemptions for certain annuities (see sections 646B to 646E: certain beneficiaries' annuities purchased out of unused or drawdown funds).

(2) See also paragraph 45A of Schedule 36 to FA 2004 (exemption in certain cases for payments on or after 6 April 2015 to beneficiaries under joint-life or similar annuities purchased before 6 April 2006).**]**

**Textual Amendments**

**F1344** S. 611A inserted (26.3.2015) by Finance Act 2015 (c. 11), **Sch. 4 para. 21**

## 612 Taxable pension income: UK annuities

(1) The taxable pension income for an annuity to which section 609, 610 or 611 applies is determined in accordance with this section if the annuity arises from a source in the United Kingdom.

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(2) The taxable pension income for a tax year is the full amount of the annuity arising in that year.

### 613 Taxable pension income: foreign annuities

(1) The taxable pension income for an annuity to which section 609, 610 or 611 applies is determined in accordance with this section if the annuity arises from a source outside the United Kingdom.

(2) The taxable pension income for a tax year is **[**F1345the full amount of the annuity arising in the tax year, but subject to **[**F1346subsection**]** (4).**]**

**[**F1347(3) . . . . . .

(4) The annuity is treated as relevant foreign income for the purposes of Chapters 2 and 3 of Part 8 of **[**F1348ITTOIA 2005**]** (relevant foreign income: remittance basis and deductions and reliefs).

(5) But if the annuity arises in the Republic of Ireland, section 839 of that Act (annual payments payable out of relevant foreign income) applies with the omission of **[**F1349conditions B1 and B2 (and the reference to them in subsection (1))**]** and subsection (5)(a).

(6) See also Chapter 4 of that Part (unremittable income).**]**

**Textual Amendments**

**F1345** Words in s. 613(2) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 607(2)** (with Sch. 2)

**F1346** Word in s. 613(2) substituted (with effect in accordance with Sch. 3 para. 2(6) of the amending Act) by Finance Act 2017 (c. 10), **Sch. 3 para. 2(4)(b)(i)**

**F1347** S. 613(3)-(6) substituted for s. 613(3)(4) (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 607(3)** (with Sch. 2)

**F1348** Words in s. 613(4) substituted (with effect in accordance with Sch. 3 para. 2(6) of the amending Act) by Finance Act 2017 (c. 10), **Sch. 3 para. 2(4)(b)(ii)**

**F1349** Words in s. 613(5) substituted (with effect in accordance with Sch. 3 para. 2(6) of the amending Act) by Finance Act 2017 (c. 10), **Sch. 3 para. 2(5)**

### 614 Person liable for tax

If section 609, 610 or 611 applies, the person liable for any tax charged under this Part is the person receiving or entitled to the annuity.

## CHAPTER 11

## CERTAIN OVERSEAS GOVERNMENT PENSIONS PAID IN THE UK

### 615 Certain overseas government pensions paid in the United Kingdom

(1) This section applies to a pension if conditions A, B and C are met.

(2) Condition A is that the pension—

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(a) is payable—

(i) to a person who has been employed in overseas government service, or

(ii) to the widow, widower, **[**F1350surviving civil partner,**]** child, relative or dependant of a person who has been employed in overseas government service, and

(b) is payable in respect of that service.

(3) Condition B is that the pension—

(a) is payable in the United Kingdom, and

(b) is payable to a person who is resident in the United Kingdom.

(4) Condition C is that the pension is payable by or on behalf of the government of—

(a) a country which forms part of Her Majesty's dominions,

(b) any other country which is for the time being mentioned in Schedule 3 to the British Nationality Act 1981 (c. 61), or

(c) any territory under Her Majesty's protection.

(5) But condition C is not met if the pension is payable out of the public revenue of the United Kingdom or Northern Ireland.

(6) In condition A the references to a person being employed in overseas government service are to the person being employed outside the United Kingdom—

(a) in the service of the Crown, or

(b) in service under the government of a country or territory which falls within subsection (4).

(7) In this Chapter "pension" includes a pension which is paid voluntarily or is capable of being discontinued.

**Textual Amendments**

**F1350** Words in s. 615(2)(a)(ii) inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **158**

### 616 Taxable pension income

If section 615 applies, the taxable pension income for a tax year is the full amount of the pension accruing in that year irrespective of when any amount is actually paid.

### 617 Deduction allowed from taxable pension income

A deduction of 10% is allowed from an amount of taxable pension income determined under section 616 (see section 567).

### 618 Person liable for tax

If section 615 applies, the person liable for any tax charged under this Part is the person receiving or entitled to the pension.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## CHAPTER 12

HOUSE OF COMMONS MEMBERS' FUND

### 619 The House of Commons Members' Fund

This section applies to any periodical payment granted out of—

(a) the House of Commons Members' Fund,

(b) sums appropriated from that Fund, or

(c) income from sums appropriated from that Fund.

### 620 Meaning of "House of Commons Members' Fund"

In this Chapter "House of Commons Members' Fund" means the fund with that name **[**[F1351]specified in section 1 of the House of Commons Members' Fund Act 2016**]**.

**Textual Amendments**

**F1351** Words in s. 620 substituted (12.8.2016) by House of Commons Members Fund Act 2016 (c. 18), **ss. 8(1)**, 10

### 621 Taxable pension income

If section 619 applies, the taxable pension income for a tax year is the total amount of the payments made in that year.

### 622 Person liable for tax

If section 619 applies, the person liable for any tax charged under this Part is the person receiving or entitled to the payments.

## [F1352]CHAPTER 13

RETURN OF SURPLUS EMPLOYEE ADDITIONAL VOLUNTARY CONTRIBUTIONS

**Textual Amendments**

**F1352** Pt. 9 Ch. 13 repealed (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), Sch. 31 para. 10, **Sch. 42 Pt. 3** (with Sch. 36 and with further transitional provisions in S.I. 2006/572, **arts. 1(1)**, 38(3))

### 623 Return of surplus employee additional voluntary contributions

. . . . . .

### 624 Taxable pension income

. . . . . .

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### 625 Person liable for tax

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### 626 Income tax treated as paid

. . . . . .

### 627 Meaning of "grossing up"

. . . . . .

### 628 Interpretation

. . . . . .

## CHAPTER 14

PRE-1973 PENSIONS PAID UNDER THE OVERSEAS PENSIONS ACT 1973

### 629 Pre-1973 pensions paid under the Overseas Pensions Act 1973

(1) This section applies to a pension if—

(a) it is paid under section 1 of OPA 1973 (whether or not paid out of a fund established under a scheme made under that section),

(b) it is a pre-1973 pension, and

(c) it is paid to—

(i) the original pensioner, or

(ii) the widow or widower of the original pensioner.

(2) But this section does not apply to a part of a pension which is paid because the Pensions (Increase) Act 1971 (c. 56) applies to it (and accordingly section 569 applies to that part of the pension).

(3) Chapter 18 of this Part provides an exemption where a pension to which this section applies is paid to a person who is not resident in the United Kingdom (see sections 647 and 651).

### 630 Interpretation

(1) For the purposes of this Chapter a person is the "original pensioner" in relation to a pension if—

(a) the pension is payable by virtue of the person's service, and

(b) the person retired from that service before 6th April 1973.

(2) For the purposes of this Chapter a pension is a "pre-1973 pension" if, immediately before 6th April 1973—

(a) the pension was payable to—

(i) the original pensioner, or

(ii) the widow or widower of the original pensioner, and

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(b) that person was resident in the United Kingdom.

### 631 Taxable pension income

(1) If section 629 applies, the taxable pension income for a tax year is **[**F1353the full amount of the pension income arising in the tax year**]** .

**[**F1354(2) The full amount of the pension income arising in the tax year is to be calculated on the basis that the pension is 90% of its actual amount.

(3) The pension income is treated as relevant foreign income for the purposes of section 838 of that Act (expenses attributable to collection or payment of relevant foreign income).**]**

**Textual Amendments**

**F1353** Words in s. 631(1) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 608(2)** (with Sch. 2)

**F1354** S. 631(2)(3) substituted for s. 631(2) (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 608(3)** (with Sch. 2)

### 632 Person liable for tax

If section 629 applies, the person liable for any tax charged under this Part is the person receiving or entitled to the pension.

## CHAPTER 15

VOLUNTARY ANNUAL PAYMENTS

### 633 Voluntary annual payments

(1) This section applies to an annual payment which—

(a) is paid voluntarily, or

(b) is capable of being discontinued,

if conditions A and B are met.

(2) Condition A is that the payment is paid to—

(a) a former employee or a former office-holder,

(b) the widow or widower **[**F1355or surviving civil partner**]** of a former employee or former office-holder, or

(c) any child, relative or dependant of a former employee or a former office-holder.

(3) Condition B is that the payment is paid by or on behalf of—

(a) the person—

(i) who employed the former employee, or

(ii) under whom the former office-holder held the office, or

(b) the successors of that person.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) But this section applies to a payment which is paid by or on a behalf of a person who is outside the United Kingdom only if it is paid to a person resident in the United Kingdom.

(5) In this section "office" includes in particular any position which has an existence independent of the person who holds it and may be filled by successive holders.

**Textual Amendments**

**F1355** Words in s. 633(2)(b) inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **159**

## 634 Taxable pension income: UK voluntary annual payments

(1) The taxable pension income for payments to which section 633 applies is determined in accordance with this section if the payments are made by or on behalf of a person who is in the United Kingdom.

(2) The taxable pension income for a tax year is the full amount of the payments accruing in that year irrespective of when any amount is actually paid.

## 635 Taxable pension income: foreign voluntary annual payments

(1) The taxable pension income for payments to which section 633 applies is determined in accordance with this section if the payments are made by or on behalf of a person who is outside the United Kingdom.

(2) The taxable pension income for a tax year is **[**F1356the full amount of the pension income arising in the tax year, but subject to **[**F1357subsection**]** (4)**]** .

**[**F1358(3) . . . . . .

(4) **[**F1359The full amount of the pension income arising in the tax year **]** is treated as relevant foreign income for the purposes of Chapters 2 and 3 of Part 8 of **[**F1360ITTOIA 2005**]** (relevant foreign income: remittance basis and deductions and reliefs).

(5) But if that pension income arises in the Republic of Ireland, section 839 of that Act (annual payments payable out of relevant foreign income) applies with the omission of **[**F1361conditions B1 and B2 (and the reference to them in subsection (1))**]** and subsection (5)(a).

(6) See also Chapter 4 of that Part (unremittable income).**]**

**Textual Amendments**

**F1356** Words in s. 635(2) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 609(2)** (with Sch. 2)

**F1357** Word in s. 635(2) substituted (with effect in accordance with Sch. 3 para. 2(6) of the amending Act) by Finance Act 2017 (c. 10), **Sch. 3 para. 2(4)(c)(i)**

**F1358** S. 635(3)-(6) substituted for s. 635(3) (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 609(3)** (with Sch. 2)

**F1359** Words in s. 635(4) substituted (with effect in accordance with Sch. 3 para. 2(6) of the amending Act) by Finance Act 2017 (c. 10), **Sch. 3 para. 2(4)(c)(ii)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F1360** Words in s. 635(4) substituted (with effect in accordance with Sch. 3 para. 2(6) of the amending Act) by Finance Act 2017 (c. 10), **Sch. 3 para. 2(4)(c)(iii)**

**F1361** Words in s. 635(5) substituted (with effect in accordance with Sch. 3 para. 2(6) of the amending Act) by Finance Act 2017 (c. 10), **Sch. 3 para. 2(5)**

### 636 Person liable for tax

If section 633 applies, the person liable for any tax charged under this Part is the person receiving or entitled to the payment.

## [F1362CHAPTER 15A

LUMP SUMS UNDER REGISTERED PENSION SCHEMES

**Textual Amendments**

**F1362** Pt. 9 Ch. 15A substituted (for the tax year 2024-25 and subsequent tax years) by Finance Act 2024 (c. 3), Sch. 9 paras. 41, **124** (with Sch. 9 paras. 125-132A) (as amended by S.I. 2024/356, regs. 1, **4**; and (18.11.2024 for the tax year 2024-25 and subsequent tax years) by S.I. 2024/1012, regs. 1(2)(3), **17**)

**Modifications etc. (not altering text)**

**C31** Pt. 9 Ch. 15A modified (with effect in accordance with reg. 1(3) of the amending S.I.) by S.I. 2006/569, **reg. 5(1)** (as substituted by The Pensions (Abolition of Lifetime Allowance Charge etc) Regulations 2024 (S.I. 2024/356), **reg. 10(2)(a)**)

**C32** Pt. 9 Ch. 15A modified (for the tax year 2024-25 and subsequent tax years) by 2014 c. 26, **Sch. 6 para. 1(2)** (as substituted by Finance Act 2024 (c. 3), Sch. 9 paras. 92(3), 124 (with **Sch. 9 paras. 125-132A**)) (as amended by S.I. 2024/356, regs. 1, **4**; and (18.11.2024 for the tax year 2024-25 and subsequent tax years) by S.I. 2024/1012, regs. 1(2)(3), **15**, 17))

**C33** Pt. 9 Ch. 15A modified (for the tax year 2024-25 and subsequent tax years) by 2016 c. 24, **Sch. 4 para. 1(2)** (as substituted by Finance Act 2024 (c. 3), Sch. 9 paras. 93(3)(a), 124 (with **Sch. 9 paras. 125-132A**)) (as amended by S.I. 2024/356, regs. 1, **4**; and (18.11.2024 for the tax year 2024-25 and subsequent tax years) by S.I. 2024/1012, regs. 1(2)(3), **16(2)**, 17))

**C34** Pt. 9 Ch. 15A modified (for the tax year 2024-25 and subsequent tax years) by 2004 c. 12, **Sch. 36 para. 6A** (as inserted by Finance Act 2024 (c. 3), Sch. 9 paras. 67, 124 (with **Sch. 9 paras. 125-132A**) (as amended by S.I. 2024/356, regs. 1, **4**; and (18.11.2024 for the tax year 2024-25 and subsequent tax years) by S.I. 2024/1012, regs. 1(2)(3), **17**)

**C35** Pt. 9 Ch. 15A applied (with modifications) (for the tax year 2024-25 and subsequent tax years) by 2004 c. 12, **Sch. 36 para. 19(1A)(1B)** (as inserted by Finance Act 2024 (c. 3), Sch. 9 paras. 76(3), 124 (with **Sch. 9 paras. 125-132A**)) (as amended by S.I. 2024/356, regs. 1, **4**; and (18.11.2024 for the tax year 2024-25 and subsequent tax years) by S.I. 2024/1012, regs. 1(2)(3), **8(7)**, 17)

**C36** Pt. 9 Ch. 15A modified (for the tax year 2024-25 and subsequent tax years) by 2016 c. 24, **Sch. 4 para. 9(2)** (as substituted by Finance Act 2024 (c. 3), Sch. 9 paras. 93(4)(b), 124 (with **Sch. 9 paras. 125-132A**)) (as amended by S.I. 2024/356, regs. 1, **4**; and (18.11.2024 for the tax year 2024-25 and subsequent tax years) by S.I. 2024/1012, regs. 1(2)(3), **16(3)**, 17))

**C37** Pt. 9 Ch. 15A modified (for the tax year 2024-25 and subsequent tax years) by 2013 c. 29, **Sch. 22 para. 1(2)** (as substituted by Finance Act 2024 (c. 3), Sch. 9 paras. 91(3), 124 (with **Sch. 9 paras. 125-132A**)) (as amended by S.I. 2024/356, regs. 1, **4**; and (18.11.2024 for the tax year 2024-25 and subsequent tax years) by S.I. 2024/1012, regs. 1(2)(3), **14**, 17))

**C38** Pt. 9 Ch. 15A modified (for the tax year 2024-25 and subsequent tax years) by 2004 c. 12, **Sch. 36 para. 7** (as substituted by Finance Act 2024 (c. 3), Sch. 9 paras. 68, 124 (with **Sch. 9 paras.**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**125-132A**)) (as amended by S.I. 2024/356, regs. 1, **4**; and (18.11.2024 for the tax year 2024-25 and subsequent tax years) by S.I. 2024/1012, regs. 1(2)(3), **8(3)**, 17))

**C39** Pt. 9 Ch. 15A modified (for the tax year 2024-25 and subsequent tax years) by 2011 c. 11, **Sch. 18 para. 14(3)** (as substituted by Finance Act 2024 (c. 3), Sch. 9 paras. 90(4), 124 (with **Sch. 9 paras. 125-132A**)) (as amended by S.I. 2024/356, regs. 1, **4**; and (18.11.2024 for the tax year 2024-25 and subsequent tax years) by S.I. 2024/1012, regs. 1(2)(3), **13**, 17))

**C40** Pt. 9 Ch. 15A excluded (for the tax year 2024-25 and subsequent tax years) by 2004 c. 12, **Sch. 34 para. 5ZA** (as inserted by Finance Act 2024 (c. 3), Sch. 9 paras. 60(3), 124 (with **Sch. 9 paras. 125-132A**) (as amended by S.I. 2024/356, regs. 1, **4**; and (18.11.2024 for the tax year 2024-25 and subsequent tax years) by S.I. 2024/1012, regs. 1(2)(3), **17**)

**C41** Pt. 9 Ch. 15A modified (for the tax year 2024-25 and subsequent tax years) by S.I. 2006/572, **arts. 25CA-25CC** (as inserted by Finance Act 2024 (c. 3), Sch. 9 paras. 95(5), 124 (with **Sch. 9 paras. 125-132A**)) (as amended by S.I. 2024/356, regs. 1, **4**; and (18.11.2024 for the tax year 2024-25 and subsequent tax years) by S.I. 2024/1012, regs. 1(2)(3), **17**, 25(16)(17)) and S.I. 2024/1167, regs. 1(2)(3), **4(9)(10)**)

**C42** Pt. 9 Ch. 15A modified (for the tax year 2024-25 and subsequent tax years) by 2004 c. 12, **Sch. 36 para. 18** (as substituted by Finance Act 2024 (c. 3), Sch. 9 paras. 75, 124 (with **Sch. 9 paras. 125-132A**)) (as amended by S.I. 2024/356, regs. 1, **4**; and (18.11.2024 for the tax year 2024-25 and subsequent tax years) by S.I. 2024/1012, regs. 1(2)(3), **8(6)**, 17))

**C43** Pt. 9 Ch. 15A modified (for the tax year 2024-25 and subsequent tax years) by 2004 c. 12, **Sch. 36 para. 29A** (as inserted by Finance Act 2024 (c. 3), Sch. 9 paras. 85, 124 (with **Sch. 9 paras. 125-132A**) (as amended by S.I. 2024/356, regs. 1, **4**; and (18.11.2024 for the tax year 2024-25 and subsequent tax years) by S.I. 2024/1012, regs. 1(2)(3), **17**)

**C44** Pt. 9 Ch. 15A modified (for the tax year 2024-25 and subsequent tax years) by S.I. 2006/207, **reg. 18** (as substituted by Finance Act 2024 (c. 3), Sch. 9 paras. 62(8), 124 (with **Sch. 9 paras. 125-132A**) (as amended by S.I. 2024/356, regs. 1, **4**); and (18.11.2024 for the tax year 2024-25 and subsequent tax years) by S.I. 2024/1012, regs. 1(2)(3), **17**))

**C45** Pt. 9 Ch. 15A modified (for the tax year 2024-25 and subsequent tax years) by 2004 c. 12, **Sch. 36 para. 12(3A)-(3H)** (as substituted by Finance Act 2024 (c. 3), Sch. 9 paras. 71(2), 124 (with **Sch. 9 paras. 125-132A**) (as amended by S.I. 2024/356, regs. 1, **4**; and (18.11.2024 for the tax year 2024-25 and subsequent tax years) by S.I. 2024/1012, regs. 1(2)(3), **17**))

**C46** Pt. 9 Ch. 15A modified (for the tax year 2024-25 and subsequent tax years) by 2004 c. 12, **Sch. 36 para. 20B** (as amended by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **8(10)**)

**C47** Pt. 9 Ch. 15A applied (with modifications) (for the tax year 2024-25 and subsequent tax years) by S.I. 2010/1187, **regs. 5-11** (as amended by S.I. 2024/1012, regs. 1(2)(3), **27(9)(b)**; and (for the tax year 2024-25 and subsequent tax years) by S.I. 2026/698, regs. 1(2)(6), **15(3)**)

**C48** Pt. 9 Ch. 15A modified (for the tax year 2024-25 and subsequent tax years) by S.I. 2006/572, **art. 7** (as substituted by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **25(3)**)

**C49** Pt. 9 Ch. 15A modified (for the tax year 2024-25 and subsequent tax years) by S.I. 2010/1187, **reg. 4** (as substituted by S.I. 2024/1012, regs. 1(2)(3), **27(3)**; and as amended (for the tax year 2024-25 and subsequent tax years) by S.I. 2026/698, regs. 1(2)(6), **15(2)**)

**C50** Pt. 9 Ch. 15A applied (with modifications) (for the tax year 2024-25 and subsequent tax years) by 2004 c. 12, **Sch. 36 para. 34A** (as inserted by S.I. 2024/1167, regs. 1(2)(3), **3(9)** (with reg. 6); and as amended (for the tax year 2024-25 and subsequent tax years) by S.I. 2026/698, regs. 1(2)(6), **5(12)**)

**C51** Pt. 9 Ch. 15A applied (with modifications) (for the tax year 2024-25 and subsequent tax years) by 2004 c. 12, Sch. 36 paras. 12, **12A** (as amended by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **8(4)(5)**)

**C52** Pt. 9 Ch. 15A modified (for the tax year 2024-25 and subsequent tax years) by S.I. 2006/575, **reg. 42B** (as substituted by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **26(6)**)

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**C53** Pt. 9 Ch. 15A modified (for the tax year 2024-25 and subsequent tax years) by 2004 c. 12, **Sch. 36 para. 20A** (as amended by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **8(9)**)

**C54** Pt. 9 Ch. 15A modified (for the tax year 2024-25 and subsequent tax years) by 2004 c. 12, **Sch. 36 para. 20E** (as amended by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **8(13)**)

## 636A [F1363Exemptions and liabilities] for certain lump sums under registered pension schemes

. . . . . .

**Textual Amendments**

**F1363** Words in s. 636A heading substituted (with effect in accordance with Sch. 5 para. 4 of the amending Act) by Finance Act 2016 (c. 24), **Sch. 5 para. 2(2)**

## 636AA Taxable lump sum death benefits

. . . . . .

## 636B Trivial commutation and winding-up lump sums

. . . . . .

## 636C Trivial commutation and winding-up lump sum death benefits

. . . . . .

*Introduction*

## 637 Introduction

(1) This Chapter makes provision about the income tax treatment of authorised lump sums and authorised lump sum death benefits.

(2) In this Chapter—

(a) "authorised lump sum" means a lump sum permitted by the lump sum rule in section 166 of FA 2004 to be paid by a registered pension scheme to a member of the scheme;

(b) "authorised lump sum death benefit" means a lump sum death benefit permitted by the lump sum death benefit rule in section 168 of that Act to be paid by a registered pension scheme in respect of a member of the scheme.

(3) Expressions used in this Chapter and Part 4 of FA 2004 (pensions etc) have the same meaning in this Chapter as in that Part.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Tax treatment of authorised lump sums*

### 637A Pension commencement lump sums

No liability to income tax arises on a pension commencement lump sum paid under a registered pension scheme.

### 637B Pension commencement excess lump sums

A person to whom a pension commencement excess lump sum is paid under a registered pension scheme is treated as having taxable pension income for the tax year in which the payment is made equal to the amount of the lump sum.

### 637C Serious ill-health lump sums

(1) Subject to subsections (2) and (4), no liability to income tax arises on a serious ill-health lump sum paid under a registered pension scheme.

(2) If—

(a) a serious ill-health lump sum is paid under a registered pension scheme to a member who (at the time of the payment) is under 75, and

(b) the lump sum exceeds the permitted maximum,

section 579A (pensions) applies to the excess as it applies to any pension under a registered pension scheme.

(3) In subsection (2) "the permitted maximum", in relation to a serious ill-health lump sum paid to a member, means so much of the member's lump sum and death benefit allowance as is available **[**F1364on the member becoming**]** entitled to the lump sum (see section 637S).

(4) If a serious ill-health lump sum is paid under a registered pension scheme to a member who (at the time of the payment) is 75 or over, section 579A (pensions) applies to the lump sum as it applies to any pension under a registered pension scheme.

**Textual Amendments**

**F1364** Words in s. 637C(3) substituted (for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **3(2)**

### 637D Uncrystallised funds pension lump sums

(1) Subject to subsection (2), where an uncrystallised funds pension lump sum is paid under a registered pension scheme—

(a) no liability to income tax arises on 25% of the lump sum, and

(b) section 579A (pensions) applies in relation to the remainder of the lump sum as it applies to any pension under a registered pension scheme.

(2) If—

(a) an uncrystallised funds pension lump sum is paid under a registered pension scheme, and

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(b) 25% of the lump sum is an amount that exceeds the permitted maximum,

section 579A (pensions) applies to the excess as it applies to any pension under a registered pension scheme.

(3) In subsection (2) "the permitted maximum", in relation to an uncrystallised funds pension lump sum paid to a member, means the lower of the following amounts—

(a) so much of the member's lump sum allowance as is available **[**F1365on the member becoming**]** entitled to the lump sum (see section 637Q);

(b) so much of the member's lump sum and death benefit allowance as is available **[**F1366on the member becoming**]** entitled to the lump sum (see section 637S).

**Textual Amendments**

**F1365** Words in s. 637D(3)(a) substituted (for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **3(2)**

**F1366** Words in s. 637D(3)(b) substituted (for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **3(2)**

### 637E Short service refund lump sum

A short service refund lump paid under a registered pension scheme is subject to income tax in accordance with section 205 of FA 2004 (charge to tax on scheme administrator in respect of such a lump sum) but not otherwise.

### 637F Refund of excess contributions lump sums

No liability to income tax arises on a refund of excess contributions lump sum paid under a registered pension scheme.

### 637G Trivial commutation lump sums and winding-up lump sums

(1) Subject to subsection (2), a member of a registered pension scheme to whom—

(a) a trivial commutation lump sum, or

(b) a winding-up lump sum,

is paid under the scheme is treated as having taxable pension income for the tax year in which the payment is made equal to the amount of the lump sum.

(2) If, immediately before the lump sum is paid, the member has uncrystallised rights under any one or more arrangements under the pension scheme, the amount of the taxable pension income **[**F1367—

(a) if all the member's rights under the pension scheme are uncrystallised rights, is 75% of the lump sum, and

(b) otherwise,**]** is reduced by the tax-free element (if any).

(3) In subsection (2) "the tax-free element" means 25% of the value of any uncrystallised rights extinguished by the lump sum.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) In this section "uncrystallised rights" has the same meaning as in section 212 of FA 2004; and the value for the purposes of this section of any uncrystallised rights is to be calculated in accordance with that section.

**Textual Amendments**

**F1367** Words in s. 637G(2) inserted (6.4.2024) by The Pensions (Abolition of Lifetime Allowance Charge etc) Regulations 2024 (S.I. 2024/356), regs. 1(1), **2**

**Modifications etc. (not altering text)**

**C55** S. 637G modified ( for the tax year 2024-25 and subsequent tax years) by S.I. 2006/572, **art. 37** (as amended by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **25(22)**)

*Tax treatment of authorised lump sum death benefits*

### 637H Defined benefits lump sum death benefits

(1) Subject to subsections (2) to (6), no liability to income tax arises on a defined benefits lump sum death benefit paid under a registered pension scheme.

(2) If—

(a) a defined benefits lump sum death benefit under a registered pension scheme is paid in respect of a member who, on death, is under 75,

(b) the lump sum is paid before the end of the relevant two year period, and

(c) the lump sum exceeds the permitted maximum,

section 579A (pensions) applies to the excess as it applies to any pension under a registered pension scheme.

(3) If—

(a) a defined benefits lump sum death benefit under a registered pension scheme is paid in respect of a member who, on death, is under 75,

(b) the lump sum is not paid before the end of the relevant two year period, and

(c) the lump sum is paid to a qualifying person,

section 579A (pensions) applies to the lump sum as it applies to any pension under a registered pension scheme.

(4) If—

(a) a defined benefits lump sum death benefit under a registered pension scheme is paid in respect of a member who, on death, is under 75,

(b) the lump sum is not paid before the end of the relevant two year period, and

(c) the lump sum is paid to a non-qualifying person,

the lump sum is subject to income tax under section 206 of FA 2004 (special lump sum death benefits charge on scheme administrator) but not otherwise.

(5) If a defined benefits lump sum death benefit under a registered pension scheme is paid—

(a) in respect of a member who, on death, is 75 or over, and

(b) to a qualifying person,

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

section 579A (pensions) applies to the lump sum as it applies to any pension under a registered pension scheme.

(6) If a defined benefits lump sum death benefit under a registered pension scheme is paid—

(a) in respect of a member who, on death, is 75 or over, and

(b) to a non-qualifying person,

the lump sum is subject to income tax under section 206 of FA 2004 (special lump sum death benefits charge on scheme administrator) but not otherwise.

(7) In this section—

"non-qualifying person" has the same meaning as in section 206 of FA 2004;

"the permitted maximum", in relation to a defined benefits lump sum death benefit paid in respect of a member, means so much of the member's lump sum and death benefit allowance as is available **[**F1368on the lump sum being**]** paid (see section 637S);

"qualifying person" means a person who is not a non-qualifying person;

"the relevant two year period" means the period of two years beginning with the day on which the scheme administrator of the scheme first knew of the member's death or (if earlier) the day on which the scheme administrator could first reasonably have been expected to have known of it.

**Textual Amendments**

**F1368** Words in s. 637H(7) substituted (for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **3(3)**

**Modifications etc. (not altering text)**

**C56** S. 637H(2)-(4) modified (with effect in relation to the tax year 2024-25 and subsequent tax years) by The MPs', Senedd and Assembly Pension Schemes (Tax) Regulations 2025 (S.I. 2025/52), regs. 1(2)(3), **5**

## 637I Pension protection lump sum death benefits

(1) Subject to subsections (2), (3) and (4) no liability to income tax arises on a pension protection lump sum death benefit paid under a registered pension scheme.

(2) If—

(a) a pension protection lump sum death benefit under a registered pension scheme is paid in respect of a member who, on death, is under 75, and

(b) the lump sum exceeds the permitted maximum,

section 579A (pensions) applies to the excess as it applies to any pension under a registered pension scheme.

(3) If a pension protection lump sum death benefit under a registered pension scheme is paid—

(a) in respect of a member who, on death, is 75 or over, and

(b) to a qualifying person,

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section 579A (pensions) applies to the lump sum as it applies to any pension under a registered pension scheme.

(4) If a pension protection lump sum death benefit under a registered pension scheme is paid—

(a) in respect of a member who, on death, is 75 or over, and

(b) to a non-qualifying person,

the lump sum is subject to income tax under section 206 of FA 2004 (special lump sum death benefits charge on scheme administrator) but not otherwise.

(5) In this section—

"non-qualifying person" has the same meaning as in section 206 of FA 2004;

"the permitted maximum", in relation to a pension protection lump sum death benefit paid in respect of a member, means so much of the member's lump sum and death benefit allowance as is available **[**F1369on the lump sum being**]** paid (see section 637S);

"qualifying person" means a person who is not a non-qualifying person.

**Textual Amendments**

**F1369** Words in s. 637I(5) substituted (for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **3(3)**

### 637J Uncrystallised funds lump sum death benefits

(1) Subject to subsections (2) to (6), no liability to income tax arises on an uncrystallised funds lump sum death benefit paid under a registered pension scheme.

(2) If—

(a) an uncrystallised funds lump sum death benefit under a registered pension scheme is paid in respect of a member who, on death, is under 75,

(b) the lump sum is paid before the end of the relevant two year period, and

(c) the lump sum exceeds the permitted maximum,

section 579A (pensions) applies to the excess as it applies to any pension under a registered pension scheme.

(3) If—

(a) an uncrystallised funds lump sum death benefit under a registered pension scheme is paid in respect of a member who, on death, is under 75,

(b) the lump sum is not paid before the end of the relevant two year period, and

(c) the lump sum is paid to a qualifying person,

section 579A (pensions) applies to the lump sum as it applies to any pension under a registered pension scheme.

(4) If—

(a) an uncrystallised funds lump sum death benefit under a registered pension scheme is paid in respect of a member who, on death, is under 75,

(b) the lump sum is not paid before the end of the relevant two year period, and

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(c) the lump sum is paid to a non-qualifying person,

the lump sum is subject to income tax under section 206 of FA 2004 (special lump sum death benefits charge on scheme administrator) but not otherwise.

(5) If an uncrystallised funds lump sum death benefit under a registered pension scheme is paid—

(a) in respect of a member who, on death, is 75 or over, and

(b) to a qualifying person,

section 579A (pensions) applies to the lump sum as it applies to any pension under a registered pension scheme.

(6) If an uncrystallised funds lump sum death benefit under a registered pension scheme is paid—

(a) in respect of a member who, on death, is 75 or over, and

(b) to a non-qualifying person,

the lump sum is subject to income tax under section 206 of FA 2004 (special lump sum death benefits charge on scheme administrator) but not otherwise.

(7) In this section—

"non-qualifying person" has the same meaning as in section 206 of FA 2004;

"the permitted maximum", in relation to an uncrystallised funds lump sum death benefit paid in respect of a member, means so much of the member's lump sum and death benefit allowance as is available **[**F1370on the lump sum being**]** paid (see section 637S);

"qualifying person" means a person who is not a non-qualifying person;

"the relevant two year period" means the period of two years beginning with the day on which the scheme administrator of the scheme first knew of the member's death or (if earlier) the day on which the scheme administrator could first reasonably have been expected to have known of it.

**Textual Amendments**

**F1370** Words in s. 637J(7) substituted (18.11.2024 for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **3(3)**

### 637K Annuity protection lump sum death benefits

(1) Subject to subsections (2), (3) and (4), no liability to income tax arises on an annuity protection lump sum death benefit paid under a registered pension scheme.

(2) If—

(a) an annuity protection lump sum death benefit under a registered pension scheme is paid in respect of a member who, on death, is under 75, and

(b) the lump sum exceeds the permitted maximum,

section 579A (pensions) applies to the excess as it applies to any pension under a registered pension scheme.

(3) If an annuity protection lump sum death benefit under a registered pension scheme is paid—

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(a) in respect of a member who, on death, is 75 or over, and

(b) to a qualifying person,

section 579A (pensions) applies to the lump sum as it applies to any pension under a registered pension scheme.

(4) If an annuity protection lump sum death benefit under a registered pension scheme is paid—

(a) in respect of a member who, on death, is 75 or over, and

(b) to a non-qualifying person,

the lump sum is subject to income tax under section 206 of FA 2004 (special lump sum death benefits charge on scheme administrator) but not otherwise.

(5) In this section—

"non-qualifying person" has the same meaning as in section 206 of FA 2004;

"the permitted maximum", in relation to an annuity protection lump sum death benefit paid in respect of a member, means so much of the member's lump sum and death benefit allowance as is available **[**F1371on the lump sum being**]** paid (see section 637S);

"qualifying person" means a person who is not a non-qualifying person.

**Textual Amendments**

**F1371** Words in s. 637K(5) substituted (for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **3(3)**

### 637L Drawdown pension fund lump sum death benefits

(1) Subject to subsections (2) to (6), no liability to income tax arises on a drawdown pension **[**F1372fund**]** lump sum death benefit paid under a registered pension scheme.

(2) If—

(a) a drawdown pension **[**F1373fund**]** lump sum death benefit under a registered pension scheme is paid in respect of a member who, on death, is under 75,

(b) the lump sum is paid before the end of the relevant two year period, and

(c) the lump sum exceeds the permitted maximum,

section 579A (pensions) applies to the excess as it applies to any pension under a registered pension scheme.

(3) If—

(a) a drawdown pension **[**F1374fund**]** lump sum death benefit under a registered pension scheme is paid in respect of a member who, on death, is under 75,

(b) the lump sum is not paid before the end of the relevant two year period, and

(c) the lump sum is paid to a qualifying person,

section 579A (pensions) applies to the lump sum as it applies to any pension under a registered pension scheme.

(4) If—

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(a) a drawdown pension **[**F1375fund**]** lump sum death benefit under a registered pension scheme is paid in respect of a member who, on death, is under 75,

(b) the lump sum is not paid before the end of the relevant two year period, and

(c) the lump sum is paid to a non-qualifying person,

the lump sum is subject to income tax under section 206 of FA 2004 (special lump sum death benefits charge on scheme administrator) but not otherwise.

(5) If a drawdown pension **[**F1376fund**]** lump sum death benefit under a registered pension scheme is paid—

(a) in respect of a member who, on death, is 75 or over, and

(b) to a qualifying person,

section 579A (pensions) applies to the lump sum as it applies to any pension under a registered pension scheme.

(6) If a drawdown pension **[**F1377fund**]** lump sum death benefit under a registered pension scheme is paid—

(a) in respect of a member who, on death, is 75 or over, and

(b) to a non-qualifying person,

the lump sum is subject to income tax under section 206 of FA 2004 (special lump sum death benefits charge on scheme administrator) but not otherwise.

(7) A reference in this section to a "member", in relation to a drawdown pension **[**F1378fund**]** lump sum death benefit under paragraph 17(2) of Schedule 29 to FA 2004 (lump sum payable on death of dependant of deceased member), is a reference to the dependant on whose death the lump sum is payable.

(8) In this section—

"non-qualifying person" has the same meaning as in section 206 of FA 2004;

"the permitted maximum", in relation to a drawdown pension **[**F1379fund**]** lump sum death benefit paid in respect of a member, means so much of the member's lump sum and death benefit allowance as is available **[**F1380on the lump sum being**]** paid (see section 637S);

"qualifying person" means a person who is not a non-qualifying person;

"the relevant two year period" means the period of two years beginning with the day on which the scheme administrator of the scheme first knew of the member's death or (if earlier) the day on which the scheme administrator could first reasonably have been expected to have known of it.

**Textual Amendments**

**F1372** Word in s. 637L(1) inserted (for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **3(4)**

**F1373** Word in s. 637L(2)(a) inserted (for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **3(4)**

**F1374** Word in s. 637L(3)(a) inserted (18.11.2024 for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **3(4)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F1375** Word in s. 637L(4)(a) inserted (for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **3(4)**

**F1376** Word in s. 637L(5) inserted (18.11.2024 for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **3(4)**

**F1377** Word in s. 637L(6) inserted (for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **3(4)**

**F1378** Word in s. 637L(7) inserted (for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **3(4)**

**F1379** Word in s. 637L(8) inserted (for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **3(4)**

**F1380** Words in s. 637L(8) substituted (for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **3(3)**

## 637M Flexi-access drawdown lump sum death benefits

(1) Subject to subsections (2) to (6), no liability to income tax arises on a flexi-access drawdown lump sum death benefit paid under a registered pension scheme.

(2) If—

(a) a flexi-access drawdown lump sum death benefit under a registered pension scheme is paid in respect of a member who, on death, is under 75,

(b) the lump sum is paid before the end of the relevant two year period, and

(c) the lump sum exceeds the permitted maximum,

section 579A (pensions) applies to the excess as it applies to any pension under a registered pension scheme.

(3) If—

(a) a flexi-access drawdown lump sum death benefit under a registered pension scheme is paid in respect of a member who, on death, is under 75,

(b) the lump sum is not paid before the end of the relevant two year period, and

(c) the lump sum is paid to a qualifying person,

section 579A (pensions) applies to the lump sum as it applies to any pension under a registered pension scheme.

(4) If—

(a) a flexi-access drawdown lump sum death benefit under a registered pension scheme is paid in respect of a member who, on death, is under 75,

(b) the lump sum is not paid before the end of the relevant two year period, and

(c) the lump sum is paid to a non-qualifying person,

the lump sum is subject to income tax under section 206 of FA 2004 (special lump sum death benefits charge on scheme administrator) but not otherwise.

(5) If a flexi-access drawdown lump sum death benefit under a registered pension scheme is paid—

(a) in respect of a member who, on death, is 75 or over, and

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(b) to a qualifying person,

section 579A (pensions) applies to the lump sum as it applies to any pension under a registered pension scheme.

(6) If a flexi-access drawdown lump sum death benefit under a registered pension scheme is paid—

(a) in respect of a member who, on death, is 75 or over, and

(b) to a non-qualifying person,

the lump sum is subject to income tax under section 206 of FA 2004 (special lump sum death benefits charge on scheme administrator) but not otherwise.

(7) A reference in this section to a "member"—

(a) in relation to a flexi-access drawdown lump sum death benefit under paragraph 17A(2) of Schedule 29 to FA 2004 (lump sum payable on death of dependant of deceased member), is a reference to the dependant on whose death the lump sum is payable;

(b) in relation to a flexi-access drawdown lump sum death benefit under paragraph 17A(3) or (4) of Schedule 29 to FA 2004 (lump sum payable on death of nominee or successor of deceased member), is a reference to the nominee or successor on whose death the lump sum is payable.

(8) In this section—

"non-qualifying person" has the same meaning as in section 206 of FA 2004;

"the permitted maximum", in relation to a flexi-access drawdown lump sum death benefit paid in respect of a member, means so much of the member's lump sum and death benefit allowance as is available **[**F1381on the lump sum being**]** paid (see section 637S);

"qualifying person" means a person who is not a non-qualifying person;

"the relevant two year period" means the period of two years beginning with the day on which the scheme administrator of the scheme first knew of the member's death or (if earlier) the day on which the scheme administrator could first reasonably have been expected to have known of it.

**Textual Amendments**

**F1381** Words in s. 637M(8) substituted (for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **3(3)**

## 637N Trivial commutation lump sum death benefits

A person to whom a trivial commutation lump sum death benefit is paid under a registered pension scheme is treated as having taxable pension income for the tax year in which the payment is made equal to the amount of the lump sum.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Allowances*

### 637P Individual's lump sum allowance

An individual's "lump sum allowance" is £268,275.

### 637Q Availability of individual's lump sum allowance

(1) This section is about the availability of an individual's lump sum allowance on the occurrence of a relevant benefit crystallisation event ("the current event").

(2) In this section—

(a) "relevant benefit crystallisation event", in relation to an individual, means the individual becoming entitled to a relevant lump sum;

(b) "relevant lump sum" means—

(i) a pension commencement lump sum, or

(ii) an uncrystallised funds pension lump sum.

(3) If no relevant benefit crystallisation event has occurred in relation to the individual before the current event, the whole of the individual's lump sum allowance is available.

(4) Otherwise, the amount of the individual's lump sum allowance that is available is—

(a) so much of that allowance as is left after deducting the previously-used amount, or

(b) if none is left after deducting that amount, nil.

(5) For this purpose "the previously-used amount" is the aggregate of the non-taxable amounts in relation to each relevant benefit crystallisation event that has occurred in relation to the individual before the current event.

(6) In subsection (5) "non-taxable amount", in relation to a relevant benefit crystallisation event, means so much (if any) of the relevant lump sum to which the event relates as **[**F1382is not, by virtue of any provision of this Chapter, taxable pension income**]**.

**[**F1383(6A) Where more than one relevant benefit crystallisation event occurs in relation to an individual on the same day, it is for the individual to decide the order in which they are to be treated as occurring for the purposes of this section.**]**

(7) A reference in this section to a relevant benefit crystallisation event is to a relevant benefit crystallisation event occurring on or after 6 April 2024.

(8) For transitional provision under which the amount of an individual's lump sum allowance available on the occurrence of a relevant benefit crystallisation event may be reduced as a result of events occurring before 6 April 2024, see paragraph 125 of Schedule 9 to FA 2024.

**Textual Amendments**

**F1382** Words in s. 637Q(6) substituted (for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **3(5)**

**F1383** S. 637Q(6A) inserted (for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) Regulations 2026 (S.I. 2026/698), regs. 1(2)(6), **2(3)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Modifications etc. (not altering text)**

**C57** S. 637Q applied (with modifications) (for the tax year 2024-25 and subsequent tax years) by 2004 c. 12, **Sch. 36 para. 20(1A)** (as inserted by Finance Act 2024 (c. 3), Sch. 9 paras. 77(3), 124 (with Sch. 9 paras. 125-132)) (as amended (18.11.2024 for the tax year **2024-25** and subsequent tax years) by S.I. 2024/1012, regs. 1(2)(3), **8(8)(b)**, 17)

## 637R Individual's lump sum and death benefit allowance

An individual's "lump sum and death benefit allowance" is £1,073,100.

**Modifications etc. (not altering text)**

**C58** S. 637R applied (with modifications) (for the tax year 2024-25 and subsequent tax years) by 2004 c. 12, **Sch. 36 para. 19(2)(2A)** (as substituted by Finance Act 2024 (c. 3), Sch. 9 paras. 76(4), 124 (with **Sch. 9 paras. 125-132**)) (as amended (18.11.2024 for the tax year 2024-25 and subsequent tax years) by S.I. 2024/1012, regs. 1(2)(3), **17**)

## 637S Availability of individual's lump sum and death benefit allowance

(1) This section is about the availability of an individual's lump sum and death benefit allowance on the occurrence of a relevant benefit crystallisation event ("the current event").

(2) In this section—

(a) "relevant benefit crystallisation event", in relation to an individual, means—

(i) the individual becoming entitled to a relevant lump sum, or

(ii) a person being paid a relevant lump sum death benefit in respect of the individual;

(b) "relevant lump sum" means—

(i) a pension commencement lump sum,

(ii) a serious ill-health lump sum, or

(iii) an uncrystallised funds pension lump sum;

(c) "relevant lump sum death benefit" means any authorised lump sum death benefit other than—

(i) a charity lump sum death benefit, or

(ii) a trivial commutation lump sum death benefit.

(3) If no relevant benefit crystallisation event has occurred in relation to the individual before the current event, the whole of the individual's lump sum and death benefit allowance is available.

(4) Otherwise, the amount of the individual's lump sum and death benefit allowance that is available is—

(a) so much of that allowance as is left after deducting the previously-used amount, or

(b) if none is left after deducting that amount, nil.

(5) For this purpose "the previously-used amount" is the aggregate of the non-taxable amounts in relation to each relevant benefit crystallisation event that has occurred in relation to the individual before the current event.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) In subsection (5) "non-taxable amount", in relation to a relevant benefit crystallisation event, means so much (if any) of the relevant lump sum, or relevant lump sum death benefit, to which the event relates as **[**F1384is not, by virtue of any provision of this Chapter, taxable pension income**]** .

(7) Where more than one relevant benefit crystallisation event within subsection (2)(a)(i) occurs in relation to an individual on the same day, it is for the individual to decide the order in which they are to be treated as occurring for the purposes of this section.

**[**F1385(7A) The individual's decision under subsection (7), so far as it relates to events that are relevant benefit crystallisation events for the purposes of section 637Q, must be consistent with the individual's decision under subsection (6A) of that section.**]**

F1386(8) . . . . . .

(9) A reference in this section to a relevant benefit crystallisation event is to a relevant benefit crystallisation event occurring on or after 6 April 2024.

(10) For transitional provision under which the amount of an individual's lump sum and death benefit allowance available on the occurrence of a relevant benefit crystallisation event may be reduced as a result of events occurring before 6 April 2024, see paragraph 126 of Schedule 9 to FA 2024.

(11) For further transitional provision that may affect the operation of this section, see paragraph 20 of Schedule 36 to FA 2004 (pensions in payment before commencement of Part 4 of FA 2004).**]**

**Textual Amendments**

**F1384** Words in s. 637S(6) substituted (for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **3(6)(a)**

**F1385** S. 637S(7A) inserted (for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) Regulations 2026 (S.I. 2026/698), regs. 1(2)(6), **2(4)**

**F1386** S. 637S(8) omitted (for the tax year 2024-25 and subsequent tax years) by virtue of The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **3(6)(b)**

**Modifications etc. (not altering text)**

**C59** S. 637S applied (with modifications) (for the tax year 2024-25 and subsequent tax years) by 2004 c. 12, **Sch. 36 para. 20(2)** (as amended by Finance Act 2024 (c. 3), Sch. 9 paras. 77(4)(a), 124 (with **Sch. 9 paras. 125-132**)) (as amended (18.11.2024 for the tax year 2024-25 and subsequent tax years) by S.I. 2024/1012, regs. 1(2)(3), **8(8)(c)**, 17)

## **[**F1387637T**][**F1388**Availability of individual's lump sum and death benefit allowance where] multiple lump sum death benefits paid**

(1) This section applies where two or more relevant benefit crystallisation events within section 637S(2)(a)(ii) occur in relation to an individual.

(2) The relevant benefit crystallisation events are to be treated for the purposes of section 637S as occurring simultaneously—

(a) immediately before the individual's death, and

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(b) immediately after any pension commencement lump sum to which the individual becomes entitled immediately before death by virtue of section 166(2) of FA 2004 (lump sum rule).

**[**F1389(3) The amount of the individual's lump sum and death benefit allowance that is available on the occurrence of any of the relevant benefit crystallisation events mentioned in subsection (1) is the relevant proportion of the undivided available amount.

(3A) In subsection (3), "the undivided available amount" means the amount of the individual's lump sum and death benefit allowance that would, apart from that subsection (but after taking into account subsection (2)), be available on the occurrence of the relevant benefit crystallisation event in question.**]**

(4) In subsection (3), "the relevant proportion" means—

$$\frac{A}{B}$$

where—

A is the amount of the lump sum death benefit the payment of which constitutes the relevant benefit crystallisation event in question;

B is the aggregate of the amounts of each lump sum death benefit the payment of which constitutes a relevant benefit crystallisation event mentioned in subsection (1).

**[** Where any inheritance tax is attributable to the value of the individual's notional F1390(5) pension property, references in subsection (4) to the amount of a lump sum death benefit are to its IHT-adjusted amount.

(6) The "IHT-adjusted amount" of a lump sum death benefit paid to a person under a registered pension scheme is (subject to subsection (7)) the amount determined as follows —

*Step 1*

Take the amount of the lump sum death benefit paid to the person.

*Step 2*

Add the amount (if any) by which the person's entitlement to the lump sum death benefit was reduced in consequence of an adjustment under section 226B(5) of IHTA 1984.

*Step 3*

Deduct the amount (if any) of inheritance tax—

(a) that is attributable to the value of the individual's notional pension property in relation to the scheme, and

(b) for which the person—

(i) is, or at any time was, liable under section 200(1)(c) of IHTA 1984, or

(ii) would at any time have been liable under that provision if the tax had not previously been paid by another person.

If the result is a negative amount, the IHT-adjusted amount of the lump sum death benefit is nil.

(7) Where more than one lump sum death benefit is paid to the person under the scheme, the amount to be deducted under Step 3 is the following proportion of the amount of inheritance tax identified in that Step—

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C/D

where—

"C" is the amount resulting from Step 2;

"D" is the aggregate of the amounts resulting from Step 2 in respect of each lump sum death benefit paid to the person under the scheme.

(8) In this section—

(a) "IHTA 1984" means the Inheritance Tax Act 1984;

(b) "notional pension property" has the same meaning as in IHTA 1984.**]]**

**Textual Amendments**

**F1387** S. 637T inserted (18.11.2024 for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **3(7)**

**F1388** Words in s. 637T heading substituted (for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) Regulations 2026 (S.I. 2026/698), regs. 1(2)(6), **2(5)(a)**

**F1389** S. 637T(3)(3A) substituted for s. 637T(3) (for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) Regulations 2026 (S.I. 2026/698), regs. 1(2)(6), **2(5)(b)**

**F1390** S. 637T(5)-(8) inserted (with application in accordance with s. 71 of the amending Act) by Finance Act 2026 (c. 11), **ss. 70(5)**, 71

### [F1391 637U Availability of individual's allowances where lump sums or lump sum death benefits already paid by non-UK schemes

(1) Subsection (2) applies where—

(a) a payment within paragraph 1(1)(a) or (b) of Schedule 34 to FA 2004 (non-UK schemes: application of certain charges and protections etc) is made (or treated by Part 4 of that Act as made) to or in respect of an individual, and

(b) the payment, or any part of it, is treated by virtue of that Schedule as—

(i) a pension commencement lump sum, or

(ii) an uncrystallised funds pension lump sum,

for the purposes of the member payment charges.

(2) In determining under section 637Q (availability of individual's lump sum allowance) the availability of the individual's lump sum allowance on the occurrence of any subsequent relevant benefit crystallisation event, the payment, or part of the payment, mentioned in subsection (1)(b) is to be treated as a relevant lump sum within the meaning of that section.

(3) Subsection (4) applies where—

(a) a payment within paragraph 1(1)(a) or (b) of Schedule 34 to FA 2004 (non-UK schemes: application of certain charges and protections etc) is made (or treated by Part 4 of that Act as made) to or in respect of an individual, and

(b) the payment, or any part of it, is treated by virtue of that Schedule as—

(i) a pension commencement lump sum,

(ii) a serious ill-health lump sum,

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(iii) an uncrystallised funds pension lump sum, or

(iv) any authorised lump sum death benefit, other than a charity lump sum death benefit or a trivial commutation lump sum death benefit,

for the purposes of the member payment charges.

(4) In determining under section 637S (availability of individual's lump sum and death benefit allowance) the availability of the individual's lump sum and death benefit allowance on the occurrence of any subsequent relevant benefit crystallisation event, the payment, or part of the payment, mentioned in subsection (3)(b) is to be treated as—

(a) in a case within subsection (3)(b)(i) to (iii), a relevant lump sum within the meaning of that section;

(b) in a case within subsection (3)(b)(iv), a relevant lump sum death benefit within the meaning of that section.**]**

**Textual Amendments**

**F1391** S. 637U inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Pensions (Abolition of Lifetime Allowance Charge etc) Regulations 2026 (S.I. 2026/698), regs. 1(3)(6), **2(6)**

**Modifications etc. (not altering text)**

**C60** S. 637U modified (with effect in accordance with reg. 1(3) of the amending S.I.) by S.I. 2006/572, arts. 25CA(5), **25CB(5)**, 25CC(6) (as inserted by The Pensions (Abolition of Lifetime Allowance Charge etc) Regulations 2026 (S.I. 2026/698), regs. 1(3)(6), **14(5)-(7)**)

## F1392 CHAPTER 16

EXEMPTION FOR CERTAIN LUMP SUMS

**Textual Amendments**

**F1392** Pt. 9 Ch. 16 repealed (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), Sch. 31 para. 12, **Sch. 42 Pt. 3** (with Sch. 36)

## CHAPTER 17

EXEMPTIONS: ANY TAXPAYER

### 638 Awards for bravery

(1) No liability to income tax arises on a pension or annuity if it is paid to the holder of an award for bravery in respect of the award.

(2) In this section "award for bravery" means—

the Victoria Cross,

the George Cross,

the Albert Medal,

the Edward Medal,

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the Military Cross,
the Distinguished Flying Cross,
the Distinguished Conduct Medal,
the Conspicuous Gallantry Medal,
the Distinguished Service Medal,
the Military Medal,
the Distinguished Flying Medal.

### 639 Pensions in respect of death due to military or war service

**[**F1393(1)**]** No liability to income tax arises on these pensions and allowances—

(a) a pension or allowance payable by or on behalf of **[**F1394the Ministry of Defence**]** under so much of **[**F1395instrument specified in subsection (2),**]** as relates to death due to—

(i) service in the armed forces of the Crown,

(ii) wartime service in the merchant navy, or

(iii) war injuries;

(b) a pension or allowance—

(i) payable by the Ministry of Defence in respect of death due to peacetime service in the armed forces of the Crown before 3rd September 1939, and

(ii) payable at rates, and subject to conditions, similar to those of a pension within paragraph (a);

(c) a pension or allowance—

(i) payable under the law of a country other than the United Kingdom, and

(ii) of a character substantially similar to a pension within paragraph (a) or (b).

**[**F1396(2) The instruments referred to in subsection (1)(a) are—

Defence (Local Defence Volunteers) Regulations 1940 (S.R. & O. 1940/748),

War Pensions (Coastguards) Scheme 1944 (S.R. & O. 1944/500),

War Pensions (Naval Auxiliary Personnel) Scheme 1964 (S.I. 1964/1985),

Pensions (Polish Forces) Scheme 1964 (S.I. 1964/2007),

War Pensions (Mercantile Marine) Scheme 1964 (S.I. 1964/2058),

Order by Her Majesty concerning pensions and other grants in respect of disablement or death due to service in the Home Guard (1964 Cmnd. 2563),

Order by Her Majesty concerning pensions and other grants in respect of disablement or death due to service in the Home Guard after 27th April 1952 (1964 Cmnd. 2564),

Order by Her Majesty concerning pensions and other grants in respect of disablement or death due to service in the Ulster Defence Regiment (1971 Cmnd. 4567),

Personal Injuries (Civilians) Scheme 1983 (S.I. 1983/686),

Naval, Military and Air Forces etc. (Disablement and Death) Service Pensions Order 1983 (S.I. 1983/883).

(3) The Treasury may by order amend subsection (2).**]**

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**Textual Amendments**

**F1393** S. 639 renumbered as s. 639(1) (retrospectively) by Finance Act 2005 (c. 7), **s. 19(3)(8)**

**F1394** Words in s. 639(a) substituted (retrospectively) by Finance Act 2005 (c. 7), **s. 19(3)(a)(8)**

**F1395** Words in s. 639(a) substituted (retrospectively) by Finance Act 2005 (c. 7), **s. 19(3)(b)(8)**

**F1396** S. 639(2)(3) inserted (retrospectively) by Finance Act 2005 (c. 7), **s. 19(3)(8)**

## 640 Exemption under section 639 where income withheld

(1) This section applies if—

(a) an individual is entitled to both of the following—

(i) a pension or allowance mentioned in section 639 ("pension A"), and

(ii) any other pension or allowance ("pension B"), and

(b) the whole or a part of pension A is withheld because of the individual's entitlement to pension B.

(2) In such a case, an amount of pension B equal to the withheld amount of pension A is treated for the purposes of section 639 as part of pension A.

## [F1397 640A Lump sums provided under armed forces early departure scheme

No liability to income tax arises on a lump sum provided under a scheme established by the Armed Forces Early Departure Payments Scheme Order 2005 (S.I. 2005/437) [F1398 or the Armed Forces Early Departure Payments Scheme Regulations 2014 (S.I. 2014/2328)].]

**Textual Amendments**

**F1397** S. 640A inserted (with effect in accordance with s. 19(9) of the amending Act) by Finance Act 2005 (c. 7), **s. 19(5)**

**F1398** Words in s. 640A inserted (1.4.2015) by Finance Act 2015 (c. 11), **s. 15(1)**(2)

**Modifications etc. (not altering text)**

**C61** S. 640A modified (14.7.2026 for the tax year 2014-15 and subsequent tax years) by The Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) Regulations 2026 (S.I. 2026/673), regs. 1(2)(5), **10**

## 641 Wounds and disability pensions

(1) No liability to income tax arises on—

(a) a wounds pension granted to a member of the armed forces of the Crown;

(b) retired pay of a disabled officer granted on account of medical unfitness attributable to or aggravated by service in the armed forces of the Crown;

(c) a disablement or disability pension granted to a member of the armed forces of the Crown, other than a commissioned officer, on account of medical unfitness attributable to or aggravated by service in the armed forces of the Crown;

(d) a disablement pension granted to a person who has been employed in the nursing services of any of the armed forces of the Crown on account of

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medical unfitness attributable to or aggravated by service in the armed forces of the Crown;

(e) . . . . . .

(f) an injury or disablement pension payable under any War Risks Compensation Scheme for the Mercantile marine;

(g) a pension—

(i) granted to a person on account of disablement, and

(ii) payable under any scheme made under section 3, 4 or 5 of the Pensions (Navy, Army, Air Force and Mercantile Marine) Act 1939 (c. 83).

**[**[F1399](h) a benefit under a scheme established by an order under section 1(2) of the Armed Forces (Pensions and Compensation) Act 2004 payable to a person by reason of his illness or injury—

(i) by way of a lump sum, or

(ii) following the termination of the person's service in the armed forces or reserve forces.**]**

(2) But if the Secretary of State certifies that a pension or retired pay of a kind listed in subsection (1) is only partly attributable to disablement or disability, that subsection applies only to the part attributable to disablement or disability.

**Textual Amendments**

**F1399** S. 641(1)(h) inserted (with effect in accordance with s. 19(9) of the amending Act) by Finance Act 2005 (c. 7), **s. 19(6)**

### 642 Compensation for National-Socialist persecution

No liability to income tax arises on a pension or annuity which is payable under any special provision for victims of National-Socialist persecution which is made by the law of—

(a) the Federal Republic of Germany or any part of it, or

(b) Austria.

### **[**[F1400]642A Netherlands Benefit Act for Victims of Persecution 1940-1945

No liability to income tax arises on a pension, annuity, allowance or other payment provided in accordance with the provisions of the scheme established under the law of the Netherlands and known as *Wet uitkeringen vervolgingsslachtoffers 1940-1945*.**]**

**Textual Amendments**

**F1400** S. 642A inserted (with effect in accordance with s. 23(2) of the amending Act) by Finance Act 2016 (c. 24), **s. 23(1)**

### 643 Malawi, Trinidad and Tobago and Zambia government pensions

(1) No liability to income tax arises on—

(a) a Malawi government pension,

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(b) a Trinidad and Tobago government pension, or

(c) a Zambia government pension,

if conditions A, B and C are met.

(2) Condition A is that the pension is paid to—

(a) the original pensioner, or

(b) the widow or widower **[**[F1401]or surviving civil partner**]** of the original pensioner.

(3) Condition B is that the pension is now paid under section 1 of OPA 1973 (whether or not it is paid out of a fund established under a scheme made under that section).

(4) Condition C is that, at the time the pension is paid, provision is made by double taxation relief arrangements which would exempt the pension from income tax in the United Kingdom if the pension were still paid by the relevant government (rather than under section 1 of OPA 1973).

(5) Subsection (1) does not apply to any part of a pension which is paid because the Pensions (Increase) Act 1971 (c. 56) applies to it.

(6) In this section—

"double taxation relief arrangements" means arrangements **[**[F1402]which have effect under section 2(1) of TIOPA 2010;**]**

"Malawi government pension" means a pension payable by the government of Malawi for services rendered—

(a) to the government of Malawi, or

(b) to the government of the Federation of Rhodesia and Nyasaland,

in the discharge of government functions;

"Trinidad and Tobago government pension" means a pension payable by the government of Trinidad and Tobago for services rendered to the government of Trinidad and Tobago in the discharge of governmental functions;

"Zambia government pension" means a pension payable by the government of Zambia for services rendered—

(a) to the government of Zambia,

(b) to the government of Northern Rhodesia, or

(c) to the government of the Federation of Rhodesia and Nyasaland,

in the discharge of governmental functions.

(7) For the purposes of this section a person is the "original pensioner" in relation to a pension if—

(a) the pension is payable by virtue of the person's service, and

(b) the person retired from that service before 6th April 1973.

**Textual Amendments**

**F1401** Words in s. 643(2)(b) inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **160**

**F1402** Words in s. 643(6) substituted (with effect in accordance with s. 381(1) of the amending Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), s. 381(1), **Sch. 8 para. 60** (with Sch. 9 paras. 1-9, 22)

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### 644 Pensions payable where employment ceased due to disablement

(1) No liability to income tax arises on the exempt amount of a disablement pension.

(2) For the purposes of this section a pension is a "disablement pension" if—

(a) the pension is payable because a person has ceased to hold an employment or office because of disablement, and

(b) that disablement is attributable to—

(i) performance of the duties of the employment or office, or

(ii) war injuries.

But "disablement pension" does not include any pension to which section **[**F1403579A**]** applies.

(3) The exempt amount of a disablement pension is determined in accordance with the following steps.

*Step 1*

Determine what pension would have been payable if—

(a) the person had ceased to hold the employment or office because of the disablement mentioned in subsection (2)(a), but

(b) the disablement had not been attributable to—

(i) performance of the duties of the employment or office, or

(ii) war injuries.

*Step 2*

If no pension would have been payable, the exempt amount is the amount of the disablement pension.

If a pension of a smaller amount than the disablement pension would have been payable, the exempt amount is the amount by which the disablement pension exceeds the smaller amount.

In any other case, the exempt amount is nil.

(4) For the purposes of this section "office" includes in particular any position which has an existence independent of the person who holds it and may be filled by successive holders.

**Textual Amendments**

**F1403** Word in s. 644(2) substituted (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 31 para. 13** (with Sch. 36)

### **[**F1404644A Health and employment insurance payments

(1) No liability to income tax arises in respect of a pension or annuity payment if or to the extent that—

(a) were the payment an annual payment falling within Chapter 7 of Part 5 of ITTOIA 2005, it would be exempt from income tax under section 735 of that Act (health and employment insurance payments), and

(b) it meets conditions A and B.

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(2) Condition A is that the payments are made—

(a) to a person ("the pensioner") who made payments or contributions in respect of premiums under an insurance policy which another person took out wholly or partly for the pensioner's benefit, or

(b) to the pensioner's **[**F1405spouse or civil partner**]** .

(3) Condition B is that the payments are attributable on a just and reasonable basis to the payments or contributions in respect of premiums.**]**

**Textual Amendments**

**F1404** S. 644A inserted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 610** (with Sch. 2)

**F1405** Words in s. 644A(2)(b) substituted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **161**

## 645 Social security pensions: increases in respect of children

(1) No liability to income tax arises on a part of a social security pension which is attributable to an increase in respect of a child.

(2) In this section "social security pension" means—

(a) any pension, benefit or allowance to which section 577 applies, and

(b) any pension, benefit or allowance which—

(i) is payable under the law of a country or territory outside the United Kingdom, and

(ii) is substantially similar in character to a pension, benefit or allowance to which section 577 applies.

## 646 Former miners etc: coal and allowances in lieu of coal

(1) No liability to income tax arises on—

(a) the provision of coal or smokeless fuel—

(i) to a former colliery worker, or

(ii) to the widow or widower **[**F1406or surviving civil partner**]** of a former colliery worker, or

(b) any allowance paid to such a person in lieu of such provision,

if the condition in subsection (2) is met.

(2) That condition is that the amount of coal or fuel provided or in respect of which the allowance is paid does not substantially exceed the amount reasonably required for personal use.

(3) That condition is assumed to be met unless the contrary is shown.

(4) In this section "former colliery worker" means—

(a) any person who has ceased to be employed as a coal miner, or

(b) any other person who has ceased to be employed at or about a colliery otherwise than in clerical, administrative or technical work.

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**Textual Amendments**

**F1406** Words in s. 646(1)(a)(ii) inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **162**

### [F1407 646A Foreign pensions of consular employees

(1) No liability to income tax arises in respect of foreign pension income of a consular officer or employee in the United Kingdom for a foreign state if—

(a) Her Majesty by Order in Council directs that this section applies to the foreign state for the purpose of giving effect to a reciprocal arrangement with that state, and

(b) the officer or employee meets conditions A to C.

(2) Condition A is that the officer or employee is not—

(a) a British citizen,

(b) a British overseas territories citizen,

(c) a British National (Overseas), or

(d) a British Overseas citizen.

(3) Condition B is that the officer or employee is not engaged in any trade, profession, vocation or employment in the United Kingdom, otherwise than as a consular officer or employee of the state in question.

(4) Condition C is that the officer or employee—

(a) is a permanent employee of that state, or

(b) was not ordinarily resident in the United Kingdom immediately before becoming a consular officer or employee in the United Kingdom of that state.

(5) In this section—

"consular officer or employee" includes any person employed for the purposes of the official business of a consular officer at—

(a) any consulate,

(b) any consular establishment, or

(c) any other premises used for those purposes,

"foreign pension income" means—

(a) income to which section 573 or 629 applies, and

(b) income arising from a source outside the United Kingdom to which section 609, 610, 611 or 633 applies; and

"reciprocal agreement" has the same meaning as in section 302.

(6) Section 302(5) to (7) apply to an Order under subsection (1) and the operation of this section as they apply to an Order under section 302(1) and the operation of section 302.**]**

**Textual Amendments**

**F1407** S. 646A inserted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 611** (with Sch. 2)

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### [F1408 646B Registered schemes: beneficiaries' annuities from unused funds

(1) The charge to tax under this Part does not apply to a dependants' annuity, or nominees' annuity, payable to a person if—

(a) it is paid in respect of a deceased member of a registered pension scheme who had not reached the age of 75 at the date of the member's death,

(b) the member died on or after 3 December 2014,

(c) either—

(i) the annuity was purchased using unused drawdown funds or unused uncrystallised funds, or

(ii) the annuity was purchased using sums or assets transferred to an insurance company by another insurance company in consequence of an annuity that was payable to the person by that other company, and was a dependants' annuity or nominees' annuity (as the case may be) purchased as mentioned in sub-paragraph (i) or this sub-paragraph, ceasing to be payable,

(d) in a case where the annuity is purchased as mentioned in paragraph (c)(i) and using (whether or not exclusively) unused uncrystallised funds, the person became entitled to it before the end of the period of two years beginning with the earlier of—

(i) the day on which the scheme administrator first knew of the member's death, and

(ii) the day on which the scheme administrator could first reasonably have been expected to know of the death,

(e) in a case where the annuity is purchased as mentioned in paragraph (c)(ii) and the prior annuity purchased as mentioned in paragraph (c)(i) was purchased using (whether or not exclusively) unused uncrystallised funds, the person became entitled to that prior annuity before the end of the period of two years specified in paragraph (d),

(f) no payment of the annuity is made before 6 April 2015, and

(g) in a case where the annuity is purchased as mentioned in paragraph (c)(ii), no payment is made before 6 April 2015 of—

(i) the prior annuity purchased as mentioned in paragraph (c)(i), and

(ii) any other annuity purchased as mentioned in paragraph (c)(ii) that is in the chain of annuities beginning with that prior annuity and ending with the annuity.

(2) The charge to tax under this Part does not apply to a successor's annuity payable to a person if—

(a) it is paid in respect of a deceased member of a registered pension scheme,

(b) it is paid on the subsequent death of a dependant, nominee or successor of the member ("the beneficiary"),

(c) the beneficiary had not reached the age of 75 at the date of the beneficiary's death,

(d) the beneficiary died on or after 3 December 2014,

(e) either—

(i) the annuity was purchased using undrawn funds, or

(ii) the annuity was purchased using sums or assets transferred to an insurance company by another insurance company in consequence of an annuity that was payable to the person by that other company,

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and was a successors' annuity purchased as mentioned in sub-paragraph (i) or this sub-paragraph, ceasing to be payable,

(f) no payment of the annuity is made before 6 April 2015, and

(g) in a case where the annuity is purchased as mentioned in paragraph (e)(ii), no payment is made before 6 April 2015 of—

(i) the prior annuity purchased as mentioned in paragraph (e)(i), and

(ii) any other annuity purchased as mentioned in paragraph (e)(ii) that is in the chain of annuities beginning with that prior annuity and ending with the annuity.

(3) The charge to tax under this Part does not apply to a dependants' annuity or nominees' annuity payable to a person if—

(a) it is paid in respect of a deceased member of a registered pension scheme who had not reached the age of 75 at the date of the member's death,

(b) the member died on or after 3 December 2014,

(c) the annuity—

(i) was purchased together with a lifetime annuity payable to the member, or

(ii) was purchased using sums or assets transferred to an insurance company by another insurance company in consequence of an annuity that was payable to the person by that other company, and was a dependants' annuity or nominees' annuity (as the case may be) purchased as mentioned in sub-paragraph (i) or this sub-paragraph, ceasing to be payable,

(d) no payment of the annuity is made before 6 April 2015, and

(e) in a case where the annuity is purchased as mentioned in paragraph (c)(ii), no payment is made before 6 April 2015 of—

(i) the prior annuity purchased as mentioned in paragraph (c)(i), and

(ii) any other annuity purchased as mentioned in paragraph (c)(ii) that is in the chain of annuities beginning with that prior annuity and ending with the annuity.

(4) The charge to tax under this Part does not apply to payments to a person of a lifetime annuity if—

(a) the payments are payable to the person under pension rule 2 (see section 165 of FA 2004),

(b) either—

(i) a member of a registered pension scheme was entitled to be paid the annuity immediately before the member's death, or

(ii) the annuity was purchased using sums or assets transferred to an insurance company by another insurance company in consequence of an annuity to which there was entitlement as mentioned in sub-paragraph (i), or which was purchased as mentioned in this sub-paragraph, ceasing to be payable,

(c) the member had not reached the age of 75 at the date of the member's death,

(d) the member died on or after 3 December 2014,

(e) any payment of the annuity made before 6 April 2015 is made to the member, and

(f) in a case where the annuity is one purchased as mentioned in paragraph (b)(ii), any payment made before 6 April 2015—

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(i) of the prior annuity to which there is entitlement as mentioned in paragraph (b)(i), or

(ii) of any other annuity purchased as mentioned in paragraph (b)(ii) that is in the chain of annuities beginning with that prior annuity and ending with the annuity,

is made to the member.

(5) Paragraph 27E(3) to (5) of Schedule 28 to FA 2004 (meaning of "unused drawdown funds" and "unused uncrystallised funds") apply for the purposes of subsection (1).

(6) Paragraph 27FA(2) of Schedule 28 to FA 2004 (meaning of "undrawn funds") applies for the purposes of subsection (2)(e).

(7) For the purposes of subsection (3)(c), a dependants' annuity or nominees' annuity is purchased together with a lifetime annuity if the dependants' annuity or nominees' annuity (as the case may be) is related to the lifetime annuity, and paragraph 3(4A) and (4B) of Schedule 29 to FA 2004 (meaning of "related") apply for the purposes of this subsection.

(8) For the purposes of this section, a person becomes entitled to an annuity when the person first acquires an actual (rather than a prospective right) to receive the annuity.

**Textual Amendments**

**F1408** Ss. 646B-646F inserted (with effect in accordance with Sch. 4 para. 17(2) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 4 para. 17(1)**

### 646C Registered schemes: beneficiaries' annuities from drawdown funds

(1) The charge to tax under this Part does not apply to a dependants' short-term annuity, nominees' short-term annuity, dependants' annuity or nominees' annuity paid to a person if—

(a) it is paid in respect of a deceased member of a registered pension scheme who had not reached the age of 75 at the date of the member's death,

(b) the member died on or after 3 December 2014, and

(c) the annuity was purchased using sums or assets out of the person's—

(i) dependant's drawdown pension fund,

(ii) dependant's flexi-access drawdown fund, or

(iii) nominee's flexi-access drawdown fund,

in respect of a money purchase arrangement under a registered pension scheme.

(2) The charge to tax under this Part does not apply to a successors' short-term annuity, or successors' annuity, paid to a person if—

(a) it is paid in respect of a deceased beneficiary of a deceased member of a registered pension scheme where the beneficiary had not reached the age of 75 at the date of the beneficiary's death,

(b) the beneficiary died on or after 3 December 2014, and

(c) the annuity was purchased using sums or assets out of the person's successor's flexi-access drawdown fund in respect of a money purchase arrangement under a registered pension scheme,

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and here "beneficiary" means dependant, nominee or successor.

(3) Subsection (1) is subject to subsections (4) to (6).

(4) Subsection (1) does not exempt payments on or after 6 April 2015 to a person of a dependants' short-term annuity, or dependants' annuity, payable in respect of a deceased member of a registered pension scheme and purchased using sums or assets out of the person's dependant's drawdown pension fund in respect of a money purchase arrangement under a registered pension scheme ("the drawdown fund") if before 6 April 2015—

(a) any payment of the annuity was made,

(b) any payment was made of any other dependants' short-term annuity, or dependants' annuity, purchased using sums or assets out of—

(i) the drawdown fund, or

(ii) any fund represented (to any extent) by the drawdown fund, or

(c) any payment of dependants' income withdrawal was made from—

(i) the drawdown fund, or

(ii) any fund represented (to any extent) by the drawdown fund.

(5) Subsection (1) does not exempt payments to a person of a dependants' short-term annuity, or dependants' annuity, payable in respect of a deceased member of a registered pension scheme and purchased using sums or assets out of the person's dependant's flexi-access drawdown fund in respect of a money purchase arrangement under a registered pension scheme ("the new fund") if—

(a) any of the sums or assets that make up the new fund—

(i) became newly-designated dependant funds under paragraph 22A(2)(b) of Schedule 28 to FA 2004 or as a result of the operation of any of paragraphs 22B to 22D of that Schedule, or

(ii) arise, or (directly or indirectly) derive, from any such newly-designated funds or from sums or assets that to any extent so arise or derive,

(b) before 6 April 2015—

(i) any payment of dependants' income withdrawal in respect of the deceased member was made to the person from, or

(ii) any payment in respect of the deceased member was made to the person of a dependants' short-term annuity, or dependants' annuity, purchased using sums or assets out of,

the person's dependant's drawdown pension fund in respect of a money purchase arrangement under a registered pension scheme, and

(c) any of the sums or assets that made up that fund at the time of the payment make up, or are represented by sums or assets that to any extent make up, the new fund.

(6) Where relevant unused uncrystallised funds—

(a) are designated on or after 6 April 2015 as available for the payment of dependants' drawdown pension or nominees' drawdown pension, and

(b) as a result of the designation make up (to any extent) a person's dependant's flexi-access drawdown fund or nominee's flexi-access drawdown fund in respect of a money purchase arrangement under a registered pension scheme, but

(c) are not so designated before the end of the relevant two-year period,

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subsection (1) does not exempt payments to the person of a dependants' short-term annuity, nominees' short-term annuity, dependants' annuity or nominees' annuity if any of the sums or assets used to purchase the annuity represent, at the time of the purchase, the whole or any part of those relevant unused uncrystallised funds.

(7) In this section "the relevant two-year period", in relation to relevant unused uncrystallised funds held for the purposes of a money purchase arrangement relating to a deceased individual under a registered pension scheme, means the period of two years beginning with the earlier of—

(a) the day on which the scheme administrator first knew of the individual's death, and

(b) the day on which the scheme administrator could first reasonably have been expected to know of it.

(8) For the purposes of this section, sums or assets held after the death of a member of a registered pension scheme for the purposes of a money purchase arrangement relating to the member under the scheme are "relevant unused uncrystallised funds" if—

(a) they are unused uncrystallised funds, and

(b) the member had not reached the age of 75 at the date of the member's death.

(9) Paragraph 27E(4) and (5) of Schedule 28 to FA 2004 (meaning of "unused uncrystallised funds") apply for the purposes of subsection (8)(a).

**Textual Amendments**

**F1408** Ss. 646B-646F inserted (with effect in accordance with Sch. 4 para. 17(2) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 4 para. 17(1)**

### 646D Non-registered schemes: beneficiaries' annuities from unused funds

(1) The charge to tax under this Part does not apply to an annuity payable to a person if—

(a) it is paid in respect of a deceased member of an overseas pension scheme, or relevant non-UK scheme, who had not reached the age of 75 at the date of the member's death,

(b) it would, if the scheme were a registered pension scheme and if "insurance company" in Part 4 of FA 2004 had the meaning given by subsection (8), be a dependants' annuity or nominees' annuity,

(c) the member died on or after 3 December 2014,

(d) either—

(i) the annuity was purchased using sums or assets that would, if the scheme were a registered pension scheme, be unused drawdown funds or unused uncrystallised funds, or

(ii) the annuity was purchased using sums or assets transferred to an insurance company by another insurance company in consequence of an annuity—

(a) that was payable to the person by that other insurance company,

(b) that was purchased as mentioned in sub-paragraph (i) or this sub-paragraph, and

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(c) that would have been a dependants' annuity or nominees' annuity (as the case may be) if the scheme had been a registered pension scheme,

ceasing to be payable,

(e) no payment of the annuity is made before 6 April 2015, and

(f) in a case where the annuity is purchased as mentioned in paragraph (d)(ii), no payment is made before 6 April 2015 of—

(i) the prior annuity purchased as mentioned in paragraph (d)(i), and

(ii) any other annuity purchased as mentioned in paragraph (d)(ii) that is in the chain of annuities beginning with that prior annuity and ending with the annuity.

(2) The charge to tax under this Part does not apply to an annuity payable to a person if—

(a) it is paid in respect of a deceased member of an overseas pension scheme or relevant non-UK scheme,

(b) it is paid on the subsequent death of an individual who would, if the scheme were a registered pension scheme, be a dependant, nominee or successor of the member ("the beneficiary"),

(c) it would, if the scheme were a registered pension scheme and if "insurance company" in Part 4 of FA 2004 had the meaning given by subsection (8), be a successors' annuity,

(d) the beneficiary had not reached the age of 75 at the date of the beneficiary's death,

(e) the beneficiary died on or after 3 December 2014,

(f) either—

(i) the annuity was purchased using sums or assets that would, if the scheme were a registered pension scheme, be undrawn funds, or

(ii) the annuity was purchased using sums or assets transferred to an insurance company by another insurance company in consequence of an annuity—

(a) that was payable to the person by that other insurance company,

(b) that was purchased as mentioned in sub-paragraph (i) or this sub-paragraph, and

(c) that would have been a successors' annuity if the scheme had been a registered pension scheme and if "insurance company" in Part 4 of FA 2004 had the meaning given by subsection (8),

ceasing to be payable,

(g) no payment of the annuity is made before 6 April 2015, and

(h) in a case where the annuity is purchased as mentioned in paragraph (f)(ii), no payment is made before 6 April 2015 of—

(i) the prior annuity purchased as mentioned in paragraph (f)(i), and

(ii) any other annuity purchased as mentioned in paragraph (f)(ii) that is in the chain of annuities beginning with that prior annuity and ending with the annuity.

(3) The charge to tax under this Part does not apply to an annuity payable to a person if—

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(a) it is paid in respect of a deceased member of an overseas pension scheme, or relevant non-UK scheme, who had not reached the age of 75 at the date of the member's death,

(b) it would, if the scheme were a registered pension scheme and if "insurance company" in Part 4 of FA 2004 had the meaning given by subsection (8), be a dependants' annuity payable to a dependant of the member or a nominees' annuity payable to a nominee of the member,

(c) the member died on or after 3 December 2014,

(d) the annuity—

(i) was purchased together with an annuity payable to the member that would, if the scheme were a registered pension scheme and if "insurance company" in Part 4 of FA 2004 had the meaning given by subsection (8), have been a lifetime annuity, or

(ii) was purchased using sums or assets transferred to an insurance company by another insurance company in consequence of an annuity—

(a) that was payable to the person by that other insurance company, and

(b) that would, if the scheme were a registered pension scheme and if "insurance company" in Part 4 of FA 2004 had the meaning given by subsection (8), have been a dependants' annuity or nominees' annuity (as the case may be) purchased as mentioned in sub-paragraph (i) or this sub-paragraph,

ceasing to be payable,

(e) no payment of the annuity is made before 6 April 2015, and

(f) in a case where the annuity is purchased as mentioned in paragraph (d)(ii), no payment is made before 6 April 2015 of—

(i) the prior annuity purchased as mentioned in paragraph (d)(i), and

(ii) any other annuity purchased as mentioned in paragraph (d)(ii) that is in the chain of annuities beginning with that prior annuity and ending with the annuity.

(4) The charge to tax under this Part does not apply to payments to a person of an annuity if—

(a) either—

(i) a member of an overseas pension scheme, or relevant non-UK scheme, was entitled to be paid the annuity immediately before the member's death, or

(ii) the annuity was purchased using sums or assets transferred to an insurance company by another insurance company in consequence of an annuity to which there was entitlement as mentioned in sub-paragraph (i), or which was purchased as mentioned in this sub-paragraph, ceasing to be payable,

(b) the payments would, if the scheme were a registered pension scheme and if "insurance company" in Part 4 of FA 2004 had the meaning given by subsection (8), be—

(i) payments of a lifetime annuity, and

(ii) payable to the person under pension rule 2 (see section 165 of FA 2004),

(c) the member had not reached the age of 75 at the date of the member's death,

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(d) the member died on or after 3 December 2014,

(e) any payment of the annuity made before 6 April 2015 is made to the member, and

(f) in a case where the annuity is one purchased as mentioned in paragraph (a)(ii), any payment made before 6 April 2015—

(i) of the prior annuity to which there is entitlement as mentioned in paragraph (a)(i), or

(ii) of any other annuity purchased as mentioned in paragraph (a)(ii) that is in the chain of annuities beginning with that prior annuity and ending with the annuity,

is made to the member.

(5) Paragraph 27E(3) to (5) of Schedule 28 to FA 2004 (meaning of "unused drawdown funds" and "unused uncrystallised funds") apply for the purposes of subsection (1).

(6) Paragraph 27FA(2) of Schedule 28 to FA 2004 (meaning of "undrawn funds") applies for the purposes of subsection (2)(f).

(7) For the purposes of subsection (3)(d), an annuity is purchased together with another if they are purchased—

(a) in the form of a joint life annuity, or

(b) separately in circumstances in which the day on which the one is purchased is no earlier than seven days before, and no later than seven days after, the day on which the other is purchased.

(8) In this section "insurance company" means—

(a) an insurance company as defined by section 275 of FA 2004, or

(b) a person—

(i) whose normal business includes the activity of providing annuities,

(ii) who carries on that activity in a country or territory outside the United Kingdom, and

(iii) whose carrying on of that activity in any particular country or territory outside the United Kingdom—

(a) is regulated in that country or territory, or

(b) is lawful under the law of that country or territory because it is regulated in another country or territory,

and for this purpose an activity is regulated in a country or territory if it is regulated by the government of that country or territory or by a body established under the law of that country or territory for the purpose of regulating the carrying-on of the activity.

**Textual Amendments**

**F1408** Ss. 646B-646F inserted (with effect in accordance with Sch. 4 para. 17(2) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 4 para. 17(1)**

### 646E Non-registered schemes: beneficiaries' annuities from drawdown funds

(1) The charge to tax under this Part does not apply to an annuity paid to a person if—

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(a) it is paid in respect of a deceased member of an overseas pension scheme, or a relevant non-UK scheme, who had not reached the age of 75 at the date of the member's death,

(b) the person would, if that scheme were a registered pension scheme, be a dependant or nominee of the member,

(c) the annuity was purchased using sums or assets held for the purposes of a money purchase arrangement under an overseas pension scheme or relevant non-UK scheme, and those sums or assets would if that scheme were a registered pension scheme form the whole or part of the person's—

(i) dependant's drawdown pension fund,

(ii) dependant's flexi-access drawdown fund, or

(iii) nominee's flexi-access drawdown fund,

in respect of the arrangement,

(d) the annuity would, if the scheme were a registered pension scheme and if "insurance company" in Part 4 of FA 2004 had the meaning given by section 646D(8), be a dependants' short-term annuity or dependants' annuity or (as the case may be) a nominees' short-term annuity or nominees' annuity, and

(e) the member died on or after 3 December 2014.

(2) The charge to tax under this Part does not apply to an annuity payable to a person if—

(a) it is paid in respect of a deceased individual ("the beneficiary") who had not reached the age of 75 at the date of the beneficiary's death,

(b) the beneficiary would have been a dependant, nominee or successor of a deceased member of an overseas pension scheme, or relevant non-UK scheme, if that scheme had been a registered pension scheme,

(c) the person would, if that scheme were a registered pension scheme, be a successor of the member,

(d) the annuity was purchased using sums or assets out of a fund held for the purposes of a money purchase arrangement under an overseas pension scheme or relevant non-UK scheme and would, if that scheme were a registered pension scheme and if "insurance company" in Part 4 of FA 2004 had the meaning given by section 646D(8), be a successors' short-term annuity, or successors' annuity, purchased using sums or assets out of the person's successor's flexi-access drawdown fund in respect of the arrangement, and

(e) the beneficiary died on or after 3 December 2014.

(3) Subsection (1) is subject to subsections (4) and (5).

(4) Subsection (1) does not exempt payments on or after 6 April 2015 to a person of an annuity payable in respect of a deceased member of an overseas pension scheme, or relevant non-UK scheme, if—

(a) the annuity is purchased using sums or assets held for the purposes of a money purchase arrangement under an overseas pension scheme or relevant non-UK scheme,

(b) the annuity would, if that scheme were a registered pension scheme and if "insurance company" in Part 4 of FA 2004 had the meaning given by section 646D(8), be a dependants' short-term annuity or dependants' annuity,

(c) the annuity was purchased using sums or assets out of a fund that would, if that scheme were a registered pension scheme, be the person's dependant's

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drawdown pension fund in respect of the arrangement ("the drawdown fund"), and

(d) before 6 April 2015—

(i) any payment of the annuity was made,

(ii) any payment was made to the person of any other annuity purchased using sums or assets out of the drawdown fund or out of any fund represented (to any extent) by the drawdown fund, or

(iii) any payment was made to the person out of the drawdown fund, or out of any fund represented (to any extent) by the drawdown fund, of any pension that would be dependants' income withdrawal if the fund concerned were held for the purposes of a registered pension scheme.

(5) Subsection (1) does not exempt payments to a person of an annuity payable in respect of a deceased member of an overseas pension scheme, or relevant non-UK scheme, if—

(a) the annuity was purchased using sums or assets held for the purposes of a money purchase arrangement under an overseas pension scheme or relevant non-UK scheme and would, if that scheme were a registered pension scheme and "insurance company" in Part 4 of FA 2004 had the meaning given by section 646D(8), be a dependants' short-term annuity or dependants' annuity,

(b) the annuity was purchased using sums or assets out of a fund ("the new fund") that would, if that scheme were a registered pension scheme, be the person's dependant's flexi-access drawdown fund in respect of the arrangement,

(c) before 6 April 2015—

(i) any payment of pension in respect of the deceased member was made to the person from a fund held for the purposes of a money purchase arrangement under an overseas pension scheme, or relevant non-UK scheme, that would be a payment of dependants' income withdrawal from the person's dependant's drawdown pension fund in respect of the arrangement if the scheme were a registered pension scheme, or

(ii) any payment in respect of the deceased member was made to the person of an annuity purchased using sums or assets out of a fund held for the purposes of a money purchase arrangement under an overseas pension scheme, or relevant non-UK scheme, that would be a payment of a dependants' short-term annuity, or dependants' annuity, purchased using sums or assets out of the person's dependant's drawdown pension fund in respect of the arrangement if the scheme were a registered pension scheme, and

(d) any of the sums or assets that made up the fund mentioned in paragraph (c)(i) or (ii) make up, or are represented by sums or assets that to any extent make up, the new fund.

**Textual Amendments**

**F1408** Ss. 646B-646F inserted (with effect in accordance with Sch. 4 para. 17(2) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 4 para. 17(1)**

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## 646F Interpretation of sections 646B to 646E

In sections 646B to 646E, an expression listed in the first column of the table has the meaning given by the provision of FA 2004 listed against that expression in the second column of the table.

| *Expression* | *Provision of FA 2004* |
|---|---|
| dependant | Schedule 28, paragraph 15 |
| dependants' annuity | Schedule 28, paragraph 17 |
| dependant's drawdown pension fund | Schedule 28, paragraph 22 |
| dependant's flexi-access drawdown fund | Schedule 28, paragraph 22A |
| dependants' income withdrawal | Schedule 28, paragraph 21 |
| dependants' short-term annuity | Schedule 28, paragraph 20 |
| insurance company (in sections 646B and 646C) | section 275 |
| lifetime annuity | Schedule 28, paragraph 3 |
| money purchase arrangement | section 152 |
| nominee | Schedule 28, paragraph 27A |
| nominees' annuity | Schedule 28, paragraph 27AA |
| nominee's flexi-access drawdown fund | Schedule 28, paragraph 27E |
| nominees' short-term annuity | Schedule 28, paragraph 27C |
| overseas pension scheme | section 150(1) and (7) |
| relevant non-UK scheme | Schedule 34, paragraph 1(5) |
| successor | Schedule 28, paragraph 27F |
| successors' annuity | Schedule 28, paragraph 27FA |
| successor's flexi-access drawdown fund | Schedule 28, paragraph 27K |
| successors' short-term annuity | Schedule 28, paragraph 27H**]** |

**Textual Amendments**

**F1408** Ss. 646B-646F inserted (with effect in accordance with Sch. 4 para. 17(2) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 4 para. 17(1)**

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## CHAPTER 18

EXEMPTIONS: NON-UK RESIDENT TAXPAYERS

### 647 Introduction and meaning of "foreign residence condition" etc.

(1) The provisions of this Part provide that no liability to income tax arises on certain kinds of pensions if the foreign residence condition is met.

(2) The foreign residence condition is met in relation to a pension if the pension is payable to a person who is not resident in the United Kingdom.

(3) For the purposes of the foreign residence condition, a person is taken to be not resident in the United Kingdom only if—

(a) a person makes a claim to **[**F104the Commissioners for Her Majesty's Revenue and Customs**]** that the person is not resident, and

(b) the **[**F1409Commissioners**][**F1410are**]** satisfied that the person is not resident.

(4) In this Chapter "pension" includes—

(a) a gratuity or any sum payable on or in respect of death,

(b) a return of contributions, and

(c) any interest or other addition included in a return of contributions.

**Textual Amendments**

**F104** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(2)**; S.I. 2005/1126, art. 2(2)(h)

**F1409** Word in s. 647 substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(3)(h)**; S.I. 2005/1126, art. 2(2)(h)

**F1410** Word in s. 647(3)(b) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 116**; S.I. 2005/1126, art. 2(2)(h)

### 648 The Central African Pension Fund

(1) No liability to income tax arises on a pension which is paid from the Central African Pension Fund if the foreign residence condition is met.

(2) In this section "the Central African Pension Fund" means the fund established under that name by section 24 of the Federation of Rhodesia and Nyasaland (Dissolution) Order in Council 1963 (S.I. 1963/2085).

### 649 Commonwealth government pensions

(1) No liability to income tax arises on a pension paid out of a fund which is established—

(a) in the United Kingdom,

(b) by a Commonwealth government,

(c) for the sole purpose of providing pensions payable in respect of service under that government,

if the foreign residence condition is met.

(2) In this section "Commonwealth government" means—

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(a) the government of a territory or country mentioned in subsection (3),

(b) the government of any part of a territory or country mentioned in subsection (3), or

(c) a government constituted for two or more of the territories or countries mentioned in subsection (3).

(3) The territories and countries referred to in subsection (2) are—

(a) a country mentioned in Schedule 3 to the British Nationality Act 1981 (c. 61) apart from Australia, Canada, New Zealand, India, Sri Lanka and Cyprus,

(b) an associated state,

(c) a British overseas territory,

(d) a protectorate,

(e) a protected state, and

(f) a United Kingdom trust territory.

(4) In subsection (2)(c) the reference to a government constituted for two or more of the territories or countries mentioned in subsection (3) includes a reference to any authority established for the purpose of providing or administering services which are common to, or relate to matters of common interest to, two or more of those territories or countries.

(5) In subsection (3)(f) "United Kingdom trust territory" means a territory administered by the government of the United Kingdom under the trusteeship system of the United Nations.

### 650 Oversea Superannuation Scheme

(1) No liability to income tax arises on a pension which is paid under the Oversea Superannuation Scheme (formerly known as the Colonial Superannuation Scheme) if the foreign residence condition is met.

(2) For the purposes of subsection (1) a pension is paid under the Oversea Superannuation Scheme if—

(a) the pension is paid under the Scheme as it has effect (by reason of section 2(4A) of OPA 1973) as a scheme under section 2 of OPA 1973, or

(b) the pension is paid under a scheme which—

(i) the Secretary of State has made under section 2(1) of OPA 1973, and

(ii) corresponds to the Oversea Superannuation Scheme.

### 651 Overseas Pensions Act 1973

(1) No liability to income tax arises on a pension which is paid under section 1 of OPA 1973 if the foreign residence condition is met.

(2) Subsection (1) applies whether or not the pension is paid out of a fund established under a scheme made under section 1 of OPA 1973.

(3) But subsection (1) does not apply to any part of a pension paid because the Pensions (Increase) Acts apply to it.

(4) In this section "the Pensions (Increase) Acts" means—

(a) the Pensions (Increase) Act 1971 (c. 56), and

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(b) any Act passed after that Act for purposes which correspond to the purposes of that Act.

### 652 Overseas Service Act 1958

(1) No liability to income tax arises on a pension—

(a) which is paid under the authority of the Overseas Service Act 1958 (c. 14), and

(b) which the Secretary of State certifies to be attributable to the employment of a person in the public services of an overseas territory,

if the foreign residence condition is met.

(2) If the Secretary of State certifies that only part of a pension paid under the authority of the 1958 Act is attributable to the employment of a person in the public services of an overseas territory, subsection (1) applies only to that part of the pension.

(3) For the purposes of subsections (1) and (2) a pension is paid under the authority of the 1958 Act if condition A or B is met.

(4) Condition A is that the pension is paid under either of the following—

(a) an order made under section 2 of the 1958 Act, or

(b) section 4(2) of the 1958 Act,

as it has effect (by reason of section 2(3) of OPA 1973) as a scheme under section 2 of OPA 1973.

(5) Condition B is that the pension is paid under a scheme which the Secretary of State—

(a) has made under section 2(1) of OPA 1973, and

(b) has certified to correspond to—

(i) an order made under section 2 of the 1958 Act, or

(ii) section 4(2) of the 1958 Act.

(6) For the purposes of this section, a person is taken to be employed in the public service of an overseas territory at any time when—

(a) the person is employed in any capacity under the government of that territory, or under any municipal or other local authority in it,

(b) the person is employed in circumstances not falling within paragraph (a), by a body corporate established for any public purpose in that territory by an enactment of a legislature empowered to make laws for that territory, or

(c) the person is the holder of a public office in that territory in circumstances not falling within paragraph (a) or (b).

(7) In subsection (6) references to the government of an overseas territory include references to—

(a) a government constituted for two or more overseas territories, and

(b) any authority established for the purpose of providing or administering services which are common to, or relate to matters of common interest to, two or more such territories.

(8) In this section—

"the 1958 Act" means the Overseas Service Act 1958 (c. 14);

"certified" means certified for the purposes of ICTA 1970, ICTA or this Act.

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### 653 Overseas Service Pensions Fund

(1) No liability to income tax arises on a pension which is paid out of the Overseas Service Pensions Fund if the foreign residence condition is met.

(2) In this section "the Overseas Service Pensions Fund" means the fund with that name established under section 7(1) of the Overseas Aid Act 1966 (c. 21).

(3) In this section "pension" includes not only the things mentioned in section 647(4) but also any sum payable in respect of ill-health.

### 654 The Pensions (India, Pakistan and Burma) Act 1955

(1) No liability to income tax arises on a pension paid under the authority of the Pensions (India, Pakistan and Burma) Act 1955 (c. 22) if the foreign residence condition is met.

(2) A pension is paid under the authority of the 1955 Act if—

(a) the pension is paid under the 1955 Act as it has effect (by reason of section 2(3) of OPA 1973) as a scheme under section 2 of OPA 1973, or

(b) the pension is paid under a scheme which the Secretary of State—

(i) has made under section 2(1) of OPA 1973, and

(ii) has certified to correspond to the provision made under the 1955 Act.

(3) This section does not apply to any part of a pension paid because the Pensions (Increase) Acts apply to it.

(4) In this section—

"the 1955 Act" means the Pensions (India, Pakistan and Burma) Act 1955 (c. 22);

"certified" means certified for the purposes of ICTA 1970, ICTA or this Act;

"the Pensions (Increase) Acts" means—

(a) the Pensions (Increase) Act 1971 (c. 56), and

(b) any Act passed after that Act for purposes which correspond to the purposes of that Act.

## PART 10

SOCIAL SECURITY INCOME [F1411ETC]

**Textual Amendments**

**F1411** Word in Pt. 10 heading inserted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2026 (c. 11), **Sch. 10 paras. 1(2)**, 5

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## CHAPTER 1

INTRODUCTION

### 655 Structure of Part 10

(1) The structure of this Part is as follows—

Chapter 2—

(a) imposes the charge to tax on social security income, and

(b) provides for deductions to be made from the amount of income chargeable;

Chapter 3 sets out the UK social security benefits which are charged to tax under this Part and identifies—

(a) the amount of income chargeable to tax for a tax year, and

Chapters 4 and 5 deal with exemptions from the charge to tax on UK social security benefits (whether under this Part or any other provision);

Chapters 6 and 7 make provision about foreign benefits.

**[**[F1412]Chapter 8 makes provision for the high income child benefit charge.**]**

**[**[F1413]Chapter 9 makes provision for the winter fuel payment charge.**]**

(2) For other provisions about the taxation of social security benefits, see—

section 151 of FA 1996 (power for the Treasury to make orders about the taxation of benefits payable under Government pilot schemes);

**[**[F1414]section 781 of ITTOIA 2005 (exemption from income tax for payments under New Deal 50plus);

section 782 of ITTOIA 2005 (exemption from income tax for payments under employment zone programmes);**]**

**[**[F1415]section 44 of FA 2016 (tax treatment of supplementary welfare payments: Northern Ireland);**]**

**[**[F1416]section 13 of FA 2020 (power to exempt social security benefits from income tax)**][**[F1417];

section 27 of F(No. 2)A 2023 (power to clarify tax treatment of devolved social security benefits).**]**

(3) For the charge to tax on social security pensions, see Part 9 (pension income).

**Textual Amendments**

**F1412** Words in s. 655(1) inserted (with effect in accordance with Sch. 1 para. 7 of the amending Act) by Finance Act 2012 (c. 14), **Sch. 1 para. 5(3)**

**F1413** Words in s. 655(1) inserted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2026 (c. 11), **Sch. 10 paras. 1(3)**, 5

**F1414** Words in s. 655(2) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 612** (with Sch. 2)

**F1415** Words in s. 655(2) inserted (15.9.2016) by Finance Act 2016 (c. 24), **s. 44(8)**

**F1416** Words in s. 655(2) inserted (22.7.2020) by Finance Act 2020 (c. 14), **s. 13(3)**

**F1417** Words in s. 655(2) inserted (11.7.2023) by Finance (No. 2) Act 2023 (c. 30), **s. 27(5)**

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## CHAPTER 2

TAX ON SOCIAL SECURITY INCOME

### 656 Nature of charge to tax on social security income

(1) The charge to tax on social security income is a charge to tax on that income excluding any exempt income.

(2) "Exempt income" is social security income on which no liability to income tax arises as a result of any provision of Chapter 4, 5 or 7 of this Part.

This definition applies for the purposes of this Part.

### 657 Meaning of "social security income", "taxable benefits" etc.

(1) This section defines—

"social security income" for the purposes of the Tax Acts, and

"taxable benefits", "Table A" and "Table B" for the purposes of this Part.

(2) "Social security income" means—

(a) the United Kingdom social security benefits listed in Table A,

(b) the United Kingdom social security benefits listed in Table B,

(c) the foreign benefits to which section 678 applies, and

(d) the foreign benefits to which section 681(2) applies.

(3) "Taxable benefits" means—

(a) the United Kingdom social security benefits listed in Table A, and

(b) the foreign benefits to which section 678 applies.

(4) Subsections (2) and (3) are subject to section 660(2).

(5) "Table A" means Table A in section 660.

(6) "Table B" means Table B in section 677.

### 658 Amount charged to tax

(1) The amount of social security income which is charged to tax under this Part for a particular tax year is as follows.

(2) In relation to a taxable benefit, the amount charged to tax is the net taxable social security income for the tax year.

(3) The net taxable social security income for a taxable benefit for a tax year is given by the formula—

$$TSSI - PGD$$

where—

TSSI means the amount of taxable social security income for that benefit for that year (see subsections (4) to (7)), and

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PGD means the amount of the deduction (if any) allowed from the benefit under Part 12 (payroll giving).

(4) In relation to bereavement allowance, carer's allowance, **[**F1418carer's allowance supplement,**][**F1419carer support payment,**][**F1420contributory employment and support allowance,**][**F1421incapacity benefit, income support, Scottish Carer Supplement,**][**F1422 welfare supplementary payments payable pursuant to the loss of contributory employment and support allowance and welfare supplementary payments payable pursuant to the loss of, or a reduction in the amount payable of, income support**]** (which are listed in Table A), the amount of taxable social security income is determined in accordance with section 661.

(5) In relation to any other benefit listed in Table A, the amount of taxable social security income is the amount of the benefit that falls to be charged to tax.

(6) In relation to foreign benefits to which section 678 applies, the amount of taxable social security income is determined in accordance with section 679.

(7) In determining for the purposes of this Act the amount of taxable social security income, any exempt income is to be excluded.

**Textual Amendments**

**F1418** Words in s. 658(4) inserted (12.2.2019) by Finance Act 2019 (c. 1), **s. 12(3)**

**F1419** Words in s. 658(4) inserted (19.11.2023) by The Income Tax (Tax Treatment of Carer Support Payment and Exemption of Social Security Benefits) Regulations 2023 (S.I. 2023/1148), regs. 1(1), **2(2)**

**F1420** Words in s. 658(4) inserted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 24(2)**; S.I. 2008/787, art. 2(1)(4)(f), Sch.

**F1421** Words in s. 658(4) substituted (15.3.2026) by The Income Tax (Tax Treatment of Scottish Carer Supplement and Exemption of Carer's Additional Person Payment) Regulations 2026 (S.I. 2026/93), regs. 1, **2(2)**

**F1422** Words in s. 658(4) substituted (with effect in accordance with reg. 2 of the amending S.I.) by The Taxation of Northern Ireland Welfare Supplementary Payments Regulations 2017 (S.I. 2017/338), regs. 1, **4**

### 659 Person liable for tax

The person liable for any tax charged under this Part is identified in—

(a) section 662 (UK benefits), or

(b) section 680 (foreign benefits).

## CHAPTER 3

TAXABLE UK SOCIAL SECURITY BENEFITS

### 660 Taxable benefits: UK benefits – Table A

(1) This is Table A—

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

TABLE A

TAXABLE UK BENEFITS

| ***Social security benefit*** | ***Payable under*** | |
|---|---|---|
| F1423 | F1423 | F1423 |
| . . . | . . . | . . . |
| | F1423 | |
| | . . . | |
| F1424 | F1425 | F1425 |
| . . . | . . . | . . . |
| | F1426 | F1426 |
| | . . . | . . . |
| Carer's allowance | SSCBA 1992 | Section 70 |
| | SSCB(NI)A 1992 | Section 70 |
| **[**F1427Carer's allowance supplement | SS(S)A 2018 | **[**F1428Section 81**]]** |
| **[**F1429Carer support payment | CA(CSP)(S)R 2023 | Regulation 3**]** |
| **[**F1430**[**F1431Employment and support allowance**]** | WRA 2007 | Section 1(2)(a) |
| | Any provision made for Northern Ireland which corresponds to section 1(2)(a) of WRA 2007**]** | |
| Incapacity benefit | SSCBA 1992 | Section 30A(1) or (5), 40 or 41 |
| | SSCB(NI)A 1992 | Section 30A(1) or (5), 40 or 41 |
| Income support | SSCBA 1992 | Section 124 |
| | SSCB(NI)A 1992 | Section 123 |
| Jobseeker's allowance | JSA 1995 | Section 1 |
| | JS(NI)O 1995 | Article 3 |
| **[**F1432Scottish Carer Supplement | CA(CSP)(S)R 2023 | Regulation 14A **]** |
| **[**F1433**[**F1434Statutory**]** paternity pay | SSCBA 1992 | Section 171ZA or 171ZB |
| | Any provision made for Northern Ireland which corresponds to section 171ZA or 171ZB of SSCBA 1992.**]** | |
| Statutory adoption pay | SSCBA 1992 | Section 171ZL |
| | Any provision made for Northern Ireland which corresponds to section 171ZL of SSCBA 1992 | |
| Statutory maternity pay | SSCBA 1992 | Section 164 |

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

| | | |
|---|---|---|
| | SSCB(NI)A 1992 | Section 160 |
| **[**[F1435]Statutory shared parental pay | SSCBA 1992<br>Any provision made for Northern Ireland which corresponds to section 171ZU or 171ZV of SSCBA 1992 | Section 171ZU or 171ZV**]** |
| **[**[F1436]Statutory parental bereavement pay | SSCBA 1992<br>Any provision made for Northern Ireland which corresponds to section 171ZZ6 of SSCBA 1992 | Section 171ZZ6**]** |
| **[**[F1437]Statutory neonatal care pay | SSCBA 1992<br>Any provision made for Northern Ireland which corresponds to section 171ZZ16 of SSCBA 1992**]** | Section 171ZZ16 |
| **F1438** | **F1438** | **F1438** |
| . . . | . . . | . . . |
| Statutory sick pay | SSCBA 1992 | Section 151 |
| | SSCB(NI)A 1992 | Section 147. |
| **[**[F1439]Welfare supplementary payment payable pursuant to the loss of carer's allowance | WSP(LCP)R(NI) 2016 | Regulation 4 |
| Welfare supplementary payment payable pursuant to the loss of contributory employment and support allowance | WSPR(NI) 2016 | Regulation 7 |
| Welfare supplementary payment payable pursuant to the loss of, or a reduction of the amount payable of, income support | WSP(LCP)R(NI) 2016 | Regulation 8 (when the recipient is entitled to the payment by meeting the condition in regulation 8(2)(c)) or regulation 12 |
| | WSP(LDRP)R(NI) 2016 | Regulation 4, 5 or 6 |
| Welfare supplementary payment payable pursuant to a reduction of the amount payable of jobseekers allowance | WSP(LCP)R(NI) 2016 | Regulation 8 (when the recipient is entitled to the payment by meeting the condition in regulation 8(2)(a)) |
| | WSP(LDRP)R(NI) 2016 | Regulation 11, 12, 13, 14 or 15**]** |

(2) A benefit listed below is not "social security income" or a "taxable benefit" if it is charged to tax under another Part of this Act—

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**[**[F1440]...
... statutory paternity pay;
statutory adoption pay;
statutory maternity pay;**]**
**[**[F1441]statutory shared parental pay;**]**
**[**[F1442]statutory parental bereavement pay;**]**
**[**[F1443]statutory neonatal care pay;**]**
statutory sick pay.

**Textual Amendments**

**F1423** Words in s. 660(1) Table A repealed (5.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 7 para. 62(2)**; S.I. 2014/1640, art. 7(jj) (with art. 16)

**F1424** Words in s. 660 Table A omitted (18.3.2026) by virtue of Finance Act 2026 (c. 11), **s. 280(1)**

**F1425** Words in s. 660(1) omitted (6.4.2017) by virtue of Pensions Act 2014 (c. 19), s. 56(1), **Sch. 16 para. 47**; S.I. 2017/297, art. 3(2) (with arts. 4, 5)

**F1426** Words in s. 660(1) omitted (N.I.) (6.4.2017) by virtue of Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 46**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)

**F1427** Words in s. 660 Table A inserted (12.2.2019) by Finance Act 2019 (c. 1), **s. 12(2)**

**F1428** Words in s. 660 Table A substituted (with retrospective effect to 12.2.2019) by Finance Act 2024 (c. 3), **s. 18**

**F1429** Words in s. 660(1) Table A inserted (19.11.2023) by The Income Tax (Tax Treatment of Carer Support Payment and Exemption of Social Security Benefits) Regulations 2023 (S.I. 2023/1148), regs. 1(1), **2(3)**

**F1430** Words in s. 660 Table A inserted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 24(3)**; S.I. 2008/787, art. 2(1), Sch.; S.I. 2008/787, art. 2(4)(f)

**F1431** Words in s. 660(1) Table A substituted (29.4.2013) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations 2013 (S.I. 2013/630), regs. 1(2), **16(3)**

**F1432** Words in s. 660(1) Table A inserted (15.3.2026) by The Income Tax (Tax Treatment of Scottish Carer Supplement and Exemption of Carer's Additional Person Payment) Regulations 2026 (S.I. 2026/93), regs. 1, **2(3)**

**F1433** Words in s. 660(1) Table A inserted (6.4.2010) by Work and Families Act 2006 (c. 18), s. 19(2), Sch. 1 para. 60(2)**(4)**; S.I. 2010/495, art. 4(d)

**F1434** Words in s. 660(1) Table A substituted (5.4.2015) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 7 para. 62(3)**; S.I. 2014/1640, art. 7(jj) (with art. 16)

**F1435** Words in s. 660(1) Table A inserted (1.12.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 7 para. 62(4)**; S.I. 2014/1640, art. 5(2)(z)

**F1436** Words in s. 660(1) Table A inserted (18.1.2020) by Parental Bereavement (Leave and Pay) Act 2018 (c. 24), s. 2(2), **Sch. para. 47(2)**; S.I. 2020/45, reg. 2

**F1437** Words in s. 660(1) Table A inserted (17.1.2025) by Neonatal Care (Leave and Pay) Act 2023 (c. 20), s. 3(3), **Sch. para. 47(2)**; S.I. 2025/41, reg. 2; and corresponding words expressed to be inserted (20.3.2025) by Finance Act 2025 (c. 8), **s. 36(2)(a)**

**F1438** Words in s. 660(1) Table A repealed (6.4.2010) by Work and Families Act 2006 (c. 18), s. 19(2), Sch. 1 para. 60(2)(5), **Sch. 2**; S.I. 2010/495, art. 4(d)(e)(iii)

**F1439** Words in s. 660(1) Table A inserted (with effect in accordance with reg. 2 of the amending S.I.) by The Taxation of Northern Ireland Welfare Supplementary Payments Regulations 2017 (S.I. 2017/338), regs. 1, **5**

**F1440** Words in s. 660(2) substituted (6.4.2010) by Work and Families Act 2006 (c. 18), s. 19(2), **Sch. 1 para. 60(6)**; S.I. 2010/495, art. 4(d)

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F1441** Words in s. 660(2) inserted (1.12.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 7 para. 62(5)(c)**; S.I. 2014/1640, art. 5(2)(z)

**F1442** Words in . 660(2) inserted (18.1.2020) by Parental Bereavement (Leave and Pay) Act 2018 (c. 24), s. 2(2), **Sch. para. 47(3)**; S.I. 2020/45, reg. 2

**F1443** Words in s. 660(2) inserted (17.1.2025) by Neonatal Care (Leave and Pay) Act 2023 (c. 20), s. 3(3), **Sch. para. 47(3)**; S.I. 2025/41, reg. 2; and same words expressed to be inserted (20.3.2025) by Finance Act 2025 (c. 8), **s. 36(2)(b)**

## 661 Taxable social security income

(1) This section applies in relation to each of the following taxable benefits listed in Table A—

bereavement allowance,

carer's allowance,

**[**[F1444]carer's allowance supplement,**]**

**[**[F1445]carer support payment,**]**

**[**[F1446]contributory employment and support allowance,**]**

incapacity benefit, ...

income support.

**[**[F1447]Scottish Carer Supplement,**]**

**[**[F1448]welfare supplementary payments payable pursuant to the loss of contributory employment and support allowance, and

welfare supplementary payments payable pursuant to the loss of, or a reduction of the amount payable of, income support.**]**

(2) The amount of taxable social security income for a taxable benefit for a tax year is the full amount of the benefit accruing in the tax year irrespective of when any amount is actually paid.

**Textual Amendments**

**F1444** Words in s. 661(1) inserted (12.2.2019) by Finance Act 2019 (c. 1), **s. 12(4)**

**F1445** Words in s. 661(1) inserted (19.11.2023) by The Income Tax (Tax Treatment of Carer Support Payment and Exemption of Social Security Benefits) Regulations 2023 (S.I. 2023/1148), regs. 1(1), **2(4)**

**F1446** Words in s. 661 inserted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 24(4)**; S.I. 2008/787, art. 2(1)(4)(f), Sch.

**F1447** Words in s. 661(1) inserted (15.3.2026) by The Income Tax (Tax Treatment of Scottish Carer Supplement and Exemption of Carer's Additional Person Payment) Regulations 2026 (S.I. 2026/93), regs. 1, **2(4)**

**F1448** Words in s. 661(1) inserted (with effect in accordance with reg. 2 of the amending S.I.) by The Taxation of Northern Ireland Welfare Supplementary Payments Regulations 2017 (S.I. 2017/338), regs. 1, **6(b)**

## 662 Person liable for tax

The person liable for any tax charged under this Part on a taxable benefit listed in Table A is the person receiving or entitled to the benefit.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## CHAPTER 4

TAXABLE UK SOCIAL SECURITY BENEFITS: EXEMPTIONS

**Modifications etc. (not altering text)**
**C62** Pt. 10 Chs. 4, 5: power to amend conferred (22.7.2020) by Finance Act 2020 (c. 14), **s. 13(1)**(2)

*Incapacity benefit*

### 663 Long-term incapacity benefit: previous entitlement to invalidity benefit

(1) No liability to income tax arises on long-term incapacity benefit if—

(a) a person is entitled to the benefit for a day of incapacity for work which falls in a period of incapacity for work which is treated for the purposes of that benefit as having begun before 13th April 1995, and

(b) the part of that period which is treated as having fallen before that date includes a day for which that person was entitled to invalidity benefit.

(2) In this section—

"invalidity benefit" means invalidity benefit under—

(a) Part 2 of SSCBA 1992, or

(b) Part 2 of SSCB(NI)A 1992;

"long-term incapacity benefit" means incapacity benefit payable under—

(a) section 30A(5), 40 or 41 of SSCBA 1992, or

(b) section 30A(5), 40 or 41 of SSCB(NI)A 1992.

### 664 Short-term incapacity benefit not payable at the higher rate

(1) No liability to income tax arises on short-term incapacity benefit unless it is payable at the higher rate.

(2) In this section—

(a) "short-term incapacity benefit" means incapacity benefit payable under—

(i) section 30A(1) of SSCBA 1992, or

(ii) section 30A(1) of SSCB(NI)A 1992;

(b) the reference to short-term incapacity benefit payable at the higher rate is to be construed in accordance with—

(i) section 30B of SSCBA 1992, or

(ii) section 30B of SSCB(NI)A 1992.

*Income support **[**[F1449] and relevant welfare supplementary payments**]***

**Textual Amendments**
**F1449** Words in s. 665 cross-heading inserted (with effect in accordance with reg. 2 of the amending S.I.) by The Taxation of Northern Ireland Welfare Supplementary Payments Regulations 2017 (S.I. 2017/338), regs. 1, **7**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## 665 [F1450Exempt unless payable to a person involved in a trade dispute]

(1) No liability to income tax arises on income support unless—

(a) the income support is payable to one member of a ... couple ("the claimant"), and

(b) section 126 of SSCBA 1992 or section 125 of SSCB(NI)A 1992 (trade disputes) applies to the claimant but not to the other member of the couple.

(2) In this section [F1451"couple" has] the same meaning as in section 137(1) of SSCBA 1992 or section 133(1) of SSCB(NI)A 1992.

[F1452(3) No liability to income tax arises on a relevant welfare supplementary payment unless the whole or part of the payment relates to a period in which the claimant was prevented from being entitled to jobseeker's allowance by–

(a) section 14 of the Jobseekers Act 1995 (trade disputes), or

(b) Article 16 of the Jobseekers (Northern Ireland) Order 1995 (trade disputes)

or would have been so prevented if otherwise entitled to that benefit.

(4) Where part of a relevant welfare supplementary payment relates to such a period no liability to income tax arises on the part that does not relate to such a period.]

**Textual Amendments**

**F1450** S. 665 heading substituted (with effect in accordance with reg. 2 of the amending S.I.) by The Taxation of Northern Ireland Welfare Supplementary Payments Regulations 2017 (S.I. 2017/338), regs. 1, **8(2)**

**F1451** Words in s. 665(2) substituted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **163(b)**

**F1452** S. 665(3)(4) inserted (with effect in accordance with reg. 2 of the amending S.I.) by The Taxation of Northern Ireland Welfare Supplementary Payments Regulations 2017 (S.I. 2017/338), regs. 1, **8(3)**

## 666 Child maintenance bonus

No liability to income tax arises on a part of income support which is attributable to a child maintenance bonus (within the meaning of section 10 of CSA 1995 or Article 4 of CS(NI)O 1995).

## 667 Amounts in excess of taxable maximum

(1) If the amount of income support [F1453and relevant welfare supplementary payments] paid to a person ("the claimant") for a week or a part of a week exceeds the claimant's taxable maximum for that period, no liability to income tax arises on the excess.

[F1454(2) The claimant's taxable maximum for a period is determined–

(a) under section 668(1), (2) and (3) where the claimant is a member of a couple, and

(b) under section 668(2A) and (3) where the claimant is not a member of a couple.]

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F1453** Words in s. 667(1) inserted (with effect in accordance with reg. 2 of the amending S.I.) by The Taxation of Northern Ireland Welfare Supplementary Payments Regulations 2017 (S.I. 2017/338), regs. 1, **9(2)**

**F1454** S. 667(2) substituted (with effect in accordance with reg. 2 of the amending S.I.) by The Taxation of Northern Ireland Welfare Supplementary Payments Regulations 2017 (S.I. 2017/338), regs. 1, **9(3)**

## 668 Taxable maximum

(1) A claimant's taxable maximum for a week is determined under this subsection if the applicable amount for the purpose of calculating the income support consists only of an amount in respect of the relevant couple.

The taxable maximum is equal to one half of the applicable amount.

(2) A claimant's taxable maximum for a week is determined under this subsection if the applicable amount includes amounts that are not in respect of the relevant couple.

The taxable maximum is equal to one half of the amount which is included in the applicable amount in respect of the relevant couple.

**[**F1455(2A) A claimant's taxable maximum for a week is determined under this subsection if the claimant is not a member of a couple.

The taxable maximum is equal to the applicable amount.**]**

(3) A claimant's taxable maximum for a part of a week is determined as follows—

*Step 1*

Assume that the income support is paid to the claimant for the whole of, rather than part of, the week.

*Step 2*

Determine under subsection (1) or (2) what the claimant's taxable maximum for that week would be on that assumption.

*Step 3*

Determine the claimant's taxable maximum for the part of the week using this formula—

$$\frac{N}{7} \times \text{TMW}$$

where—

N is the number of days in the part of the week for which the claimant is actually paid the income support, and

TMW is the taxable maximum for the whole week determined under step 2.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F1455** S. 668(2A) inserted (with effect in accordance with reg. 2 of the amending S.I.) by The Taxation of Northern Ireland Welfare Supplementary Payments Regulations 2017 (S.I. 2017/338), regs. 1, **10**

## 669 Interpretation

**[**F1456(A1) In sections 665 and 667 "relevant welfare supplementary payment" means a payment to which a person is entitled under–

(a) regulation 8 (when the recipient is entitled to the payment by meeting the condition in regulation 8(2)(c)) or regulation 12 of WSP(LCP)R(NI) 2016, or

(b) regulation 4 , 5 or 6 of WSP(LDRP)R(NI) 2016.**]**

(1) In section 668, except in relation to Northern Ireland—

"applicable amount" means the amount prescribed in relation to income support in regulations made under section 135 of SSCBA 1992;

**[**F1457"couple" has the same meaning as in section 137(1) of SSCBA 1992**]**

(2) In section 668, in relation to Northern Ireland—

"applicable amount" means the amount prescribed in relation to income support in regulations made under section 131 of SSCB(NI)A 1992;

**[**F1458"couple" has the same meaning as in section 133(1) of SSCB(NI)A 1992**]**

(3) In section 668 "relevant couple", in relation to a claimant, means the ... couple of which the claimant is a member.

**Textual Amendments**

**F1456** S. 669(A1) inserted (with effect in accordance with reg. 2 of the amending S.I.) by The Taxation of Northern Ireland Welfare Supplementary Payments Regulations 2017 (S.I. 2017/338), regs. 1, **11**

**F1457** Words in s. 669(1) substituted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **164(a)**

**F1458** Words in s. 669(2) substituted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **164(b)**

*Jobseeker's allowance* ***[****F1459**** and relevant welfare supplementary payments]***

**Textual Amendments**

**F1459** Words in s. 670 cross-heading inserted (with effect in accordance with reg. 2 of the amending S.I.) by The Taxation of Northern Ireland Welfare Supplementary Payments Regulations 2017 (S.I. 2017/338), regs. 1, **12**

## 670 Child maintenance bonus

No liability to income tax arises on a part of a jobseeker's allowance which is attributable to a child maintenance bonus (within the meaning of section 10 of CSA 1995 or Article 4 of CS(NI)O 1995).

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### 671 Amounts in excess of taxable maximum

(1) If the amount of jobseeker's allowance **[**F1460and relevant welfare supplementary payments**]** paid to a person ("the claimant") for a week or a part of a week exceeds the claimant's taxable maximum for that period, no liability to income tax arises on the excess.

(2) The claimant's taxable maximum for a period is determined under sections 672 to 674.

**Textual Amendments**

**F1460** Words in s. 671(1) inserted (with effect in accordance with reg. 2 of the amending S.I.) by The Taxation of Northern Ireland Welfare Supplementary Payments Regulations 2017 (S.I. 2017/338), regs. 1, **13**

### 672 Taxable maximum: general

(1) A claimant's taxable maximum for a week is determined—

(a) under section 673, if the claimant is paid an income-based jobseeker's allowance for that week, or

(b) under section 674, if the claimant is paid a contribution-based jobseeker's allowance for that week.

(2) A claimant's taxable maximum for a part of a week is determined as follows—

*Step 1*

Assume that the jobseeker's allowance is paid to the claimant for the whole of, rather than part of, the week.

*Step 2*

Determine under section 673 or 674 what the claimant's taxable maximum for that week would be on that assumption.

*Step 3*

Determine the claimant's taxable maximum for the part of the week using this formula—

$$\frac{M}{7} \times \text{TMW}$$

where—

N is the number of days in the part of the week for which the claimant is actually paid the jobseeker's allowance, and

TMW is the taxable maximum for the whole week determined under step 2.

### 673 Taxable maximum: income-based jobseeker's allowance

(1) A claimant's taxable maximum for a week is determined under this section if—

(a) the claimant is paid an income-based jobseeker's allowance for that week, or

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(b) the claimant is assumed under section 672(2) to be paid an income-based jobseeker's allowance for that week.

(2) If the claimant is not a member of a ... couple, the claimant's taxable maximum for the week is equal to the age-related amount which would be applicable to the claimant if a contribution-based jobseeker's allowance were payable to the claimant for that week.

(3) If the claimant is a member of a ... couple, the claimant's taxable maximum for the week is equal to the portion of the applicable amount which is included in the jobseeker's allowance in respect of the couple for that week.

(4) But if—

(a) the claimant is a member of a ... couple, and

(b) the other member of that couple is prevented by section 14 of JSA 1995 or Article 16 of JS(NI)O 1995 (trade disputes) from being entitled to a jobseeker's allowance,

the claimant's taxable maximum for that week is equal to half the portion of the applicable amount which is included in the jobseeker's allowance in respect of the couple for that week.

### 674 Taxable maximum: contribution-based jobseeker's allowance

(1) A claimant's taxable maximum for a week is determined under this section if—

(a) the claimant is paid a contribution-based jobseeker's allowance for that week, or

(b) the claimant is assumed under section 672(2) to be paid a contribution-based jobseeker's allowance for that week.

(2) If the claimant is not a member of a ... couple, the claimant's taxable maximum for the week is equal to the age-related amount which is applicable to the claimant for that week.

(3) If the claimant is a member of a ... couple, the claimant's taxable maximum for the week is equal to the portion of the applicable amount which would be included in the jobseeker's allowance in respect of the couple if an income-based jobseeker's allowance were payable to the claimant for that week.

### 675 Interpretation

**[**F1461(A1) In section 671 "relevant welfare supplementary payments" means payments to which a person is entitled under–

(a) regulation 8 (when the recipient is entitled to the payment by meeting the condition in regulation 8(2)(a)) of WSP(LCP)R(NI) 2016, or

(b) regulation 11, 12, 13, 14 or 15 of WSP(LDRP)R(NI) 2016.**]**

(1) In sections 671 to 674, except in relation to Northern Ireland—

"age-related amount" and "applicable amount" mean the amounts determined as such in accordance with regulations made under section 4 of JSA 1995;

...

**[**F1462"contribution-based jobseeker's allowance" means a jobseeker's allowance entitlement to which is based on the claimant satisfying conditions which include those set out in Article 4 of the JS(NI)O 1995;**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

...

**[**F1462"income-based jobseeker's allowance" means a jobseeker's allowance entitlement to which is based on the claimant satisfying conditions which include those set out in Article 5 of the JS(NI)O 1995 or a joint-claim jobseeker's allowance (which means a jobseeker's allowance entitlement to which arises by virtue of Article 3(2B) of the JS(NI)O 1995);**]**

**[**F1463"couple" has the same meaning as in section 35(1) of JSA 1995**]**

(2) In sections 671 to 674, in relation to Northern Ireland—

"age-related amount" and "applicable amount" mean the amounts determined as such in accordance with regulations made under Article 6 of JS(NI)O 1995;

"contribution-based jobseeker's allowance" and "income-based jobseeker's allowance" have the same meaning as in Article 3(4) of JS(NI)O 1995;

**[**F1464"couple" has the same meaning as in Article 2(2) of JS(NI)O 1995**]**

**Textual Amendments**

**F1461** S. 675(A1) inserted (with effect in accordance with reg. 2 of the amending S.I.) by The Taxation of Northern Ireland Welfare Supplementary Payments Regulations 2017 (S.I. 2017/338), regs. 1, **14**

**F1462** Words in s. 675(2) inserted (coming into force in accordance with reg. 1(1) of the amending Rule) by The Universal Credit (Consequential, Supplementary, Incidental and Miscellaneous Provisions) Regulations (Northern Ireland) 2016 (S.R. 2016/236), regs. 1(1), **12(3)(b)**

**F1463** Words in s. 675(1) substituted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **167(a)**

**F1464** Words in s. 675(2) substituted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **167(b)**

*Increases in respect of children*

### 676 Increases in respect of children

No liability to income tax arises on a part of a taxable benefit listed in Table A which is attributable to an increase in respect of a child.

## CHAPTER 5

UK SOCIAL SECURITY BENEFITS WHOLLY EXEMPT FROM INCOME TAX

### 677 UK social security benefits wholly exempt from tax: Table B

(1) No liability to income tax arises on the United Kingdom social security benefits listed in Table B.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## TABLE B—PART 1

## BENEFITS PAYABLE UNDER PRIMARY LEGISLATION [F1465AND NORTHERN IRELAND WELFARE SUPPLEMENTARY PAYMENTS][F1466ETC]

| ***Social security benefit*** | ***Payable under*** | |
|---|---|---|
| [F1467Adult Disability Payment | SS(S)A 2018 | Sections 24 and 31] |
| Attendance allowance | SSCBA 1992<br>SSCB(NI)A 1992 | Section 64<br>Section 64 |
| F1468 | F1468 | F1468 |
| . . . | . . . | . . . |
| F1468 | F1469<br>F1470 | F1469<br>F1470 |
| . . . | . . . | . . . |
| [F1471Bereavement support payment | PA 2014<br>Any provision made for Northern Ireland which corresponds to section 30 of PA 2014 | Section 30] |
| [F1472Best start grant | SS(S)A 2018 | Sections 24 and 32] |
| Child benefit | SSCBA 1992<br>SSCB(NI)A 1992 | Section 141<br>Section 137 |
| F1468 | F1468 | F1468 |
| . . . | . . . | . . . |
| Child tax credit | TCA 2002 | Part 1 |
| F1468 | F1468 | F1468 |
| . . . | . . . | . . . |
| [F1473Disability assistance for children and young people | SS(S)A 2018 | Sections 24 and 31] |
| Disability living allowance | SSCBA 1992<br>SSCB(NI)A 1992 | Section 71<br>Section 71 |
| [F1472Discretionary housing payment | SS(S)A 2018 | Section 88] |
| [F1472Discretionary support award | DSR(NI) 2016 | Regulation 2] |
| [F1472Flexible support fund payment | ETA 1973 | Section 2] |
| [F1472Funeral expense assistance | SS(S)A 2018 | Sections 24 and 35] |
| Guardian's allowance | SSCBA 1992<br>SSCB(NI)A 1992 | Section 77<br>Section 77 |
| F1468 | F1468 | F1468 |

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

| | | |
|---|---|---|
| . . . | . . . | . . . |
| Housing benefit | SSCBA 1992<br>SSCB(NI)A 1992 | Section 130<br>Section 129 |
| **F1468** | **F1468** | **F1468** |
| . . . | . . . | . . . |
| **F1468** | **F1468** | **F1468** |
| . . . | . . . | . . . |
| In-work emergency fund payment | ETA(NI) 1950 | Section 1 |
| **[**[F1474]Income-related employment and support allowance | WRA 2007 | Section 1(2)(b) |
| | Any provision made for Northern Ireland which corresponds to section 1(2)(b) of WRA 2007**]** | |
| Industrial injuries benefit (apart from industrial death benefit) | SSCBA 1992<br>SSCB(NI)A 1992 | Section 94<br>Section 94 |
| **[**[F1473]Job start | ETA 1973 | Section 2**]** |
| **[**[F1475]Payments made under the Parental Transitions Support scheme | LGSA 2003 | Section 20**]** |
| Payments out of the social fund | SSCB(NI)A 1992 | Section 138 |
| | SSCBA 1992 | Section 134 |
| **[**[F1476]Payments to secure the provision of food and drink, free of charge, to a person to whom a school lunch must be provided under section 53(2) of the Education (Scotland) Act 1980 , Article 58 of the Education and Libraries (Northern Ireland) Order 1986 , section 512(3) of the Education Act 1996 or Article 15(2) of the Further Education (Northern Ireland) Order 1997 | SW(S)A 1968 | Section 12 |
| | C(S)A 1995 | Section 22 |
| | LGSA 2003 | Section 20 |
| | GOWA 2006 | Section 60 |
| | FPA(NI) 2009 | Section 4 |

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

| | | |
|---|---|---|
| | LGE(W)A 2021 | Section 24**]** |
| **[**F1472Payment under a council tax reduction scheme: England | LGFA 1992 | Section 13A(2)**]** |
| **[**F1477Pension Age Disability Payment | SS(S)A 2018 | Sections 24 and 31**]** |
| Pensioner's Christmas bonus | SSCBA 1992<br>SSCB(NI)A 1992 | Section 148<br>Section 144 |
| **[**F1478Personal independence payment | WRA 2012 | Section 77 |
| | Any provision made for Northern Ireland which corresponds to section 77 of WRA 2012**]** | |
| F1468 | F1468 | F1468 |
| . . . | . . . | . . . |
| **[**F1479Scottish Adult Disability Living Allowance | SS(S)A 2018 | Sections 24 and 31**]** |
| Severe disablement allowance | SSCBA 1992<br>SSCB(NI)A 1992 | Section 68<br>Section 68 |
| **[**F1480Short-term assistance F1481 | SS(S)A 2018 F1482 | Section 36**]** |
| **[**F1483State maternity allowance | SSCBA 1992 | Section 35 or 35B |
| | Any provision made for Northern Ireland which corresponds to section 35 or 35B of SSCBA 1992**]** | |
| State pension credit | SPCA 2002<br>SPCA(NI) 2002 | Section 1<br>Section 1 |
| **[**F1484Universal credit | WRA 2012 | Part 1 |
| | Any provision made for Northern Ireland which corresponds to Part 1 of WRA 2012**]** | |
| **[**F1485Welfare supplementary payment payable pursuant a reduction of the amount payable of housing benefit | HB(WSP)R(NI) 2017 | Regulation 2 |
| | WSPR(NI) 2016 | Regulation 4 |
| Welfare supplementary payment payable pursuant to a reduction of the amount payable of employment and support allowance | WSP(LCP)R(NI) 2016 | Regulation 8 (when the recipient is entitled to the payment by meeting the condition in regulation 8(2)(b)) |
| | SP(LDRP)R(NI) 2016 | Regulation 20, 21 or 22 |

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

| | | |
|---|---|---|
| Welfare supplementary payment payable pursuant to the loss of disability living allowance | WSP(LDLA)R(NI) 2016 | Regulation 4, 8, 13 or 14 |
| Welfare supplementary payment payable pursuant to a reduction in the amount payable of state pension credit | WSP(LCP)R(NI) 2016 | Regulation 16 |
| Welfare supplementary payment payable pursuant to a reduction in the amount payable of working tax credit | WSP(LDRP)R(NI) 2016 | Regulation 27 or 28 |
| Welfare supplementary payment payable pursuant to a reduction in the amount payable of state pension tax credit | WSP(LDRP)R(NI) 2016 | Regulation 33 or 34**]** |
| **[**F1486Winter heating assistance | SS(S)A 2018 | Section 30**]** |
| F1487 | | |
| Working tax credit | TCA 2002 | Part 1 |
| **[**F1472Young carer grant | SS(S)A 2018 | Sections 24 and 28**]** |

TABLE B — PART 2

BENEFITS PAYABLE UNDER REGULATIONS

| ***Social security benefit*** | ***Payable under regulations made under*** | |
|---|---|---|
| F1488 | F1488 | F1488 |
| . . . | . . . | . . . |
| **[**F1489Carer's Additional Person Payment | CA(CSP)(S)R 2023 | Regulation 14B**]** |
| **[**F1490Discretionary housing payment | CSPSSA 2000 | Section 69**]** |
| **[**F1491Payments made under the Best Start Foods scheme | SSA 1988 | Section 13**]** |
| **[**F1492Payments made under the Healthy Start scheme | SSA 1988 | Section 13**]** |

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

| | | |
|---|---|---|
| Payments to reduce under-occupation by housing benefit claimants | WRPA 1999<br>WRP(NI)O 1999 | Section 79<br>Article 70 |
| **[**[F1493]Payments to secure the provision of food and drink, free of charge, to a person to whom a school lunch must be provided under Article 58 of the Education and Libraries (Northern Ireland) Order 1986 or Article 15(2) of the Further Education (Northern Ireland) Order 1997 | FAA(NI) 2009 | Section 2**]** |
| **[**[F1490]Payment under a council tax reduction scheme: Wales | LGFA 1992 | Section 13A(4)**]** |
| **[**[F1494]Scottish child payment | SS(S)A 2018 | Section 79**]** |

(2) Industrial death benefit is charged to tax under Part 9 (see section 577).

(3) In this section "industrial death benefit" means any benefit payable under—

(a) section 94 of, and Part 6 of Schedule 7 to, SSCBA 1992, or

(b) section 94 of, and Part 6 of Schedule 7 to, SSCB(NI)A 1992.

**Textual Amendments**

**F1465** Words in s. 677(1) inserted (with effect in accordance with reg. 2 of the amending S.I.) by The Taxation of Northern Ireland Welfare Supplementary Payments Regulations 2017 (S.I. 2017/338), regs. 1, **15(a)**

**F1466** Word in s. 677(1) Table B Pt. 1 heading inserted (12.2.2019) by Finance Act 2019 (c. 1), **s. 12(6)**

**F1467** Words in s. 677(1) Table B Pt. 1 inserted (with effect in accordance with reg. 3 of the amending S.I.) by The Income Tax (Exemption of Social Security Benefits) Regulations 2022 (S.I. 2022/529), regs. 1(1), **2**

**F1468** Words in s. 677 Table B omitted (18.3.2026) by virtue of Finance Act 2026 (c. 11), **s. 280(2)**

**F1469** Words in s. 677(1) Table B Pt. 1 omitted (6.4.2017) by virtue of Pensions Act 2014 (c. 19), s. 56(1), **Sch. 16 para. 48**; S.I. 2017/297, art. 3(2) (with arts. 4, 5)

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F1470** Words in s. 677(1) Table B Pt. 1 omitted (N.I.) (6.4.2017) by virtue of Pensions Act (Northern Ireland) 2015 (c. 5), s. 53(1), **Sch. 16 para. 47**; S.R. 2017/44, art. 2(2) (with arts. 3, 4)

**F1471** Words in s. 677(1) inserted (with effect in accordance with s. 16(4) of the amending Act) by Finance Act 2015 (c. 11), **s. 16(2)**

**F1472** Words in s. 677(1) Table B Pt. 1 inserted (12.2.2019) by Finance Act 2019 (c. 1), **s. 12(5)**

**F1473** Words in s. 677(1) Table B Pt. 1 inserted (6.4.2020 with effect in relation to the tax year 2020-21 and subsequent tax years) by Finance Act 2020 (c. 14), **s. 12(2)**(4)

**F1474** Words in s. 677(1) Table B Pt. 1 inserted (18.3.2008 for specified purposes) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 24(5)**; S.I. 2008/787, art. 2(1), Sch.

**F1475** Words in s. 677(1) Table B Pt. 1 inserted (1.4.2024) by The Income Tax (Exemption of Social Security Benefits) Regulations 2024 (S.I. 2024/287), regs. 1(1), **2(2)**

**F1476** Words in s. 677(1) Table B Pt. 1 inserted (with effect in accordance with reg. 3(4) of the amending S.I.) by The Income Tax (Tax Treatment of Carer Support Payment and Exemption of Social Security Benefits) Regulations 2023 (S.I. 2023/1148), regs. 1(1), **3(2)(a)**

**F1477** Words in s. 677(1) Table B Pt. 1 inserted (21.10.2024) by The Income Tax (Exemption of Social Security Benefits) (No. 2) Regulations 2024 (S.I. 2024/901), regs. 1, **2(2)**

**F1478** Words in s. 677(1) Table B Pt. 1 inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 9 para. 49**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2

**F1479** Words in s. 677(1) Table B Pt. 1 inserted (19.3.2025) by The Income Tax (Exemption of Scottish Adult Disability Living Allowance) Regulations 2025 (S.I. 2025/212), regs. 1, **2**

**F1480** Words in s. 677(1) Table B Pt. 1 inserted (with effect in accordance with reg. 3 of the amending S.I.) by The Income Tax (Exemption of Social Security Benefits) Regulations 2021 (S.I. 2021/1341), regs. 1(1), **2(a)**

**F1481** At present, the Scottish Ministers have only legislated in relation to eligibility to short-term assistance in cases where, generally, a decision about an individual's entitlement to child disability payment has been superseded, or the individual is awaiting a re-determination or appeal about child disability payment to be decided. The relevant rules are contained in the Disability Assistance for Children and Young People (Scotland) Regulations 2021 (S.S.I. 2021/174), which came into force on 26 July 2021.

**F1482** This abbreviation is defined, in Part 1 of Schedule 1 to ITEPA, as Social Security (Scotland) Act 2018.

**F1483** Words in s. 677(1) Table B Pt. 1 substituted (1.4.2014) by The Social Security (Maternity Allowance) (Participating Wife or Civil Partner of Self-employed Earner) Regulations 2014 (S.I. 2014/606), regs. 1(2), **3**

**F1484** Words in s. 677(1) Table B Pt. 1 inserted (with effect in accordance with s. 13(2) of the amending Act) by Finance Act 2013 (c. 29), **s. 13(1)**

**F1485** Words in s. 677(1) Table B Pt. 1 inserted (with effect in accordance with reg. 2 of the amending S.I.) by The Taxation of Northern Ireland Welfare Supplementary Payments Regulations 2017 (S.I. 2017/338), regs. 1, **15(b)**

**F1486** Words in s. 677(1) Table B Pt. 1 inserted (with effect in accordance with reg. 4 of the amending S.I.) by The Income Tax (Exemption of Social Security Benefits) Regulations 2021 (S.I. 2021/1341), regs. 1(1), **2(b)**

**F1487** At present, the Scottish Ministers have only legislated in relation to eligibility to winter heating assistance for children and young people. The eligibility rules are set out in the Winter Heating Assistance for Children and Young People (Scotland) Regulations 2020 (S.S.I. 2020/352), which came into force on 9 November 2020.

**F1488** Words in s. 677(1) Table B Pt. 2 repealed (22.7.2004) by Finance Act 2004 (c. 12), Sch. 17 para. 9(5), **Sch. 42 Pt. 2(12)**

**F1489** Words in s. 677(1) Table B Pt. 2 inserted (15.3.2026) by The Income Tax (Tax Treatment of Scottish Carer Supplement and Exemption of Carer's Additional Person Payment) Regulations 2026 (S.I. 2026/93), regs. 1, **2(5)**

**F1490** Words in s. 677(1) Table B Pt. 2 inserted (12.2.2019) by Finance Act 2019 (c. 1), **s. 12(7)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F1491** Words in s. 677(1) Table B Pt. 2 inserted (with effect in accordance with reg. 3(4) of the amending S.I.) by The Income Tax (Tax Treatment of Carer Support Payment and Exemption of Social Security Benefits) Regulations 2023 (S.I. 2023/1148), regs. 1(1), **3(2)(b)**

**F1492** Words in s. 677(1) Table B Pt. 2 inserted (with effect in accordance with reg. 3(5) of the amending S.I.) by The Income Tax (Tax Treatment of Carer Support Payment and Exemption of Social Security Benefits) Regulations 2023 (S.I. 2023/1148), regs. 1(1), **3(2)(c)**

**F1493** Words in s. 677(1) Table B Pt. 2 inserted (with effect in accordance with reg. 3(4) of the amending S.I.) by The Income Tax (Tax Treatment of Carer Support Payment and Exemption of Social Security Benefits) Regulations 2023 (S.I. 2023/1148), regs. 1(1), **3(2)(d)**

**F1494** Words in s. 677(1) Table B Pt. 2 inserted (6.4.2020 with effect in relation to the tax year 2020-21 and subsequent tax years) by Finance Act 2020 (c. 14), **s. 12(3)**(4)

## CHAPTER 6

TAXABLE FOREIGN BENEFITS

### 678 Taxable benefits: foreign benefits

(1) This section applies to any benefit which is payable under the law of a country or territory outside the United Kingdom if—

(a) it is substantially similar in character to a benefit listed in Table A, and

(b) it is payable to a person resident in the United Kingdom.

(2) But this section does not apply to a benefit which is charged to tax under Part 9 (pension income).

### 679 Taxable social security income

(1) If section 678 applies, the taxable social security income for a taxable benefit for a tax year is **[**F1495the full amount of the social security income arising in the tax year, but subject to subsection (2).**]**

**[**F1496(2) That income is treated as relevant foreign income for the purposes of Chapters 2 and 3 of Part 8 of ITTOIA 2005 (relevant foreign income: remittance basis and deductions and reliefs).

(3) See also Chapter 4 of that Part (unremittable income).**]**

**Textual Amendments**

**F1495** Words in s. 679(1) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 613(2)** (with Sch. 2)

**F1496** S. 679(2)(3) substituted for s. 679(2) (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 613(3)** (with Sch. 2)

### 680 Person liable for tax

The person liable for any tax charged under this Part on a benefit to which section 678 applies is the person receiving or entitled to the benefit.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## CHAPTER 7

TAXABLE AND OTHER FOREIGN BENEFITS: EXEMPTIONS

### 681 Taxable and other foreign benefits: exemptions

(1) No liability to income tax arises on a taxable foreign benefit if, or to the extent that, the corresponding UK benefit is exempt income.

(2) No liability to income tax arises on a benefit which is payable under the law of a country or territory outside the United Kingdom if it is substantially similar in character to a United Kingdom social security benefit listed in Table B.

(3) In this section—

"taxable foreign benefit" means a benefit to which section 678 applies;

"corresponding UK benefit", in relation to a taxable foreign benefit, means the taxable benefit listed in Table A to which the foreign benefit is substantially similar in character (see section 678).

### [F1497 681A Foreign benefits of consular employees

(1) No liability to income tax arises in respect of any benefit to which section 678 applies of a consular officer or employee in the United Kingdom for a foreign state if—

(a) Her Majesty by Order in Council directs that this section applies to the foreign state for the purpose of giving effect to a reciprocal arrangement with that state, and

(b) the officer or employee meets conditions A to C.

(2) Condition A is that the officer or employee is not—

(a) a British citizen,

(b) a British overseas territories citizen,

(c) a British National (Overseas), or

(d) a British Overseas citizen.

(3) Condition B is that the officer or employee is not engaged in any trade, profession, vocation or employment in the United Kingdom, otherwise than as a consular officer or employee of the state in question.

**[**F1498(4) Condition C is that—

(a) the officer or employee is a permanent employee of that state, or

(b) the officer or employee was non-UK resident for each of the 2 tax years preceding the tax year in which the officer or employee became a consular officer or employee in the United Kingdom of that state.**]**

(5) In this section—

"consular officer or employee" includes any person employed for the purposes of the official business of a consular officer at—

(a) any consulate,

(b) any consular establishment, or

(c) any other premises used for those purposes, and

"reciprocal agreement" has the same meaning as in section 302.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) Section 302(5) to (7) apply to an Order under subsection (1) and the operation of this section as they apply to an Order under section 302(1) and the operation of section 302.**]**

**Textual Amendments**

**F1497** S. 681A inserted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 614** (with Sch. 2)

**F1498** S. 681A(4) substituted (with effect in accordance with Sch. 46 para. 72 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 39(1)** (with Sch. 46 para. 39(2))

## **[F1499CHAPTER 8**

HIGH INCOME CHILD BENEFIT CHARGE

**Textual Amendments**

**F1499** Pt. 10 Ch. 8 inserted (with effect in accordance with Sch. 1 para. 7 of the amending Act) by Finance Act 2012 (c. 14), **Sch. 1 para. 1**

### 681B High income child benefit charge

(1) A person ("P") is liable to a charge to income tax for a tax year if—

(a) P's adjusted net income for the year exceeds **[F1500**£60,000**]**, and

(b) one or both of conditions A and B are met.

(2) The charge is to be known as a "high income child benefit charge".

(3) Condition A is that—

(a) P is entitled to an amount in respect of child benefit for a week in the tax year, and

(b) there is no other person who is a partner of P throughout the week and has an adjusted net income for the year which exceeds that of P.

(4) Condition B is that—

(a) a person ("Q") other than P is entitled to an amount in respect of child benefit for a week in the tax year,

(b) Q is a partner of P throughout the week, and

(c) P has an adjusted net income for the year which exceeds that of Q.

**Textual Amendments**

**F1500** Sum in s. 681B(1)(a) substituted (6.4.2024 for the tax year 2024-25 and subsequent years) by Finance (No. 2) Act 2024 (c. 12), **s. 5(1)(3)** (with s. 5(4)-(7))

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### 681C The amount of the charge

(1) The amount of the high income child benefit charge to which a person ("P") is liable for a tax year is the appropriate percentage of the total of—

(a) any amounts in relation to which condition A is met, and

(b) any amounts in relation to which condition B is met.

For conditions A and B, see section 681B.

(2) "The appropriate percentage" is—

(a) 100%, or

(b) if less, the percentage determined by the formula—

ANI – L X %

Where—

ANI is P's adjusted net income for the tax year;

L is **[**F1501£60,000**]**;

X is **[**F1502£200**]**.

(3) If—

(a) the total of the amounts mentioned in paragraphs (a) and (b) of subsection (1), or the amount of the charge determined under that subsection, is not a whole number of pounds, or

(b) the percentage determined under subsection (2)(b) is not a whole number,

it is to be rounded down to the nearest whole number.

**Textual Amendments**

**F1501** Sum in s. 681C(2)(b) substituted (6.4.2024 for the tax year 2024-25 and subsequent years) by Finance (No. 2) Act 2024 (c. 12), **s. 5(1)(3)** (with s. 5(4)-(7))

**F1502** Sum in s. 681C(2)(b) substituted (6.4.2024 for the tax year 2024-25 and subsequent years) by Finance (No. 2) Act 2024 (c. 12), **s. 5(2)(3)** (with s. 5(4)-(7))

### 681D Extension of charge in cases where child not living with claimant

(1) This section applies where—

(a) a person ("R") is entitled to an amount in respect of child benefit for a child for a week in a tax year by virtue of section 143(1)(b) of SSCBA 1992 or section 139(1)(b) of SSCB(NI)A 1992 (persons contributing to the cost of providing for a child),

(b) neither R, nor any person who is a partner of R throughout that week, is liable for a charge to income tax in respect of that amount under section 681B, and

(c) there is another person ("S") who, for the purposes of section 143(1)(a) of SSCBA 1992 or section 139(1)(a) of SSCB(NI)A 1992 (persons with whom child is living), is a person who has the child living with him or her in that week.

(2) Section 681B applies as if S were entitled to the amount of child benefit mentioned in subsection (1)(a).

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(3) Where there is more than one person to whom subsection (1)(c) applies in relation to an amount of child benefit for a week, subsection (2) applies only to the one with the highest adjusted net income for the tax year.

(4) For the purposes of subsection (1)(a), an amount of child benefit to which R is entitled for a week is to be ignored if—

(a) the period (which includes that week) for which R is entitled to child benefit by virtue of section 143(1)(b) of SSCBA 1992 or section 139(1)(b) of SSCB(NI)A 1992 in respect of the same child does not exceed 52 weeks, and

(b) R is entitled to child benefit in respect of the child for the week immediately before and the week immediately after that period by virtue of section 143(1)(a) of SSCBA 1992 or section 139(1)(a) of SSCB(NI)A 1992.

(5) In this section "child" means—

(a) a child within the meaning of section 142 of SSCBA 1992 or section 138 of SSCB(NI)A 1992, or

(b) a qualifying young person within the meaning of either of those sections.

### 681E Special cases

(1) The following amounts are to be disregarded for the purposes of this Chapter—

(a) amounts to which a person is entitled but in respect of which an election under section 13A of the Social Security Administration Act 1992 or section 11A of the Social Security Administration (Northern Ireland) Act 1992 (election for payment of child benefit not to be made if high income child benefit charge would be triggered) has effect;

(b) amounts to which a person is entitled by virtue of section 145A of SSCBA 1992 or section 141A of SSCB(NI)A 1992 (entitlement to child benefit after death of child or qualifying young person).

(2) Subsection (3) applies if—

(a) a person ("T") is entitled to an amount in respect of child benefit for a week in a tax year or is treated as so entitled by virtue of section 681D(2),

(b) two or more other persons are partners of T throughout the week, and

(c) two or more of those persons would, apart from subsection (3), each be liable to a charge under section 681B(1) in relation to that amount.

(3) Only one of those persons is liable, namely the person with the highest adjusted net income for the tax year.

### 681F Alteration of income limit etc by Treasury order

(1) The Treasury may by order—

(a) substitute another amount for the amount for the time being specified in section 681B(1)(a) and defined as "L" in section 681C(2), or

(b) substitute another amount for the amount defined as "X" in section 681C(2).

(2) An order under this section has effect for tax years beginning after the order is made.

(3) A statutory instrument containing an order under this section which increases any person's liability to income tax may not be made unless a draft of it has been laid before and approved by a resolution of the House of Commons.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### 681G Meaning of "partner"

(1) For the purposes of this Chapter a person is a "partner" of another person at any time if **[**F1503either condition A or condition B**]** is met at that time.

(2) Condition A is that the persons are **[**F1504married to, or civil partners of,**]** each other and are neither—

(a) separated under a court order, nor

(b) separated in circumstances in which the separation is likely to be permanent.

(3) Condition B is that the persons are **[**F1505not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners**]**.

(4) . . . . . .

(5) . . . . . .

**Textual Amendments**

**F1503** Words in s. 681G(1) substituted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 25(5)(a)**

**F1504** Words in s. 681G(2) substituted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 25(5)(b)**

**F1505** Words in s. 681G(3) substituted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), reg. 1(2), **Sch. 3 para. 25(5)(c)**

### 681H Other interpretation provisions

(1) This section applies for the purposes of this Chapter.

(2) "Adjusted net income" of a person for a tax year means the person's adjusted net income for that tax year as determined under section 58 of ITA 2007.

(3) "Week" means a period of 7 days beginning with a Monday; and a week is in a tax year if (and only if) the Monday with which it begins is in the tax year.**]**

## **[**F1506CHAPTER 9

WINTER FUEL PAYMENT CHARGE

**Textual Amendments**

**F1506** Pt. 10 Ch. 9 inserted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2026 (c. 11), **Sch. 10 paras. 1(4)**, 5

### 681I Winter fuel payment charge

(1) A person ("P") is liable to a charge to income tax for a tax year if—

(a) P is entitled to a winter fuel payment in respect of the qualifying week, and

(b) P's total income for the tax year exceeds £35,000.

(2) The charge is to be known as the "winter fuel payment charge".

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) The amount of the charge is equal to the amount of the winter fuel payment.

(4) But P is not liable for the charge if P is entitled to a relevant benefit on any day in the qualifying week.

(5) The following are "relevant benefits"—

(a) income support under section 124 of SSCBA 1992 or section 123 of SSCB(NI)A 1992;

(b) an income-based jobseeker's allowance under section 1 of JSA 1995 or Article 3 of JS(NI)O 1995;

(c) state pension credit under section 1 of SPCA 2002 or section 1 of SPCA(NI) 2002;

(d) an income-related employment and support allowance under section 1(2)(b) of WRA 2007 or Part 1 of the Welfare Reform Act (Northern Ireland) 2007;

(e) universal credit under Part 1 of WRA 2012 or Part 2 of the Welfare Reform (Northern Ireland) Order 2015.

(6) In this section—

(a) a "winter fuel payment" means a payment under the Social Fund Winter Fuel Payment Regulations 2025, the Winter Heating Assistance (Pension Age) (Scotland) Regulations 2024 or the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2025;

(b) the "qualifying week", in relation to a tax year, means the week beginning on the third Monday in the September of that tax year.

### 681J Alteration of income limit by Treasury order

(1) The Treasury may by order substitute another amount for the amount for the time being specified in section 681I(1)(b).

(2) An order under this section has effect for tax years beginning after the order is made.

(3) A statutory instrument containing an order under this section which increases any person's liability to income tax may not be made unless a draft of it has been laid before and approved by a resolution of the House of Commons.**]**

## PART 11

PAY AS YOU EARN

**Modifications etc. (not altering text)**

**C63** Pt. 11 power to amend or repeal conferred (21.7.2009) by Finance Act 2009 (c. 10), **Sch. 58 para. 10**

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## CHAPTER 1

INTRODUCTION

### 682 Scope of this Part

(1) This Part provides for the assessment, collection and recovery of income tax in respect of PAYE income **[**F1507and includes provision in respect of the deduction of certain other amounts from, and the repayment of certain other amounts with, PAYE income**]**.

(2) The provisions of this Part are contained in—

this Chapter (which gives the meaning of "PAYE income"),

Chapter 2 (PAYE: general),

Chapter 3 (PAYE: special types of payer or payee),

Chapter 4 (PAYE: special types of income),

Chapter 5 (PAYE settlement agreements), and

Chapter 6 (miscellaneous and supplemental).

(3) Provision for PAYE regulations is made by Chapters 2 to 6.

**Textual Amendments**

**F1507** Words in s. 682(1) inserted (21.7.2009) by Finance Act 2009 (c. 10), **Sch. 58 para. 9(2)**

### 683 PAYE income

(1) For the purposes of this Act and any other enactment (whenever passed) "PAYE income" for a tax year consists of—

(a) any PAYE employment income for the year,

(b) any PAYE pension income for the year, and

(c) any PAYE social security income for the year.

(2) "PAYE employment income" for a tax year means income which consists of—

(a) any taxable earnings from an employment in the year (determined in accordance with section 10(2)), and

(b) any taxable specific income from an employment for the year (determined in accordance with section 10(3)).

(3) "PAYE pension income" for a tax year means, subject to **[**F1508subsections (3A) **[**F1509to **[**F1510(3D)**]]**, taxable pension income for the year determined in accordance with any of the following provisions—

section 571 (United Kingdom pensions),

section 578 (United Kingdom social security pensions),

**[**F1511section 579B (pension under registered pension scheme),**]**

**[**F1512section 612, so far as relating to annuities to which section 610 applies (annuities under non-registered occupational pension schemes),**]**

section 616 (certain overseas government pensions paid in the United Kingdom),

section 621 (the House of Commons Members' Fund),

section 634 (voluntary annual payments).

**[**F1513section 637B (tax treatment of pension commencement excess lump sums),

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section 637G (tax treatment of trivial commutation lump sums and winding-up lump sums),

section 637N (trivial commutation lump sum death benefits).**]**

**[**F1514(3ZA) PAYE employment income" for a tax year does not include any taxable specific income treated as paid or received in that tax year by section 394A or 554Z4A (temporary non-residents).**]**

**[**F1515(3A) "PAYE pension income" for a tax year also includes any social security pension lump sum (within the meaning of section 7 of F(No.2)A 2005) in respect of which a charge to income tax arises under that section for that tax year.**]**

**[**F1516(3B) PAYE pension income" for a tax year does not include any taxable pension income that is treated as accruing in that tax year by section 572A or 579CA (temporary non-residents) **[**F1517or section 579CB (inheritance tax overpaid by scheme administrator: refund treated as pension)**]**.**]**

**[**F1518(3C) PAYE pension income" for a tax year does not include any taxable pension income that is treated as accruing in that tax year by virtue of **[**F1519Chapter 15A of Part 9 (pension income: lump sums under registered pension schemes)**]** so far as having effect as applied by **[**F1520paragraph 1(3)(e)**]** of Schedule 34 to FA 2004.**]**

**[**F1521(3D) "PAYE pension income" for a tax year does not include any amount to which section 579A applies by virtue of any of the following provisions—

section 637H(2) (certain defined benefits lump sum death benefits),

section 637I(2) (certain pension protection lump sum death benefits),

section 637J(2) (certain uncrystallised funds lump sum death benefits),

section 637K(2) (certain annuity protection lump sum death benefits),

section 637L(2) (certain drawdown pension fund lump sum death benefits),

section 637M(2) (certain flexi-access drawdown lump sum death benefits).**]**

(4) . . . . . .

(5) "PAYE social security income" for a tax year means taxable social security income for the year determined in accordance with section 658(4) or (5) (taxable United Kingdom social security benefits).

**Textual Amendments**

**F1508** Words in s. 683(3) substituted (with effect in accordance with Sch. 16 para. 85 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 16 para. 60(2)**

**F1509** Words in s. 683(3) substituted (with effect in accordance with s. 22(12) of the amending Act) by Finance (No. 2) Act 2015 (c. 33), **s. 22(8)(a)**

**F1510** Word in s. 683(3) substituted (18.11.2024 for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **4(2)(a)**

**F1511** Words in s. 683(3) substituted (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 31 para. 14(2)** (with Sch. 36)

**F1512** Words in s. 683(3) inserted (6.4.2007) by Finance Act 2005 (c. 7), **Sch. 10 paras. 60**, 64(2)

**F1513** Words in s. 683(3) substituted (18.11.2024 for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **4(2)(b)**

**F1514** S. 683(3ZA) inserted (with effect in accordance with Sch. 45 para. 153(3) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 130(2)**

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**F1515** S. 683(3A) inserted (20.7.2005) by Finance (No. 2) Act 2005 (c. 22), **s. 10(4)**

**F1516** S. 683(3B) substituted (with effect in accordance with Sch. 45 para. 153(3) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 130(3)**

**F1517** Words in s. 683(3B) inserted (with application in accordance with s. 71 of the amending Act) by Finance Act 2026 (c. 11), **ss. 70(6)**, 71

**F1518** S. 683(3C) inserted (with effect in accordance with s. 22(12) of the amending Act) by Finance (No. 2) Act 2015 (c. 33), **s. 22(8)(b)**

**F1519** Words in s. 683(3C) substituted (18.11.2024 for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **4(3)(a)**

**F1520** Words in s. 683(3C) substituted (18.11.2024 for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **4(3)(b)**

**F1521** S. 683(3D) inserted (18.11.2024 for the tax year 2024-25 and subsequent tax years) by The Pensions (Abolition of Lifetime Allowance Charge etc) (No. 2) Regulations 2024 (S.I. 2024/1012), regs. 1(2)(3), **4(4)**

## CHAPTER 2

PAYE: GENERAL

### 684 PAYE regulations

(1) **[**F104The Commissioners ...**]** must make regulations ("PAYE regulations") with respect to the assessment, charge, collection and recovery of income tax in respect of all PAYE income.

(2) **[**F1522The provision that may be made in PAYE regulations includes**]** any such provision as is set out in the following list.

LIST OF PROVISIONS

1. Provision—

(a) for requiring persons making payments of, or on account of, PAYE income to make, at the **[**F1523relevant time**]**, deductions or repayments of income tax calculated by reference to tax tables prepared by **[**F104the Commissioners ...**]**, and

(b) for making persons who are required to make any such deductions or repayments accountable to or, as the case may be, entitled to repayment from the Board.

**[**F1524"The relevant time" is—

(a) if the payment is a notional payment for the purposes of section 710 and the person is treated by virtue of any Act as making it at a time before the date on which the Act is passed, that date, and

(b) in any other case, the time when the payment is made.**]**

1ZA **[**F1525Provision—

(a) for authorising a person ("P"), in a case where the PAYE income of an employee (whether an employee of P or of another person) includes an amount charged to tax under any of **[**F1526Chapters 3 to 10**]** of Part 3 in respect of the provision of a benefit of a specified kind—

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(i) to make deductions of income tax in respect of the benefit from any payment or payments actually made of, or on account of, PAYE income of the employee, or

(ii) to make repayments of such income tax,

(b) for any such deductions or repayments to be made at a specified time,

(c) for the amount of any such deductions or repayments to be calculated in accordance with the regulations,

(d) for the provision of the benefit to be treated for specified purposes as a payment of PAYE income, and

(e) for making persons who make any such deductions or repayments accountable to or, as the case may be, entitled to repayment from the Commissioners.**]**

1A. **[**[F1527]Provision—

(a) for deductions to be made, if and to the extent that the payee does not object, with a view to securing that income tax payable in respect of any income of a payee for a tax year which is not PAYE income is deducted from PAYE income of the payee paid during that year; and

(b) as to the circumstances and manner in which a payee may object to the making of deductions.

2. Provision—

(a) for repayments or deductions to be made, if and to the extent that the payee does not object, in respect of any amounts overpaid or **[**[F1528](or treated as overpaid) on account of, or any amounts other than relevant debts remaining unpaid (or treated as remaining unpaid)**]** on account of—

(i) income tax in respect of income for a previous tax year, or

(ii) capital gains tax in respect of chargeable gains for such a year; and

(b) as to the circumstances in which repayments or deductions may be made, and the circumstances and manner in which a payee may object to the making of repayments or deductions.

2ZA. **[**[F1529] Provision—

(a) for deductions to be made, if and to the extent that the payee does not object, with a view to securing that income tax payable for a tax year by the payee by virtue of section 681B (high income child benefit charge) is deducted from PAYE income of the payee paid during that year,

(b) for repayments to be made in a tax year, if and to the extent that the payee does not object, in respect of any amounts overpaid on account of income tax under that section for that tax year, and

(c) as to the circumstances and manner in which a payee may object to the making of deductions or repayments.**]**

2ZB. **[**[F1530]Provision—

(a) for deductions to be made, if and to the extent that the payee does not object, with a view to securing that income tax payable for a tax year by the payee by virtue of section 681I (winter fuel payment charge) is deducted from PAYE income of the payee paid during that year,

(b) for repayments to be made in a tax year, if and to the extent that the payee does not object, in respect of any amounts overpaid on account of income tax under that section for that tax year, and

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(c) as to the circumstances and manner in which a payee may object to the making of deductions or repayments.**]**

2A. **[**[F1531]Provision—

(a) for deductions to be made in respect of relevant debts of a payee,

(b) as to the circumstances in which such deductions may be made, and

(c) where such deductions are made, as to the date on which the relevant debts are to be treated as paid.**]**

3. Provision for the production to, and inspection by, persons authorised by the Board of wages sheets and other documents and records for the purposes of satisfying themselves that **[**[F1532]amounts have been and are**]** being deducted, repaid and accounted for in accordance with the regulations.

4. Provision for requiring an employer or former employer to provide any information, within a prescribed time, about payments or other benefits provided or to be provided, including those provided or to be provided in connection with—

(a) the termination of a person's employment, or

(b) a change in the duties of or general earnings from a person's employment.

4ZA. **[**[F1533]Provision—

(a) for authorising or requiring a person who provides with respect to payments of or on account of PAYE income a service that is specified or of a specified description ("a relevant payment service") to supply to Her Majesty's Revenue and Customs information about payments with respect to which the service is provided, or any information the Commissioners may request about features of the service provided or to be provided with respect to particular payments;

(b) for conferring power on the Commissioners to specify by directions circumstances in which provision made by virtue of paragraph (a) or subsection (4ZB) is not to apply in relation to a payment;

(c) for securing that a supply of information that is authorised by regulations under paragraph (a) is not treated as breaching any obligation of confidence owed in respect of the information by the person supplying it;

(d) for prohibiting or restricting the disclosure, otherwise than to Her Majesty's Revenue and Customs, of information by a person to whom it was supplied pursuant to a requirement imposed by virtue of subsection (4ZB);

(e) for requiring a person who provides, or is to provide, a relevant payment service to take steps (including any steps that may be specified, or further specified, in accordance with item 8A(b)) for facilitating the meeting by persons making payments of obligations imposed by virtue of subsection (4ZB).**]**

4A. **[**[F1534] Provision authorising the recovery from the payee rather than the payer of any amount that an officer of Revenue and Customs**]** considers should have been deducted by the payer.**]**

4B. **[**[F1535]Provision for and in connection with requiring the giving, in specified circumstances, of security (or further security) for the payment of amounts in respect of which a person is or may be accountable to the Commissioners under the regulations.**]**

5. Provision for the way in which any matters provided for by the regulations are to be proved.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

6. Provision—
   (a) for requiring the payment of interest on sums due to the Board which are not paid by the due date,
   (b) for determining the date (being not less than 14 days after the end of the tax year in respect of which the sums are due) from which such interest is to be calculated, and
   (c) for enabling the repayment or remission of such interest **[**F1536or interest under section 101 of FA 2009**]**.
7. Provision for requiring the payment of interest on sums due from the Board and for determining the date from which such interest is to be calculated.

7ZA. **[**F1537Provision in connection with the recovery of amounts to which a person is jointly and severally liable as a result of Chapter 11 of Part 2 (umbrella companies).**]**

7A. **[**F1538Provision for excluding payments of such description as may be specified from the operation of the regulations in such circumstances as may be specified. Provision for excluding payments of such description as may be specified from the operation of the regulations in such circumstances as may be specified.

8. Provision for the making of decisions by **[**F1539Her Majesty's Revenue and Customs**]** as to any matter required to be decided for the purposes of the regulations and for appeals against such decisions.**]**

8A. **[**F1540Provision requiring compliance with any directions the Commissioners may give—
   (a) about the form and manner in which any information is to be provided under the regulations;
   (b) specifying, or further specifying, steps for the purposes of item 4ZA(e);
   (c) specifying information that a person making payments of or on account of PAYE income must provide about the method by which the payments are made.**]**

9. Provision for appeals with respect to matters arising under the regulations which would otherwise not be the subject of an appeal.
10. Different provision for different cases or classes of case.
11. Any incidental, consequential, supplementary and transitional provision which appears to the Board to be expedient.

(3) **[**F1541The deductions of income tax—
   (a) required to be made by PAYE regulations under item 1 in the above list, or
   (b) which a person is authorised to make by PAYE regulations under item 1ZA in that list,

may be required to be made at the basic rate or other rates in such cases or classes of case as may be provided by the regulations.**]**

**[**F1542(3A) PAYE regulations under item 2A in the above list may not make provision enabling deductions totalling more than **[**F1543£17,000**]** to be made from a payee's income for a tax year without the payee's consent.

(3B) The Treasury may by order amend the amount specified in subsection (3A).**]**

**[**F1544(3C) References in items 4ZA and 8A of the above list to directions include directions making different provision for different cases.**]**

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) Interest required to be paid by PAYE regulations under item 6 or 7 in the above list **[**F1545or by section 101 of FA 2009, in connection with sums due to the Commissioners under the PAYE Regulations,**]** must be paid without any deduction of income tax and may not be taken into account in computing any income, profits or losses for any tax purposes.

**[**F1546(4ZA) Item 8A in the above list does not prejudice the power of the Commissioners under subsection (1) to make provision in PAYE regulations about the matters mentioned in that item.

(4ZB) The persons to whom PAYE information regulations may require information to be supplied include, in the case of information about a payment, a person who provides, or is to provide, with respect to the payment a service such as is mentioned in item 4ZA(a) in the above list.

(4ZC) In subsection (4ZB) "PAYE information regulations" means PAYE regulations that require information to be supplied for any purpose authorised by subsections (1) and (2).**]**

**[**F1547(4A) A person who fails to comply with a requirement imposed under PAYE regulations to give security, or further security, for the payment of any amount commits an offence if the failure continues for such period as is specified; and a person guilty of an offence under this subsection is liable **[**F1548on summary conviction—

(a) in England and Wales, to a fine;

(b) in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale**]**.**]**

(5) PAYE regulations must not affect any right of appeal to the **[**F1549tribunal**]** which a person would have apart from the regulations.

(6) It does not matter for the purposes of PAYE regulations that income is wholly or partly income for a tax year other than that in which the payment is made.

(7) PAYE regulations have effect despite anything in the Income Tax Acts.

(7A) **[**F1550Nothing in PAYE regulations may be read—

(a) as preventing the making of arrangements for the collection of tax **[**F1551or other amounts**]** in such manner as may be agreed by, or on behalf of, the payer and **[**F154an officer of Revenue and Customs**]**, or

(b) as requiring the payer to comply with the regulations in circumstances in which **[**F154an officer of Revenue and Customs**]** is satisfied that it is unnecessary or not appropriate for the payer to do so.

F1552(7AA) **[** In this **[**F1553Part**]** "relevant debt", in relation to a payee, means—

(a) a sum payable by the payee to the Commissioners under or by virtue of an enactment, other than an excluded debt, and

(b) a sum payable by the payee to the Commissioners under a contract settlement.

(7AB) For the purposes of subsection (7AA)—

(a) child tax credit or working tax credit that the payee is liable to repay is an excluded debt, and

(b) if the payee is an employer, any amount that the payee is required to deduct from the PAYE income of employees for a tax year is an excluded debt until the tax year has ended.**]**

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(7B) References in this section and section 685 to income tax in respect of PAYE income are references to income tax in respect of that income if reasonable assumptions are (when necessary) made about other income.

(7C) In this section and section 685—

**[**[F1554]"the Commissioners" means the Commissioners for Her Majesty's Revenue and Customs;

"contract settlement" means an agreement made in connection with the liability of the payee or another person to make a payment to the Commissioners under or by virtue of an enactment;**]**

"payer" means any person paying PAYE income and "payee" means any person in receipt of such income;

"specified" means specified in PAYE regulations.**]**

(8) In this Act and any other enactment (whenever passed) "PAYE regulations" means regulations under this section.**]**

**Textual Amendments**

**F104** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(2)**; S.I. 2005/1126, art. 2(2)(h)

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F1522** Words in s. 684(2) substituted (21.7.2009) by Finance Act 2009 (c. 10), **Sch. 58 para. 3(2)**

**F1523** Words in s. 684(2) substituted (with effect in accordance with s. 94(5) of the amending Act) by Finance Act 2006 (c. 25), **s. 94(3)(a)**; S.I. 2007/1081, art. 2

**F1524** Words in s. 684(2) inserted (with effect in accordance with s. 94(5) of the amending Act) by Finance Act 2006 (c. 25), **s. 94(3)(b)**; S.I. 2007/1081, art. 2

**F1525** Words in s. 684(2) inserted (26.3.2015) by Finance Act 2015 (c. 11), **s. 17(2)**

**F1526** Words in s. 684(2) substituted (15.9.2016) by Finance Act 2016 (c. 24), **s. 15**

**F1527** S. 684(2) Items 1A and 2 substituted for s. 684(2) Item 2 (10.7.2003) by Finance Act 2003 (c. 14), **s. 145(1)(a)**

**F1528** Words in s. 684(2) substituted (21.7.2009) by Finance Act 2009 (c. 10), **Sch. 58 para. 3(4)**

**F1529** S. 684(2) Item 2ZA inserted (with effect in accordance with Sch. 1 para. 7 of the amending Act) by Finance Act 2012 (c. 14), **Sch. 1 para. 5(4)**

**F1530** S. 684(2) Item 2ZB inserted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2026 (c. 11), **Sch. 10 paras. 3(3)**, 5

**F1531** Words in s. 684(2) inserted (21.7.2009) by Finance Act 2009 (c. 10), **Sch. 58 para. 3(5)**

**F1532** Words in s. 684(2) substituted (21.7.2009) by Finance Act 2009 (c. 10), **Sch. 58 para. 3(6)**

**F1533** S. 684(2) Item 4ZA inserted (17.7.2012) by Finance Act 2012 (c. 14), **s. 225(2)(a)**

**F1534** S. 684(2) Item 4A inserted (10.7.2003) by Finance Act 2003 (c. 14), **s. 145(1)(b)**

**F1535** S. 684(2): Item 4B inserted (19.7.2011) by virtue of Finance Act 2011 (c. 11), **s. 85(2)**

**F1536** Words in s. 684(2) inserted (with effect in accordance with art. 1(2) of the amending S.I.) by The Finance Act 2009, Sections 101 and 102 (Interest on Late Payments and Repayments), Appointed Days and Consequential Provisions Order 2014 (S.I. 2014/992), arts. 1(1), **7(a)**

**F1537** S. 684(2) Item 7ZA inserted (with effect in accordance with s. 24(11) of the amending Act) by Finance Act 2026 (c. 11), **s. 24(6)**(11)

**F1538** S. 684(2) Items 7A and 8 substituted for s. 684(2) Item 8 (10.7.2003) by Finance Act 2003 (c. 14), **s. 145(1)(c)**

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**F1539** Words in s. 684 substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 117**; S.I. 2005/1126, art. 2(2)(h)
**F1540** S. 684(2) Item 8A inserted (17.7.2012) by Finance Act 2012 (c. 14), **s. 225(2)(b)**
**F1541** S. 684(3) substituted (26.3.2015) by Finance Act 2015 (c. 11), **s. 17(3)**
**F1542** S. 684(3A)(3B) inserted (21.7.2009) by Finance Act 2009 (c. 10), **Sch. 58 para. 4**
**F1543** Sum in s. 684(3A) substituted (with effect in accordance with art. 1(2) of the amending S.I.) by The Income Tax (Earnings and Pensions) Act 2003 (Section 684(3A)) Order 2014 (S.I. 2014/2438), arts. 1, **2(2)**
**F1544** S. 684(3C) inserted (17.7.2012) by Finance Act 2012 (c. 14), **s. 225(3)**
**F1545** Words in s. 684(4) inserted (with effect in accordance with art. 1(2) of the amending S.I.) by The Finance Act 2009, Sections 101 and 102 (Interest on Late Payments and Repayments), Appointed Days and Consequential Provisions Order 2014 (S.I. 2014/992), arts. 1(1), **7(b)**
**F1546** S. 684(4ZA)-(4ZC) inserted (17.7.2012) by Finance Act 2012 (c. 14), **s. 225(4)**
**F1547** S. 684(4A) inserted (19.7.2011) by Finance Act 2011 (c. 11), **s. 85(3)**
**F1548** Words in s. 684(4A) substituted (12.2.2019) by Finance Act 2019 (c. 1), **s. 82(3)**
**F1549** Word in s. 684(5) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 338**
**F1550** S. 684(7A)-(7C) inserted (10.7.2003) by Finance Act 2003 (c. 14), **s. 145(2)**
**F1551** Words in s. 684(7A)(a) inserted (21.7.2009) by Finance Act 2009 (c. 10), **Sch. 58 para. 5**
**F1552** S. 684(7AA)(7AB) inserted (21.7.2009) by Finance Act 2009 (c. 10), **Sch. 58 para. 6**
**F1553** Word in s. 684(7AA) substituted (20.7.2011) by The Finance Act 2009 (Consequential Amendments) Order 2011 (S.I. 2011/1583), arts. 1, **2(3)**
**F1554** Words in s. 684(7C) inserted (21.7.2009) by Finance Act 2009 (c. 10), **Sch. 58 para. 7**

## 685 Tax tables

(1) **[**F104The Commissioners ...**]** must construct tax tables with a view to securing that so far as possible—

(a) the total income tax payable in respect of PAYE income for any tax year **[**F1555and any relevant debts payable during that tax year are**]** deducted from PAYE income paid during that year, and

(b) the income tax **[**F1556and any relevant debts**]** deductible or repayable on the occasion of any payment of, or on account of, PAYE income **[**F1557are such**]** that the following proportions are the same—

(i) the proportion which the total net income tax **[**F1558and any relevant debts**]** deducted since the beginning of the tax year bears to the total income tax **[**F1559and the total amount of any relevant debts**]** payable for the year, and

(ii) the proportion which the part of the tax year which ends with the date of the payment bears to the whole year.

(2) References in subsection (1) to the total income tax payable for the year are to be read as references to the total income tax estimated to be payable for the year in respect of the income in question—

(a) subject to a provisional deduction for allowances and reliefs, and

**[**F1560(b) subject to an adjustment in respect of amounts required to be deducted or repaid by PAYE regulations made under item 1A**[**F1561, 2 **[**F1562, 2ZA**]** or 2A**]** in the list in section 684(2).**]**

(3) For the purpose of estimating the total income tax payable as mentioned in subsection (1)(a), it may be assumed, in relation to any payment of, or on account of, PAYE income, that the following proportions will be the same—

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(a) the proportion which the income paid in the part of the tax year which ends with the making of the payment bears to the income for the whole year, and

(b) the proportion which that part of the tax year bears to the whole year.

**[**F1563(4) PAYE regulations may make provision, where it appears to **[**F154an officer of Revenue and Customs**]** that it is impracticable for a payer to deduct tax by reference to tax tables—

(a) for deductions to be made by the payer in accordance with other arrangements agreed as mentioned in section 684(7A)(a), or

(b) for the payee to be required to keep records and make payments and returns as if he were the payer.**]**

**Textual Amendments**

**F104** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(2)**; S.I. 2005/1126, art. 2(2)(h)

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F1555** Words in s. 685(1)(a) substituted (20.7.2011) by The Finance Act 2009 (Consequential Amendments) Order 2011 (S.I. 2011/1583), arts. 1, **2(4)**

**F1556** Words in s. 685(1)(b) inserted (20.7.2011) by The Finance Act 2009 (Consequential Amendments) Order 2011 (S.I. 2011/1583), arts. 1, **2(5)(a)**

**F1557** Words in s. 685(1)(b) substituted (20.7.2011) by The Finance Act 2009 (Consequential Amendments) Order 2011 (S.I. 2011/1583), arts. 1, **2(5)(b)**

**F1558** Words in s. 685(1)(b)(i) inserted (20.7.2011) by The Finance Act 2009 (Consequential Amendments) Order 2011 (S.I. 2011/1583), arts. 1, **2(5)(c)(i)**

**F1559** Words in s. 685(1)(b)(i) inserted (20.7.2011) by The Finance Act 2009 (Consequential Amendments) Order 2011 (S.I. 2011/1583), arts. 1, **2(5)(c)(ii)**

**F1560** S. 685(2)(b) substituted (10.7.2003) by Finance Act 2003 (c. 14), **s. 145(3)**

**F1561** Words in s. 685(2)(b) substituted (21.7.2009) by Finance Act 2009 (c. 10), **Sch. 58 para. 9(3)(b)**

**F1562** Word in s. 685(2)(b) inserted (with effect in accordance with Sch. 1 para. 7 of the amending Act) by Finance Act 2012 (c. 14), **Sch. 1 para. 5(5)**

**F1563** S. 685(4) inserted (10.7.2003) by Finance Act 2003 (c. 14), **s. 145(4)**

## 686 Meaning of "payment"

(1) For the purposes of PAYE regulations, a payment of, or on account of, PAYE income of a person is treated as made at the earliest of the following times—

*Rule 1*

The time when the payment is made.

*Rule 2*

The time when the person becomes entitled to the payment.

*Rule 3*

If the person is a director of a company and the income is income from employment with the company (whether or not as director), whichever is the earliest of—

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(a) the time when sums on account of the income are credited in the company's accounts or records (whether or not there is any restriction on the right to draw the sums);

(b) if the amount of the income for a period is determined before the period ends, the time when the period ends;

(c) if the amount of the income for a period is not determined until after the period has ended, the time when the amount is determined.

**[**F1564But this is subject to subsection (5) (PAYE pension income: social security pension lump sums).**]**

(2) Rule 3 applies if the person is a director of the company at any time in the tax year in which the time mentioned falls.

(3) In this section "director" means—

(a) in relation to a company whose affairs are managed by a board of directors or similar body, a member of that board or body,

(b) in relation to a company whose affairs are managed by a single director or other person, that director or person, and

(c) in relation to a company whose affairs are managed by the members themselves, a member of the company,

and includes any person in accordance with whose directions or instructions the company's directors (as defined above) are accustomed to act.

(4) For the purposes of subsection (3) a person is not regarded as a person in accordance with whose directions or instructions the company's directors are accustomed to act merely because the directors act on advice given by that person in a professional capacity.

**[**F1565(5) For the purposes of PAYE regulations, a payment of, or on account of, an amount which is PAYE pension income of a person by virtue of section 683(3A) (social security pension lump sums) is to be treated as made at the time when the payment is made.**]**

**Textual Amendments**

**F1564** Words in s. 686(1) inserted (20.7.2005) by Finance (No. 2) Act 2005 (c. 22), **s. 10(5)**

**F1565** S. 686(5) inserted (20.7.2005) by Finance (No. 2) Act 2005 (c. 22), **s. 10(6)**

## CHAPTER 3

PAYE: SPECIAL TYPES OF PAYER OR PAYEE

### 687 Payments by intermediary

(1) If any payment of, or on account of, PAYE income of an employee is made by an intermediary of the employer, the employer is to be treated, for the purposes of PAYE regulations, as making a payment of the income of an amount equal to the amount given by subsection (3).

(2) Subsection (1) does not apply if the intermediary (whether or not a person to whom PAYE regulations apply) deducts income tax **[**F1566and any relevant debts**]** from the

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payment the intermediary makes, and accounts for it, in accordance with PAYE regulations.

(3) The amount referred to is—

(a) if the amount of the payment made by the intermediary is an amount to which the recipient is entitled after deduction of income tax **[**F1567and any relevant debts**]** , the aggregate of the amount of the payment and the amount of any income tax due **[**F1568and any relevant debts deductible**]** , and

(b) in any other case, the amount of the payment.

(4) For the purposes of this section a payment of, or on account of, PAYE income of an employee is made by an intermediary of the employer if it is made—

(a) by a person acting on behalf of the employer and at the expense of the employer or a person connected with the employer, or

(b) by trustees holding property for any persons who include or class of persons which includes the employee.

**[**F1569(5) This section does not apply in relation to a payment so far as the sum paid is employment income under Chapter 2 of Part 7A.**]**

**Textual Amendments**

**F1566** Words in s. 687(2) inserted (20.7.2011) by The Finance Act 2009 (Consequential Amendments) Order 2011 (S.I. 2011/1583), arts. 1, **2(6)(a)**

**F1567** Words in s. 687(3)(a) inserted (20.7.2011) by The Finance Act 2009 (Consequential Amendments) Order 2011 (S.I. 2011/1583), arts. 1, **2(6)(b)(i)**

**F1568** Words in s. 687(3)(a) inserted (20.7.2011) by The Finance Act 2009 (Consequential Amendments) Order 2011 (S.I. 2011/1583), arts. 1, **2(6)(b)(ii)**

**F1569** S. 687(5) inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 28**

## **[**F1570**687A Payment of employment income under Part 7A**

(1) This section applies if—

(a) the value of a relevant step counts as employment income under Chapter 2 of Part 7A, and

(b) the relevant step is the payment of a sum of money,

and references to A and B are to be read accordingly.

(2) For the purposes of PAYE regulations B is treated as making a payment of PAYE income of A of an amount which, on the basis of the best estimate which can reasonably be made, is the amount of the employment income.

(3) The payment is treated as made on the latest of the following days—

(a) the day on which the relevant step is taken,

(b) the day on which A's employment with B starts, and

(c) the day which is 30 days after the day on which FA 2011 is passed.

(4) Subsection (2) does not apply if the person who takes the relevant step (whether or not a person to whom PAYE regulations apply) deducts income tax from the payment, and accounts for it, in accordance with PAYE regulations.**]**

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**Textual Amendments**

**F1570** S. 687A inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 29**

## 688 Agency workers

**[**F1571(1) This section applies if the remuneration receivable by an individual in consequence of providing services falls to be treated under section 44 (agency workers) as earnings from an employment.

(1A) The relevant provisions have effect as if the individual held the employment with or under the deemed employer, subject to subsection (2).

(1B) For the purposes of sections 687, 689 and 689A, if—

(a) a person other than the deemed employer or an intermediary of the deemed employer makes a payment of, or on account of, PAYE income of the individual, and

(b) the payment is not within subsection (2),

the person is to be treated as making the payment as an intermediary of the deemed employer.**]**

(2) If—

**[**F1572(a) the client is not the deemed employer, and**]**

(b) a payment of, or on account of, PAYE income of the individual is made by a person acting on behalf of the client, and at the expense of the client or a person connected with the client,

section 687 and, in relation to any payment treated as made by the client under section 687, section 710 have effect in relation to the payment as if the client and not the **[**F1573deemed employer**]** were the employer for the purposes of the relevant provisions.

**[**F1574(2A) PAYE regulations may make provision for, or in connection with, the recovery from a director or officer of a company, in such circumstances as may be specified in the regulations, of—

(a) any amount the company is, by virtue of section 44(4) to (6) or 46A, to deduct, or account for, in accordance with PAYE regulations, and

(b) any interest or penalty, in respect of an amount within paragraph (a), for which the company is liable.**]**

(3) In **[**F1575this section—

"the client" means the person who is the client for the purposes of section 44;

**[**F1576"company" includes a limited liability partnership; **]**

"the deemed employer" means the person with whom the individual is treated under section 44 as having an employment, the duties of which consist of the services;**]**

**[**F1577"director" has the meaning given by section 67;

"officer" in relation to a company, means any manager, secretary or other similar officer of the company, or any person acting or purporting to act as such;**]**

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"the relevant provisions" means this Chapter except section 691, Chapter 4 of this Part and section 710.

**Textual Amendments**

**F1571** S. 688(1)-(1B) substituted for s. 688(1) (6.4.2014) by Finance Act 2014 (c. 26), **s. 16(8)**(11)
**F1572** S. 688(2)(a) substituted (6.4.2014) by Finance Act 2014 (c. 26), **s. 16(9)(a)**(11)
**F1573** Words in s. 688(2) substituted (6.4.2014) by Finance Act 2014 (c. 26), **s. 16(9)(b)**(11)
**F1574** S. 688(2A) inserted (17.7.2014) by Finance Act 2014 (c. 26), **s. 17(3)**
**F1575** Words in s. 688(3) substituted (6.4.2014) by Finance Act 2014 (c. 26), **s. 16(10)**(11)
**F1576** Words in s. 688(3) inserted (17.7.2014) by Finance Act 2014 (c. 26), **s. 17(4)(a)**
**F1577** Words in s. 688(3) inserted (17.7.2014) by Finance Act 2014 (c. 26), **s. 17(4)(b)**

## [F1578 688A Managed service companies: recovery from other persons

(1) PAYE regulations may make provision authorising the recovery from a person within subsection (2) of any amount that an officer of Revenue and Customs considers should have been deducted by a managed service company ("the MSC") from a payment of, or on account of, PAYE income of an individual.

(2) The persons are—

(a) a director or other office-holder, or an associate, of the MSC,

(b) an MSC provider,

(c) a person who (directly or indirectly) has encouraged or been actively involved in the provision by the MSC of the services of the individual, and

(d) a director or other office-holder, or an associate, of a person (other than an individual) who is within paragraph (b) or (c).

(3) A person does not fall within subsection (2)(c) merely by virtue of—

(a) providing legal or accountancy advice in a professional capacity, or

(b) placing the individual with persons who wish to obtain the services of the individual (including by contracting with the MSC for the provision of those services).

(4) The supplementary provision that may be made by the regulations includes provision as to the liability of one person within subsection (2) to another such person.

(5) In this section—

"associate" has the meaning given by section 61I,

"director" has the meaning given by section 67,

"managed service company" has the meaning given by section 61B **[**F1579 but for the purposes of section 339A has the meaning given by subsection (11) of that section**]** , and

"MSC provider" means an MSC provider who is involved with the MSC (within the meaning of section 61B).

(6) Section 61C(4) (extended meaning of "associate") applies for the purposes of subsection (2)(d).

(7) The Treasury may by order amend this section (but not this subsection or subsection (8)).

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(8) The Treasury must not make an order under subsection (7) unless a draft of it has been laid before and approved by a resolution of the House of Commons.**]**

**Textual Amendments**

**F1578** S. 688A inserted (retrospective to 6.4.2007) by Finance Act 2007 (c. 11), s. 25(2), **Sch. 3 para. 6**

**F1579** Words in s. 688A(5) inserted (15.9.2016) by Finance Act 2016 (c. 24), **s. 14(2)**

### [F1580 688AA Workers' services provided through intermediaries: recovery of PAYE

(1) PAYE Regulations may make provision for, or in connection with, the recovery of a deemed employer PAYE debt from a relevant person.

(2) "A deemed employer PAYE debt" means an amount—

(a) that a person ("the deemed employer") is liable to pay under PAYE regulations in consequence of being treated under section 61N(3) as having made a deemed direct payment to a worker **[**F1581(other than by virtue of section 61WA)**]**, and

(b) that an officer of Revenue and Customs considers there is no realistic prospect of recovering from the deemed employer within a reasonable period.

(3) "Relevant person", in relation to a deemed employer PAYE debt, means a person who is not the deemed employer and who—

(a) is the highest person in the chain identified under section 61N(1) in determining that the deemed employer is to be treated as having made the deemed direct payment, or

(b) is the second highest person in that chain and is a qualifying person (within the meaning given by section 61N(8)) at the time the deemed employer is treated as having made that deemed direct payment.**]**

**Textual Amendments**

**F1580** S. 688AA inserted (22.7.2020) by Finance Act 2020 (c. 14), **Sch. 1 para. 19** (with Sch. 1 paras. 30-34)

**F1581** Words in s. 688AA(2)(a) inserted (with effect in accordance with s. 21(10) of the amending Act) by Finance Act 2021 (c. 26), **s. 21(9)**

### [F1582 688AB Workers' providing services through intermediaries etc: cases where taxes already paid

(1) PAYE regulations may make the following provision.

(2) Provision for an amount to be treated as having been recovered from the payee, and for that amount not to be recoverable from the payer ("the deemed employer"), where—

(a) the deemed employer would otherwise be liable to pay an amount under PAYE regulations in consequence of being treated under section 61N(3) as having made a deemed direct payment to a worker (other than by virtue of section 61WA), and

(b) an amount of income tax or corporation tax has already been paid, or assessed, in respect of income referable to that payment.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) Provision for the amount referred to in the opening words of subsection (2) to be the best estimate which can reasonably be made by an officer of Revenue and Customs (whether generally or specifically) of the amount referred to in subsection (2)(b).

(4) Provision preventing a person specified in PAYE regulations from—

(a) making a claim for the repayment of, or relief in respect of, an amount referred to in subsection (2)(b), or

(b) deducting, or setting off, the amount referred to in that subsection from, or against, any tax liability of the person,

in a case where an estimate of that amount is treated as having been recovered from the payee as a result of provision made by virtue of this section.

(5) In this section, "payee" and "payer" have the same meaning as in section 684 (see subsection (7C) of that section).**]**

**Textual Amendments**

**F1582** S. 688AB inserted (with effect in accordance with s. 17(2) of the amending Act) by Finance Act 2024 (c. 3), **s. 17(1)**

### [F1583 688B Travel expenses of workers providing services through intermediaries: recovery of unpaid tax

(1) PAYE regulations may make provision for, or in connection with, the recovery from a director or officer of a company, in such circumstances as may be specified in the regulations, of amounts within any of subsections (2) to (5).

(2) An amount within this subsection is an amount that the company is to account for in accordance with PAYE regulations by virtue of section 339A(7) to (9) (persons providing fraudulent documents).

(3) An amount within this subsection is an amount which the company is to deduct and pay in accordance with PAYE regulations by virtue of section 339A in circumstances where—

(a) the company is an employment intermediary,

(b) on the basis that section 339A does not apply by virtue of subsection (3) of that section, the company has not deducted and paid the amount, but

(c) the company has not been provided by any other person with evidence from which it would be reasonable in all the circumstances to conclude that subsection (3) of that section applied (and the mere assertion by a person that the manner in which the worker provided the services was not subject to (or to the right of) supervision, direction or control by any person is not such evidence).

(4) An amount within this subsection is an amount that the company is to deduct and pay in accordance with PAYE regulations by virtue of section 339A in a case where subsection (4) of that section applies (services provided under arrangements made by intermediaries).

(5) An amount within this subsection is any interest or penalty in respect of an amount within any of subsections (2) to (4) for which the company is liable.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) In this section—

"company" includes a limited liability partnership;

"director" has the meaning given by section 67;

"employment intermediary" has the same meaning as in section 339A;

"officer", in relation to a company, means any manager, secretary or other similar officer of the company, or any person acting or purporting to act as such**]**

**Textual Amendments**

**F1583**S. 688B inserted (15.9.2016) by Finance Act 2016 (c. 24), **s. 14(3)**

## 689 Employee of non-UK employer

(1) This section applies if—

(a) an employee during any period works for a person ("the relevant person") who is not the employer of the employee,

(b) any payment of, or on account of, PAYE income of the employee in respect of that period is made by a person who is the employer or an intermediary of the employer or of the relevant person,

(c) PAYE regulations do not apply to the person making the payment or, if that person makes the payment as an intermediary of the employer or of the relevant person, the employer, and

(d) income tax **[**F1584and any relevant debts are**]** not deducted, or not accounted for, in accordance with the regulations by the person making the payment or, if that person makes the payment as an intermediary of the employer or of the relevant person, the employer.

**[**F1585(1ZA) But this section does not apply if section 689A applies or would apply but for a certificate issued under regulations made under subsection (7) of that section.**]**

**[**F1586(1A) Subject to subsection (4), subsection (1)(b) does not apply in relation to a payment so far as the sum paid is employment income under Chapter 2 of Part 7A.**]**

**[**F1587(1B) Subsection (1C) applies if—

(a) the employee worked for the relevant person during the period under or in consequence of arrangements made between the relevant person and a third person,

(b) the third person did not make the payment of, or on account of, PAYE income of the employee, and

(c) PAYE regulations would apply to the third person if the third person were to make a payment of, or on account of, PAYE income of the employee.

(1C) The third person is to be treated, for the purposes of PAYE regulations, as making a payment of PAYE income of the employee of an amount equal to the amount given by subsection (3).**]**

(2) **[**F1588If subsection (1C) does not apply, the**]** relevant person is to be treated, for the purposes of PAYE regulations, as making a payment of PAYE income of the employee of an amount equal to the amount given by subsection (3).

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) The amount referred to is—

(a) if the amount of the payment actually made is an amount to which the recipient is entitled after deduction of income tax **[**F1589and any relevant debts due under the PAYE regulations**]** , the aggregate of the amount of the payment and the amount of any income tax **[**F1590and any relevant debts deductible**]** due, and

(b) in any other case, the amount of the payment.

(4) If, by virtue of any of sections **[**F1591 61Z1(5)(c)(i),**][**F1592 687A and**]** 693 to 700, an employer would be treated for the purposes of PAYE regulations (if they applied to the employer) as making a payment of any amount to an employee, **[**F1593and if the case is not within subsection (4A),**]** this section has effect as if—

(a) the employer were also to be treated for the purposes of this section as making an actual payment of that amount, and

(b) paragraph (a) of subsection (3) were omitted.

**[**F1594(4A) A case is within this subsection if—

(a) the section concerned is section 687A or 695A (employment income under Part 7A), and

(b) the relevant step concerned is within paragraph 1 of Schedule 11 to F(No. 2)A 2017 (loans etc outstanding on 5 April 2019).

(And this section does not apply in a case within this subsection.)**]**

(5) For the purposes of this section a payment of, or on account of, PAYE income of an employee is made by an intermediary of the employer or of the relevant person if it is made—

(a) by a person acting on behalf of the employer or the relevant person and at the expense of the employer or the relevant person or a person connected with the employer or the relevant person, or

(b) by trustees holding property for any persons who include or class of persons which includes the employee.

(6) In this section and sections 690 and 691 "work", in relation to an employee, means the performance of any duties of the employment of the employee and any reference to the employee's working is to be read accordingly.

**Textual Amendments**

**F1584** Words in s. 689(1)(d) substituted (20.7.2011) by The Finance Act 2009 (Consequential Amendments) Order 2011 (S.I. 2011/1583), arts. 1, **2(7)(a)**

**F1585** S. 689(1ZA) inserted (6.4.2014) by Finance Act 2014 (c. 26), **s. 21(4)**(10)

**F1586** S. 689(1A) inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 30(2)**

**F1587** S. 689(1B)(1C) inserted (6.4.2014) by Finance Act 2014 (c. 26), **s. 20(2)**(4)

**F1588** Words in s. 689(2) substituted (6.4.2014) by Finance Act 2014 (c. 26), **s. 20(3)**(4)

**F1589** Words in s. 689(3)(a) inserted (20.7.2011) by The Finance Act 2009 (Consequential Amendments) Order 2011 (S.I. 2011/1583), arts. 1, **2(7)(b)(i)**

**F1590** Words in s. 689(3)(a) inserted (20.7.2011) by The Finance Act 2009 (Consequential Amendments) Order 2011 (S.I. 2011/1583), arts. 1, **2(7)(b)(ii)**

**F1591** Word in s. 689(4) inserted (with effect in accordance with s. 24(11) of the amending Act) by Finance Act 2026 (c. 11), **s. 24(7)(11)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F1592** Words in s. 689(4) inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 30(3)**
**F1593** Words in s. 689(4) inserted (15.3.2018) by Finance Act 2018 (c. 3), **Sch. 1 para. 12(2)**
**F1594** S. 689(4A) inserted (15.3.2018) by Finance Act 2018 (c. 3), **Sch. 1 para. 12(3)**

## [F1595 689A Oil and gas workers on the continental shelf

(1) This section applies if—

(a) any payment of, or on account of, PAYE income of a continental shelf worker in respect of a period is made by a person who is the employer or an intermediary of the employer or of the relevant person,

(b) PAYE regulations do not apply to the person making the payment or, if that person makes the payment as an intermediary of the employer or of the relevant person, to the employer, and

(c) income tax and any relevant debts are not deducted, or not accounted for, in accordance with PAYE regulations by the person making the payment or, if that person makes the payment as an intermediary of the employer or of the relevant person, by the employer.

(2) Subject to subsection (5), subsection (1)(a) does not apply in relation to a payment so far as the sum paid is employment income under Chapter 2 of Part 7A.

(3) The relevant person is to be treated, for the purposes of PAYE regulations, as making a payment of PAYE income of the continental shelf worker of an amount equal to the amount given by subsection (4).

(4) The amount referred to is—

(a) if the amount of the payment actually made is an amount to which the recipient is entitled after deduction of income tax and any relevant debts under PAYE regulations, the aggregate of the amount of the payment and the amount of any income tax due and any relevant debts deductible, and

(b) in any other case, the amount of the payment.

(5) If, by virtue of any of sections 687A and 693 to 700, an employer would be treated for the purposes of PAYE regulations (if they applied to the employer) as making a payment of any amount to a continental shelf worker, this section has effect as if—

(a) the employer were also to be treated for the purposes of this section as making an actual payment of that amount, and

(b) paragraph (a) of subsection (4) were omitted.

(6) For the purposes of this section a payment of, or on account of, PAYE income of a continental shelf worker is made by an intermediary of the employer or of the relevant person if it is made—

(a) by a person acting on behalf of the employer or the relevant person and at the expense of the employer or the relevant person or a person connected with the employer or the relevant person, or

(b) by trustees holding property for any persons who include, or a class of persons which includes, the continental shelf worker.

(7) PAYE regulations may make provision for, or in connection with, the issue by Her Majesty's Revenue and Customs of a certificate to a relevant person in respect of one or more continental shelf workers—

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) confirming that, in respect of payments of, or on account of, PAYE income of the continental shelf workers specified or described in the certificate, income tax and any relevant debts are being deducted, or accounted for, as mentioned in subsection (1)(c), and

(b) disapplying this section in relation to payments of, or on account of, PAYE income of those workers while the certificate is in force.

(8) Regulations under subsection (7) may, in particular, make provision about—

(a) applying for a certificate;

(b) the circumstances in which a certificate may, or must, be issued or cancelled;

(c) the form and content of a certificate;

(d) the effect of a certificate (including provision modifying the effect mentioned in subsection (7)(b) or specifying further effects);

(e) the effect of cancelling a certificate.

(9) Subsection (10) applies if—

(a) there is more than one relevant person in relation to a continental shelf worker, and

(b) in consequence of the same payment within subsection (1)(a), each of them is treated under subsection (3) as making a payment of PAYE income of the worker.

(10) If one of the relevant persons complies with section 710 (notional payments: accounting for tax) in respect of the payment that person is treated as making, the other relevant persons do not have to comply with that section in respect of the payments they are treated as making.

(11) In this section—

"continental shelf worker" means a person in an employment some or all of the duties of which are performed—

(a) in the UK sector of the continental shelf (as defined in section 41), and

(b) in connection with exploration or exploitation activities (as so defined);

"employer" means the employer of the continental shelf worker;

"relevant person", in relation to a continental shelf worker, means—

(a) if the employer has an associated company (as defined in section 449 of CTA 2010) with a place of business or registered office in the United Kingdom, the associated company, or

(b) in any other case, the person who holds the licence under Part 1 of the Petroleum Act 1998 in respect of the area of the UK sector of the continental shelf where some or all of the duties of the continental shelf worker's employment are performed.

**[** F1596(12) The Treasury may by regulations modify the definitions of "continental shelf worker" and "relevant person", as the Treasury thinks appropriate.

(13) Regulations under subsection (12) may—

(a) make different provision for different cases or different purposes,

(b) make incidental, consequential, supplementary or transitional provision or savings, and

(c) amend this section.**]]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F1595** S. 689A inserted (26.3.2014 for specified purposes, 6.4.2014 in so far as not already in force) by Finance Act 2014 (c. 26), **s. 21(5)**(9)

**F1596** S. 689A(12)(13) inserted (17.7.2014) by Finance Act 2014 (c. 26), **s. 21(8)**

## [F1597 690 Internationally mobile employees

(1) This section applies in relation to an employee if the employee is or has been internationally mobile at any time in tax year 2025-26 or a subsequent tax year.

(2) An employee is "internationally mobile" at a time in a tax year if at that time the employee works or is likely to work both inside and outside the UK during the tax year ("the mobile tax year") and at that time—

(a) the employee is or is likely to be non-UK resident for the mobile tax year, or

(b) the mobile tax year is or is likely to be a split year as respects the employee.

(3) If the employer makes an uncertain payment to the employee in any tax year, the entire **[**F1598uncertain**]** payment is to be treated for the purposes of PAYE regulations as a payment of PAYE income of the employee.

(4) For the purposes of this section and sections 690A and 690B, an "uncertain payment" means a payment **[**F1599or part of a payment**]** of, or on account of, the income of the employee **[**F1600in respect of which**]**—

(a) the employer is unable to ascertain the extent to which the income **[**F1601relating to that payment or part**]** is PAYE income, and

(b) the reason for the employer being unable to ascertain that extent is connected to the employee being or having been internationally mobile in the mobile tax year.

(5) Subsection (3) is without prejudice to—

(a) any assessment in respect of the income of the employee in question, and

(b) any right to repayment of income tax and any relevant debts overpaid and any obligation to pay income tax underpaid and any relevant debts that remain wholly or partly unpaid.

(6) For the purposes of this section and sections 690A to 690E—

(a) any reference to a payment made by the employer includes a reference to a payment made by a person acting on behalf of the employer and at the expense of the employer or a person connected with the employer, and

(b) in a case where section 689 or 689A applies, any reference to a payment made by the employer is to be read as a reference to a payment treated, for the purposes of PAYE regulations, as made by the relevant person.

**Textual Amendments**

**F1597** Ss. 690-690C substituted for s. 690 (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), **s. 21(1)**(2) (with s. 21(3))

**F1598** Word in s. 690(3) inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 6(2)**

**F1599** Words in s. 690(4) inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 6(3)(a)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F1600** Words in s. 690(4) substituted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 6(3)(b)**

**F1601** Words in s. 690(4)(a) inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 6(4)**

## 690A Employer notification for internationally mobile employees

(1) This section applies in relation to an employee if the employee is or has been internationally mobile within the meaning of section 690(2) at any time in tax year 2025-26 or a subsequent tax year ("the mobile tax year").

(2) The appropriate person may give a notice to an officer of Revenue and Customs at any time during the mobile tax year—

(a) that the employer is proposing to treat **[**F1602the non-PAYE proportion of any mobile payment**]** made by the employer to the employee as not being PAYE income of the employee for the purposes of PAYE regulations, and

(b) specifying that proportion.

**[**F1603(2A) For the purposes of this section and section 690B—

(a) "mobile payment" means a payment of, or on account of, an amount of employment income of the employee in respect of which—

(i) the extent to which the income is PAYE income depends or may depend on the extent to which the employee's duties during the mobile tax year are performed in the United Kingdom, and

(ii) the reason it depends or may depend on that extent is connected to the employee being or having been internationally mobile in the mobile tax year;

(b) "non-PAYE proportion" means the best estimate that can reasonably be made of the overall proportion of the amount of all mobile payments made by the employer to the employee that would not be PAYE income if the employee were non-UK resident for the mobile tax year or the mobile tax year were a split year as respects the employee (as appropriate).**]**

(3) If a notice given under this section has effect, the proportion of any **[**F1604mobile**]** payment made by the employer to the employee in any tax year which is to be treated for the purposes of PAYE regulations as not being a payment of PAYE income is the proportion specified in the notice.

**[**F1605(4) But subsection (3) does not apply to a mobile payment—

(a) to the extent that section 690D(4) or 690E(4) (qualifying payments or treaty affected payments) also applies to the payment, or

(b) if the payment is made after the end of the mobile tax year, other than to the extent the payment is also an uncertain payment.**]**

(5) A notice given under this section—

(a) does not have effect if a direction has previously been given to the appropriate person under section 690B (direction by HMRC in relation to internationally mobile employees) in relation to the employee and the mobile tax year;

(b) otherwise, has effect when it is acknowledged by an officer of Revenue and Customs.

(6) A notice given under this section ceases to have effect if—

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) a direction under section 690B is given to the appropriate person in relation to the employee and the mobile tax year,

**[**F1606(aa) as a result of a change in the employee's circumstances, the proportion specified in the notice ceases to be a reasonable estimate of the non-PAYE proportion,**]**

(b) a subsequent notice is given by the appropriate person under this section **[**F1607in relation to the employee and the mobile tax year**]** and is acknowledged by an officer of Revenue and Customs, or

**[**F1608(c) section 690D (qualifying new resident or treaty non-resident employee) begins to apply in relation to the employee and the mobile tax year and the mobile tax year is not likely to be a split year as respects the employee.**]**

(7) A notice given under this section must be in such manner and form, and contain such information, as may be specified in a general direction made by the Commissioners for His Majesty's Revenue and Customs.

(8) Subsection (3) is without prejudice to—

(a) any assessment in respect of the income of the employee in question, and

(b) any right to repayment of income tax and any relevant debts overpaid and any obligation to pay income tax underpaid and any relevant debts that remain wholly or partly unpaid.

(9) For the purposes of this section and sections 690B, 690D and 690E —

(a) where an amount of employment income is treated as PAYE income paid by the employer for the purposes of PAYE regulations by virtue of section 693 (cash vouchers), section 694 (non-cash vouchers) or section 695 (credit-tokens), the employer is to be treated as making a payment of that amount of employment income, and

(b) "the appropriate person" means—

(i) the person designated by the employer for the purpose of this section and sections 690B, 690D and 690E and, if no person is so designated, the employer, and

(ii) in a case where section 689 or 689A applies, the references to the employer in sub-paragraph (i) are to be read as references to the relevant person (within the meaning of section 689 or 689A).

**Textual Amendments**

**F1597** Ss. 690-690C substituted for s. 690 (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), **s. 21(1)**(2) (with s. 21(3))

**F1602** Words in s. 690A(2)(a) substituted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 7(2)**

**F1603** S. 690A(2A) inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 7(3)**

**F1604** Word in s. 690A(3) substituted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 7(4)**

**F1605** S. 690A(4) substituted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 7(5)**

**F1606** S. 690A(6)(aa) inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 7(6)(a)**

**F1607** Words in s. 690A(6)(b) inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 7(6)(b)**

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**F1608** S. 690A(6)(c) substituted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 7(6)(c)**

## 690B Direction by HMRC in relation to internationally mobile employees

(1) This section applies where—

(a) a notice given during the mobile tax year under section 690A has effect, ...

(b) . . . . . .

(2) An officer of Revenue and Customs may give a direction—

(a) for determining **[**F1609the non-PAYE proportion, or**]**

(b) that any **[**F1610uncertain**]** payment is to be treated entirely as PAYE income for the purposes of PAYE regulations.

(3) A direction under subsection (2)—

(a) must specify the employee and the mobile tax year,

(b) must be given by notice to the appropriate person, and

(c) may be varied by notice to the appropriate person from a date specified in the notice (which may not be earlier than 30 days from the date on which the notice is given).

(4) If—

(a) a direction under subsection (2) has effect, and

(b) any uncertain payment **[**F1611or mobile payment (as applicable)**]** is made by the employer to the employee in any tax year,

the direction applies in relation to the payment.

**[**F1612(4A) But a direction for determining the non-PAYE proportion does not apply in relation to a mobile payment—

(a) to the extent that section 690D(4) or 690E(4) (qualifying payments or treaty affected payments) also applies to the payment, or

(b) if the payment is made after the end of the mobile tax year, other than to the extent the payment is also an uncertain payment.**]**

(5) A direction under subsection (2) has effect when it is given.

(6) A direction under subsection (2) ceases to have effect if—

(a) the notice to which the direction relates was given on the basis that the employee was likely to be non-UK resident for the mobile tax year, and

(b) a notice has subsequently been—

(i) given by the appropriate person under section 690D (employer notification for qualifying new resident **[**F1613or treaty non-resident**]**) on the basis that the employee is or is likely to be a qualifying new resident for the mobile tax year **[**F1614or treaty non-resident at any time in the mobile tax year**]**, and

(ii) acknowledged by an officer of Revenue and Customs.

(7) Subsection (4) is without prejudice to—

(a) any assessment in respect of the income of the employee in question, and

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(b) any right to repayment of income tax and any relevant debts overpaid and any obligation to pay income tax underpaid and any relevant debts that remain wholly or partly unpaid.

**Textual Amendments**

**F1597** Ss. 690-690C substituted for s. 690 (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), **s. 21(1)**(2) (with s. 21(3))

**F1609** Words in s. 690B(2)(a) substituted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 9(1)(b)**

**F1610** Word in s. 690B(2)(b) substituted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 9(1)(c)**

**F1611** Words in s. 690B(4)(b) inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 9(1)(d)**

**F1612** S. 690B(4A) inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 9(1)(e)**

**F1613** Words in s. 690B(6)(b)(i) inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 3(a)**

**F1614** Words in s. 690B(6)(b)(i) inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 3(b)**

## 690C Employees who were internationally mobile etc. before 2025-26

(1) This section applies in relation to an employee if the employee falls within subsection (2) or (3) in relation to a tax year that was before tax year 2025-26.

(2) An employee falls within this subsection in relation to a tax year if the employee worked both inside and outside the UK in that tax year and—

(a) the employee was non-UK resident for that tax year or it appears likely to the employer that the employee was non-UK resident, or

(b) the tax year was a **[**F1615split**]** year as respects the employee or it appears likely to the employer that the tax year was such a year.

(3) An employee falls within this subsection in relation to a tax year if—

(a) the employee worked outside the UK in the tax year,

(b) the employee met the requirement of section 26A for that tax year or it appears likely to the employer that the employee met that requirement, and

(c) the employee has made a claim under section 809B of ITA 2007 (claim for remittance basis) for that tax year or it appears likely to the employer that the employee has or will make such a claim.

(4) If the employer makes a payment to the employee of, or on account of, general earnings for that tax year, the amount of the payment that is to be treated as PAYE income for the purposes of the PAYE regulations is the amount that, on the basis of the best estimate that can be reasonably made, is likely to be PAYE income.

(5) For the purposes of subsection (4)—

(a) where this section applies to an employee because it appears likely to the employer that a certain state of affairs exists, the employer may assume that state of affairs exists;

(b) whether general earnings are "for" that tax year is determined in accordance with sections 29 and 30.**]**

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**Textual Amendments**

**F1597** Ss. 690-690C substituted for s. 690 (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), **s. 21(1)**(2) (with s. 21(3))

**F1615** Word in s. 690C(2)(b) substituted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 10**

## [F1616 690D Employer notification for qualifying new residents [F1617 or treaty non-residents]]

(1) This section applies in relation to an employee if—

(a) the employee is or is likely to be a qualifying new resident for a tax year ("the [F1618 notifiable] year"), and

(b) the employee works or is likely to work outside the UK during the [F1619 notifiable] year.

F1620 [ (1A) This section also applies in relation to an employee if—

(a) the employee is or is likely to be a treaty non-resident at any time in a tax year ("the notifiable year"), and

(b) the employee works or is likely to work outside the UK during the notifiable year.]

(2) [F1621 If this section applies in relation to the employee by virtue of subsection (1), the] appropriate person may give a notice to an officer of Revenue and Customs at any time during the [F1622 notifiable] year—

(a) that the employer is proposing to treat the foreign proportion of any qualifying payment made by the employer to the employee as not being PAYE income of the employee for the purposes of PAYE regulations, and

(b) specifying that proportion [F1623 (but see subsections (5A) and (5B))].

F1624 [ (2A) If this section applies in relation to the employee by virtue of subsection (1A), the appropriate person may give a notice to an officer of Revenue and Customs at any time during the notifiable year—

(a) that the employer is proposing to treat the treaty relieved proportion of any treaty affected payment made by the employer to the employee as not being PAYE income of the employee for the purposes of PAYE regulations, and

(b) specifying that proportion (but see subsections (5A) and (5B)).]

(3) For the purposes of this section and section 690E—

(a) a "qualifying payment" means a payment of, or on account of, an amount of employment income of the employee that is likely to be qualifying employment income;

(b) the "foreign proportion" of a qualifying payment is [F1625—

(i) the best estimate that can reasonably be made of the overall proportion of the amount of all qualifying payments made by the employer to the employee that is likely to be qualifying foreign employment income,][F1626 or

;

(ii) if the best estimate mentioned in sub-paragraph (i) is greater than 30%, 30%.]

F1627 [ (c) a "treaty affected payment" means a payment of, or on account of, an amount of employment income of the employee a proportion in respect of which UK

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tax is likely to be relieved under double taxation arrangements as a result of the employee being treaty non-resident in the notifiable year;

(d) the "treaty relieved proportion" is the best estimate that can reasonably be made of the overall proportion of the amount of all treaty affected payments made by the employer to the employee in respect of which UK tax is likely to be relieved under double taxation arrangements.**]**

(4) If a notice given under this section has effect, the proportion of any qualifying payment **[**F1628or treaty affected payment (as applicable)**]** made by the employer to the employee in any tax year which is to be treated for the purposes of PAYE regulations as not being a payment of PAYE income is the proportion specified in the notice.

(5) A notice given under this section—

(a) does not have effect if a direction has previously been given to the appropriate person under section 690E (direction by HMRC in relation to qualifying new residents **[**F1629or treaty non-residents**]**) in relation to the employee and the **[**F1630notifiable year**]**;

(b) otherwise, has effect when it is acknowledged by an officer of Revenue and Customs.

F1631**[** (5A) Subsection (5B) applies for the purposes of determining the proportion to be specified in a notice or notices under this section in circumstances where, if the notice or notices were to be given and acknowledged by an officer of Revenue and Customs, a notice given under both subsection (2) and subsection (2A) would have effect in relation to the employee and the notifiable year.

(5B) The proportion specified in the notice or notices must produce the result that no amount is reflected in both—

(a) the foreign proportion specified in the notice under subsection (2) as an amount that is likely to be qualifying foreign employment income, and

(b) the treaty relieved proportion specified in the notice under subsection (2A) as an amount in respect of which UK tax is likely to be relieved under double taxation arrangements.**]**

(6) A notice given under this section ceases to have effect if—

(a) a direction under section 690E is given to the appropriate person in relation to the employee and the **[**F1632notifiable**]** year,

F1633**[** (aa) as a result of a change in the employee's circumstances, the proportion specified in the notice ceases to be a reasonable estimate of the overall proportion of the amount (as applicable) of—

(i) all qualifying payments that is likely to be qualifying foreign employment income, or

(ii) all treaty affected payments in respect of which UK tax is likely to be relieved under double taxation arrangements,**]**

F1634**[** (b) a subsequent notice—

(i) is given by the appropriate person in relation to the employee and the notifiable year under the same subsection, and

(ii) is acknowledged by an officer of Revenue and Customs,

(c) the appropriate person notifies (in writing or otherwise) an officer of Revenue and Customs that the notice is to cease to have effect, or**]**

(c) a subsequent notice—

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(i) is given by the appropriate person under section 690A (employer notification for internationally mobile employee) on the basis that the employee is or is likely to be non-UK resident in the **[**[F1635]notifiable**]** year, and

(ii) is acknowledged by an officer of Revenue and Customs.

(7) A notice given under this section must be in such manner and form, and contain such information, as may be specified in a general direction made by the Commissioners for His Majesty's Revenue and Customs.

(8) Subsection (4) is without prejudice to—

(a) any assessment in respect of the income of the employee in question, and

(b) any right to repayment of income tax and any relevant debts overpaid and any obligation to pay income tax underpaid and any relevant debts that remain wholly or partly unpaid.

(9) For the purposes of this section and section 690E—

(a) where an amount of employment income is treated as PAYE income paid by the employer for the purposes of PAYE regulations by virtue of section 687A or 695A (employment income under Part 7A) or section 696 (readily convertible assets), the employer is to be treated as making payment of that amount of employment income, ...

(b) "qualifying new resident", "qualifying employment income" and "qualifying foreign employment income" have the same meaning as in Chapter 5C of Part 2 (relief for new residents on foreign employment income).

**[**[F1636](c) an individual is "treaty non-resident" at any time if, at that time, the individual falls to be regarded as resident in a territory outside the UK for the purposes of double relief arrangements having effect at the time, and

(d) "double taxation arrangements" means arrangements that have effect under section 2(1) of TIOPA 2010.**]**

**Textual Amendments**

**F1616** Ss. 690D, 690E inserted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 4** (with Sch. 8 Pt. 3)

**F1617** Words in s. 690D heading inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 2(2)**

**F1618** Word in s. 690D(1)(a) substituted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 2(3)(a)**

**F1619** Word in s. 690D(1)(b) substituted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 2(3)(b)**

**F1620** S. 690D(1A) inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 2(4)**

**F1621** Words in s. 690D(2) substituted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 2(5)(a)(i)**

**F1622** Word in s. 690D(2) substituted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 2(5)(a)(ii)**

**F1623** Words in s. 690D(2)(b) inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 2(5)(b)**

**F1624** S. 690D(2A) inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 2(6)**

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**F1625** Words in s. 690D(3)(b) substituted for s. 690D(3)(b)(i) (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 8(1)(a)(i)**

**F1626** S. 690D(3)(b)(ii) and word inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 8(1)(a)(ii)** (with Sch. 4 para. 8(2))

**F1627** S. 690D(3)(c)(d) inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 2(7)**

**F1628** Words in s. 690D(4) inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 2(8)**

**F1629** Words in s. 690D(5)(a) inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 2(10)(a)**

**F1630** Words in s. 690D(5)(a) substituted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 2(10)(b)**

**F1631** S. 690D(5A)(5B) inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 2(9)**

**F1632** Word in s. 690D(6)(a) substituted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 2(11)(a)**

**F1633** S. 690D(6)(aa) inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 8(1)(b)**

**F1634** S. 690D(6)(b)(c) substituted for s. 690D(6)(b) (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 2(11)(b)**

**F1635** Word in s. 690D(6)(c)(i) substituted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 2(11)(c)**

**F1636** S. 690D(9)(c)(d) inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 2(12)(b)**

## 690E Direction by HMRC in relation to qualifying new residents [F1637or treaty non-residents]

(1) This section applies where—

(a) a notice given during the **[**F1638notifiable**]** year under section 690D has effect, ...

(b) . . . . . .

(2) An officer of Revenue and Customs may give a direction—

(a) for determining a proportion of any qualifying payment **[**F1639or treaty affected payment (as applicable)**]** made by the employer to the employee which is to be treated for the purposes of PAYE regulations as not being a payment of PAYE income, or

(b) that any such payment is to be treated entirely as PAYE income for the purposes of PAYE regulations.

(3) A direction under subsection (2)—

(a) must specify the employee and the **[**F1640notifiable**]** year,

(b) must be given by notice to the appropriate person, and

(c) may be varied by notice to the appropriate person from a day specified in the notice (which may not be earlier than 30 days from the date on which the notice is given).

(4) If—

(a) a direction under subsection (2) has effect, and

(b) any qualifying payment **[**F1641or treaty affected payment (as applicable)**]** is made by the employer to the employee in any tax year,

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the direction applies to the payment.

(5) A direction under subsection (2) has effect when it is given.

(6) A direction under subsection (2) ceases to have effect if a notice has subsequently been—

(a) given by the appropriate person under section 690A (employer notification for internationally mobile employee) on the basis that the employee is or is likely to be non-UK resident for the **[**F1642notifiable**]** year, and

(b) acknowledged by an officer of Revenue and Customs.

(7) Subsection (4) is without prejudice to—

(a) any assessment in respect of the income of the employee in question, and

(b) any right to repayment of income tax and any relevant debts overpaid and any obligation to pay income tax underpaid and any relevant debts that remain wholly or partly unpaid.**]**

**Textual Amendments**

**F1616** Ss. 690D, 690E inserted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 38(3), **Sch. 8 para. 4** (with Sch. 8 Pt. 3)

**F1637** Words in s. 690E heading inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 4(2)**

**F1638** Word in s. 690E(1)(a) substituted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 4(3)**

**F1639** Words in s. 690E(2)(a) inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 4(4)**

**F1640** Word in s. 690E(3)(a) substituted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 4(3)**

**F1641** Words in s. 690E(4)(b) inserted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 4(4)**

**F1642** Word in s. 690E(6)(a) substituted (for the tax year 2026-27 and subsequent tax years) by Finance Act 2026 (c. 11), s. 45(2), **Sch. 4 para. 4(3)**

## 691 Mobile UK workforce

(1) This section applies if it appears to **[**F104the Commissioners for Her Majesty's Revenue and Customs**]** that—

(a) a person ("the relevant person") has entered into or is likely to enter into an agreement that employees of another person ("the contractor") are in any period to work for, but not as employees of, the relevant person,

(b) payments of, or on account of, PAYE income of the employees in respect of work done in that period are likely to be made by or on behalf of the contractor, and

(c) PAYE regulations would apply on the making of such payments but it is likely that income tax **[**F1643and any relevant debts**]** will not be deducted, or will not be accounted for, in accordance with the regulations.

(2) The **[**F1644Commissioners**]** may give a direction that, if—

(a) any of the employees of the contractor work in any period for, but not as employees of, the relevant person, and

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(b) any payment is made by the relevant person in respect of work done by the employees in that period,

**[**[F1645]income tax and any relevant debts are**]** to be deducted in accordance with the provisions of this section by the relevant person on making the payment.

(3) A direction under subsection (2)—

(a) must specify the relevant person and the contractor to whom it relates;

(b) must be given by notice to the relevant person; and

(c) may at any time be withdrawn by notice to the relevant person.

(4) The **[**[F1644]Commissioners**]** must take such steps as are reasonably practicable to ensure that a contractor is supplied with a copy of any notice under subsection (3) which relates to him.

(5) If—

(a) a direction under subsection (2) has effect, and

(b) any employees of the contractor specified in the direction work for, but not as employees of, the relevant person so specified,

income tax **[**[F1646]and any relevant debts are**]**, subject to and in accordance with PAYE regulations, to be deducted by the relevant person on making any payment in respect of that work as if so much of the payment as is attributable to work done by each employee were a payment of PAYE income of that employee.

**Textual Amendments**

**F104** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(2)**; S.I. 2005/1126, art. 2(2)(h)

**F1643** Words in s. 691(1)(c) inserted (20.7.2011) by The Finance Act 2009 (Consequential Amendments) Order 2011 (S.I. 2011/1583), arts. 1, **2(9)(a)**

**F1644** Words in s. 691 substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(3)(i)**; S.I. 2005/1126, art. 2(2)(h)

**F1645** Words in s. 691(2) substituted (20.7.2011) by The Finance Act 2009 (Consequential Amendments) Order 2011 (S.I. 2011/1583), arts. 1, **2(9)(b)**

**F1646** Words in s. 691(5) substituted (20.7.2011) by The Finance Act 2009 (Consequential Amendments) Order 2011 (S.I. 2011/1583), arts. 1, **2(9)(c)**

## 692 Organised arrangements for sharing tips

(1) PAYE regulations may make provision with respect to organised arrangements for tips to be shared among employees by a person ("P") who is not the principal employer.

(2) PAYE regulations may include provisions which, for the purposes of PAYE regulations—

(a) treat every payment made by P to an employee by way of the employee's share of any tips (including the retention by P of P's own share if P is an employee) as a payment of PAYE income by P, and

(b) treat P as the employer in relation to every such payment.

(3) PAYE regulations may also include provisions which—

(a) apply if P has failed to comply with any of the requirements of PAYE regulations, and

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(b) treat the principal employer, for the purposes of PAYE regulations, as making payments to the employees of any tips paid over to P by the principal employer.

(4) In this section—

"the principal employer" means the person under whose general control and management the employees work;

"tips" means gratuities and service charges.

## CHAPTER 4

PAYE: SPECIAL TYPES OF INCOME

*Income provided by means of vouchers and tokens*

### 693 Cash vouchers

(1) If a cash voucher to which Chapter 4 of Part 3 (taxable benefits: vouchers and credit-tokens) applies is received by an employee at any time, the employer is to be treated, for the purposes of PAYE regulations, as making at that time a payment of PAYE income of the employee of an amount equal to the amount ascertained under **[**[F1647]subsection (2) of, or (as the case may be) referred to in subsection (1A)(b) of, section 81**]** (benefit of cash voucher treated as earnings).

(2) This section does not apply to the provision of a cash voucher if—

(a) the voucher is used to meet expenses, and

(b) if the amount for which the voucher is capable of being exchanged had been paid directly to the employee by his or her employer, the amount would not have been PAYE income except by virtue of section 70 (sums in respect of expenses).

(3) This section does not apply to the provision of a cash voucher if it is exchanged for an amount which—

(a) is used to meet expenses, and

(b) if it had been paid directly to the employee by the employer, would not have been PAYE income except by virtue of section 70.

(4) PAYE regulations may exclude from the scope of this section the provision of cash vouchers in circumstances specified in the regulations.

(5) A cash voucher provided for an employee and appropriated to the employee—

(a) by attaching it to a card held for the employee, or

(b) in any other way,

is to be treated for the purposes of this section as having been received by the employee at the time when it is appropriated.

**Textual Amendments**

**F1647** Words in s. 693(1) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 57**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## 694 Non-cash vouchers

(1) If a non-cash voucher to which this section applies is received by an employee, the employer is to be treated, for the purposes of PAYE regulations, as making a payment of PAYE income of the employee of an amount equal to the amount ascertained under section 87(2) **[**[F1648]or 87A(4)**]** (benefit of non-cash voucher treated as earnings).

(2) This section applies to a non-cash voucher to which Chapter 4 of Part 3 (taxable benefits: vouchers and credit-tokens) applies if—

(a) either of the conditions set out below is met with respect to the voucher, and

(b) the voucher is not of a description for the time being excluded from the scope of this section by PAYE regulations.

(3) The first condition is met with respect to a non-cash voucher if it is capable of being exchanged for anything which, if provided to the employee at the time when the voucher is received, would fall to be regarded as a readily convertible asset.

(4) The second condition is met with respect to a non-cash voucher if (but for section 701(2)(b)) it would fall itself to be regarded as a readily convertible asset.

(5) A payment under subsection (1) is made—

(a) in the case of a non-cash voucher other than a cheque voucher, at the time when the cost of provision is incurred or, if later, the time when the voucher is received by the employee;

(b) in the case of a cheque voucher, at the time when the voucher is handed over in exchange for money, goods or services.

(6) For the purposes of subsection (5)—

"cheque voucher" has the same meaning as in Chapter 4 of Part 3;

"cost of provision", in relation to a voucher provided by an employer, has the meaning given by section 87;

and a cheque voucher that is posted is to be treated as handed over at the time of posting.

(7) A non-cash voucher provided for an employee and appropriated to the employee—

(a) by attaching it to a card held for the employee, or

(b) in any other way,

is to be treated for the purposes of this section as having been received by the employee at the time when it is appropriated.

**Textual Amendments**

**F1648** Words in s. 694(1) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 58**

## 695 Credit-tokens

(1) On each occasion on which an employee uses a credit-token provided to the employee because of the employee's employment to obtain—

(a) money, or

(b) anything which, if provided to the employee at the time when the credit-token is used, would fall to be regarded as a readily convertible asset,

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the employer is to be treated, for the purposes of PAYE regulations, as making a payment of PAYE income of the employee of an amount equal to the amount ascertained under section 94(2) (benefit of credit-token treated as earnings).

**[**F1649(1A) If the credit-token is provided pursuant to optional remuneration arrangements, the reference in subsection (1) to the amount ascertained under section 94(2) is to be read as a reference to what that amount would be were the credit-token provided otherwise than pursuant to optional remuneration arrangements.

In this subsection "optional remuneration arrangements" is to be interpreted in accordance with section 69A.**]**

(2) The use of a credit-token by an employee to obtain money is excluded from the scope of this section if the money—

(a) is used to meet expenses, and

(b) if it had been paid directly to the employee by the employer, would not have been PAYE income except by virtue of section 70 (sums in respect of expenses).

(3) PAYE regulations may make provision for excluding from the scope of this section any other description of use of a credit-token.

**Textual Amendments**

**F1649** S. 695(1A) inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 59**

*Income provided in other ways*

### **[**F1650**695A Employment income under Part 7A**

(1) This section applies if—

(a) the value of a relevant step counts as employment income under Chapter 2 of Part 7A, and

(b) the relevant step is not the payment of a sum of money,

and references to A and B are to be read accordingly.

(2) For the purposes of PAYE regulations B is treated as making a payment of PAYE income of A of an amount which, on the basis of the best estimate which can reasonably be made, is—

(a) the amount of the employment income, less

(b) so much of that amount (if any) to which section 554Z9(2) or 554Z10(2) applies.

(3) The payment is treated as made on the latest of the following days—

(a) the day on which the relevant step is taken,

(b) the day on which A's employment with B starts, and

(c) the day which is 30 days after the day on which FA 2011 is passed.

(4) Subsection (2) does not apply if the person who takes the relevant step (whether or not a person to whom PAYE regulations apply) accounts for income tax on the relevant step in accordance with PAYE regulations.**]**

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**Textual Amendments**

**F1650** S. 695A inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 31**

## 696 Readily convertible assets

(1) If any PAYE income of an employee is provided in the form of a readily convertible asset, the employer is to be treated, for the purposes of PAYE regulations, as making a payment of that income of an amount equal to the amount given by subsection (2).

(2) The amount referred to is the amount which, on the basis of the best estimate that can reasonably be made, is the amount of income likely to be PAYE income in respect of the provision of the asset.

**[**F1651(3) This section does not apply to any PAYE income so far as it is employment income under Chapter 2 of Part 7A.**]**

**Textual Amendments**

**F1651** S. 696(3) inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 32**

## 697 Enhancing the value of an asset

(1) This section applies if—

(a) any PAYE income of an employee is provided in the form of anything enhancing the value of an asset in which the employee or a member of the employee's family or household already has an interest, and

(b) that asset, with its value enhanced, would be treated as a readily convertible asset if PAYE income were provided to the employee in the form of the asset at the time of the enhancement.

(2) Section 696 has effect as if—

(a) the employee had been provided, at the time of the enhancement, with PAYE income in the form of the asset (with its value enhanced), instead of with what enhanced its value, and

(b) the reference in subsection (2) to the provision of the asset were a reference to the enhancement of its value.

(3) Any reference in this section to enhancing the value of an asset is a reference to—

(a) the provision of any services by which the asset or any right or interest in it is improved or otherwise made more valuable,

(b) the provision of any property the addition of which to the asset improves it or otherwise increases its value, or

(c) the provision of any other enhancement by the application of money or property to the improvement of the asset or to securing an increase in its value or the value of any right or interest in it.

(4) There is excluded from the scope of what constitutes enhancing the value of an asset for the purposes of this section any enhancement of value arising on the acquisition

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by the employee (whether or not as a result of the exercise of a right to acquire shares) of—

(a) any shares acquired by the employee under a scheme approved under ... Schedule 9 to ICTA (approved profit sharing schemes),

**[**[F1652](aa) any shares acquired by the employee under a scheme which is a Schedule 3 SAYE option scheme (see Schedule 3),**]**

**[**[F1653](ab) any shares acquired by the employee under a scheme which is a Schedule 4 CSOP scheme (see Schedule 4),**]**

(b) any right over or interest in shares obtained or acquired by the employee under **[**[F1654]a scheme mentioned in any of the preceding paragraphs**]**, or

(c) any shares acquired by the employee as a result of the exercise of a right over shares obtained before 27th November 1996,

if the shares in question form part of the share capital of a company falling within section 701(3).

(5) PAYE regulations may make provision excluding such other matters as may be described in the regulations from the scope of what constitutes enhancing the value of an asset for the purposes of this section.

**Textual Amendments**

**F1652** S. 697(4)(aa) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 137(b)**, 146 (with Sch. 8 paras. 147-157)

**F1653** S. 697(4)(ab) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 201**, 204 (with Sch. 8 paras. 205-215)

**F1654** Words in s. 697(4)(b) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 137(c)**, 146 (with Sch. 8 paras. 147-157)

## **[**[F1655]**698 PAYE: special charges on employment-related securities**

(1) This section applies where by reason of the operation of—

(a) section 426 (chargeable events in relation to restricted securities and restricted interests in securities),

(b) section 438 (chargeable events in relation to convertible securities and interests in convertible securities),

(c) section 446B (charge on acquisition where market value of securities or interest artificially depressed),

(d) section 446L (charge where market value of securities artificially enhanced),

(e) section 446U (securities or interest acquired for less than market value: charge on discharge of notional loan),

**[**[F1656](ea) section 446UA (securities or interest acquired for less than market value: charge in avoidance cases),**]**

(f) section 446Y (charge where securities or interest disposed of for more than market value), or

(g) section 447 (chargeable benefit from securities or interest),

in relation to employment-related securities, an amount counts as employment income of an employee.

(2) Sections 684 to 691 and 696 have effect as if—

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(a) the employee were provided with PAYE income in the form of the employment-related securities by the employer on the relevant date, and

(b) the reference in subsection (2) of section 696 to the amount of income likely to be PAYE income in respect of the provision of the asset were to the amount likely to count as employment income.

**[**F1657(2A) For the purposes of this section the amount likely to count as employment income under section 426 or 438 means the amount after deducting the amount of any relief likely to be available under section 428A or 442A (relief for secondary Class 1 contributions met by employee).**]**

(3) In a case in which the employment-related securities are not readily convertible assets, if—

(a) the amount counts as income by virtue of section 427(3)(c), 439(3)(b), (c) or (d), 446Y or 447, and

(b) the whole or any part of the consideration or benefit concerned takes the form of a payment or consists in the provision of an asset,

subsection (4) applies.

(4) Sections 684 to 691 and 696 have effect —

(a) to the extent that the consideration or benefit takes the form of a payment, as if it were a payment of PAYE income of the employee by the employer, and

(b) to the extent that the consideration or benefit consists in the provision of an asset, as if the provision of the asset were the provision of PAYE income in the form of the asset by the employer on the relevant date.

(5) Section 696 as applied by subsection (4)(b) has effect as if the reference in subsection (2) of that section to the amount of income likely to be PAYE income were to the same proportion of the amount likely to count as employment income as so much of the consideration or benefit as consists in the provision of the asset bears to the whole of the consideration or benefit.

(6) In this section "the relevant date" means—

(a) in relation to an amount counting as employment income under section 426 or 438, the date on which the chargeable event in question occurs,

(b) in relation to an amount counting as employment income under section 446B, the date of the acquisition of the securities or interest in securities in question,

(c) in relation to an amount counting as employment income under section 446L, the valuation date in question,

(d) in relation to an amount counting as employment income under section 446U, the date on which the notional loan in question is treated as discharged,

**[**F1658(da) in relation to an amount counting as employment income under section 446UA, the date of the acquisition of the securities or interest in securities in question,**]**

(e) in relation to an amount counting as employment income under section 446Y, the date of the disposal of the securities or interest in securities in question, and

(f) in relation to an amount counting as employment income under section 447, the date on which the benefit in question is received.

(7) In this section "employment-related securities" has the same meaning as in Chapters 1 to 4 of Part 7.

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**[**F1659(8) This section is subject to section 700A (employment-related securities etc: **[**F1660internationally mobile employees**]**).**]]**

**Textual Amendments**

**F1655** S. 698 substituted for ss. 698, 699 (1.9.2003 with effect in accordance with Sch. 22 para. 12(2) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 22 para. 12(1)**; S.I. 2003/1997, art. 2

**F1656** S. 698(1)(ea) inserted (with effect in accordance with Sch. 2 para. 16(4) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 2 para. 16(2)**

**F1657** S. 698(2A) inserted (1.9.2004) by Finance Act 2004 (c. 12), s. 85(2), **Sch. 16 para. 4(2)**; S.I. 2004/1945, art. 2

**F1658** S. 698(6)(da) inserted (with effect in accordance with Sch. 2 para. 16(4) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 2 para. 16(3)**

**F1659** S. 698(8) inserted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 36**

**F1660** Words in s. 698(8) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(14)**

## 699 PAYE: conversion of shares

. . . . . .

## [F1661700 PAYE: gains from securities options

(1) This section applies where by reason of the operation of section 476 (acquisition of securities pursuant to securities option etc) in relation to an employment-related securities option an amount counts as employment income of an employee.

(2) In a case where the amount counts as employment income by virtue of section 477(3)(a) (acquisition of securities), sections 684 to 691 and 696 have effect as if—

(a) the employee were provided with PAYE income in the form of the securities by the employer on the relevant date, and

(b) the reference in subsection (2) of section 696 to the amount of income likely to be PAYE income in respect of the provision of the asset were to the amount likely to count as employment income.

(3) In a case where the amount counts as income by virtue of section 477(3)(b) or (c) (assignment or release for consideration or receipt of benefit), sections 684 to 691 and 696 have effect —

(a) to the extent that the consideration or benefit takes the form of a payment, as if it were a payment of PAYE income of the employee by the employer, and

(b) to the extent that the consideration or benefit consists in the provision of an asset, as if the provision of the asset were the provision of PAYE income in the form of the asset by the employer on the relevant date.

(4) Section 696 as applied by subsection (3)(b) has effect as if the reference in subsection (2) of that section to the amount of income likely to be PAYE income were to the same proportion of the amount likely to count as employment income as so much of the consideration or benefit as consists in the provision of the asset bears to the whole of the consideration or benefit.

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**[**F1662(4A) For the purposes of this section the amount likely to count as employment income under section 476 means the amount after deducting the amount of any relief likely to be available under section 481 or 482 (relief for secondary Class 1 contributions or special contribution met by employee).**]**

(5) In this section "the relevant date" means the date on which the chargeable event in question occurs.

(6) In this section—

"employment-related securities option", and

"securities",

have the same meaning as in Chapter 5 of Part 7.

**[**F1663(7) This section is subject to section 700A (employment-related securities etc: **[**F1664internationally mobile employees**]**).**]]**

**Textual Amendments**

**F1661** S. 700 substituted (1.9.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 13(1)**; S.I. 2003/1997, art. 2

**F1662** S. 700(4A) inserted (1.9.2004) by Finance Act 2004 (c. 12), s. 85(2), **Sch. 16 para. 4(3)**; S.I. 2004/1945, art. 2

**F1663** S. 700(7) inserted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 37**

**F1664** Words in s. 700(7) substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(15)**

## **[**F1665700A Employment-related securities etc: **[**F1666internationally mobile employees**]**

(1) This section applies if—

(a) section 698 or 700 applies, and

(b) part or all of the amount that counts as employment income is foreign securities income or is likely to be foreign securities income.

(2) The amount of the payment treated under section 696 as made is limited to—

(a) the amount that, on the basis of the best estimate that can reasonably be made, is likely to count as employment income, minus

(b) the amount that, on the basis of such an estimate, is likely to be foreign securities income.

(3) References in this section to "foreign securities income" are to income that is foreign securities income for the purposes of section **[**F166741F**].]**

**Textual Amendments**

**F1665** S. 700A inserted (with effect in accordance with Sch. 7 para. 80 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 38**

**F1666** Words in s. 700A heading substituted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2025 (c. 8), s. 40(4), **Sch. 9 para. 3(16)**

**F1667** Word in s. 700A(3) substituted (with effect in accordance with Sch. 9 para. 48 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 9 paras. 21**, 47

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*Supplemental*

## 701 Meaning of "asset"

(1) In this Chapter "asset" includes any property and in particular any investment of a kind specified in Part 3 of the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (S.I. 2001/544).

This is subject to subsection (2).

(2) In this Chapter "asset" does not include—

(a) any payment actually made of, or on account of, PAYE income;

(b) ... any cash voucher, non-cash voucher or credit-token;

(c) the following—

(i) any shares acquired by the employee (whether or not as a result of the exercise of a right to acquire shares) under a scheme approved under ... ... Schedule 9 to ICTA (approved profit sharing schemes),

**[**F1668(iza) any shares acquired by the employee under a scheme which is a Schedule 3 SAYE option scheme (see Schedule 3),**]**

**[**F1669(ia) any shares acquired by the employee **[**F1670under a scheme **[**F1671which is a Schedule 4 CSOP scheme (see Schedule 4)**]** in circumstances in which Condition A or B as set out in section 524(2) or (2A) is met;**]]**

(ii) . . . . . .

(iii) any shares acquired by the employee as the result of the exercise of a right over shares obtained before 27th November 1996 **[**F1672where the avoidance of tax or national insurance contributions is not the main purpose (or one of the main purposes) of any arrangements under which the right was obtained or is exercised**]**,

if the shares in question form part of the ordinary share capital of a company falling within subsection (3); or

(d) any description of property for the time being excluded from the scope of this section by PAYE regulations.

(3) A company falls within this subsection if it—

(a) is the employer ("the employer company");

(b) has control of the employer company; or

(c) either is, or has control of, a company which is a member of a consortium owning either the employer company or a company having control of the employer company.

**[**F1673(3A) Paragraph (c) of subsection (2) does not apply to shares after their acquisition as mentioned in that paragraph.**]**

(4) In this section "share" includes stock.

(5) For the purposes of this section a company is a member of a consortium owning another company if it is one of a number of companies which between them beneficially own not less than 75% of the other company's ordinary share capital and each of which beneficially owns not less than 5% of that capital.

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**Textual Amendments**

**F1668** S. 701(2)(c)(iza) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 138(b)**, 146 (with Sch. 8 paras. 147-157)

**F1669** S. 701(2)(c)(ia) inserted (with effect in accordance with Sch. 21 para. 18(5) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 21 para. 18(3)**

**F1670** Words in s. 701(2)(c)(ia) substituted (18.6.2004 with effect in accordance with s. 88(11)-(13) of the amending Act) by Finance Act 2004 (c. 12), **s. 88(9)(a)**

**F1671** Words in s. 701(2)(c)(ia) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 202**, 204 (with Sch. 8 paras. 205-215)

**F1672** Words in s. 701(2)(c)(iii) inserted (18.6.2004 with effect in accordance with s. 88(11)-(13) of the amending Act) by Finance Act 2004 (c. 12), **s. 88(9)(c)**

**F1673** S. 701(3A) inserted (18.6.2004 with effect in accordance with s. 88(11)-(13) of the amending Act) by Finance Act 2004 (c. 12), **s. 88(10)**

## 702 Meaning of "readily convertible asset"

(1) In this Chapter "readily convertible asset" means—

(a) an asset capable of being sold or otherwise realised on—

(i) a recognised investment exchange (within the meaning of the Financial Services and Markets Act 2000 (c. 8)),

(ii) the London Bullion Market,

(iii) the New York Stock Exchange, or

(iv) a market for the time being specified in PAYE regulations;

(b) an asset consisting in—

(i) the rights of an assignee, or any other rights, in respect of a money debt that is or may become due to the employer or any other person,

(ii) property that is subject to a warehousing regime, or any right in respect of property so subject, or

(iii) anything that is likely (without anything being done by the employee) to give rise to, or to become, a right enabling a person to obtain an amount or total amount of money which is likely to be similar to the expense incurred in the provision of the asset; or

(c) an asset for which trading arrangements are in existence, or are likely to come into existence in accordance with—

(i) any arrangements of another description existing when the asset is provided, or

(ii) any understanding existing at that time.

(2) For the purposes of this section trading arrangements for any asset provided to any person exist whenever there exist any arrangements the effect of which in relation to that asset is to enable—

(a) that person, or

(b) a member of that person's family or household,

to obtain an amount or total amount of money that is, or is likely to be, similar to the expense incurred in the provision of that asset.

(3) PAYE regulations may exclude any description of arrangements from being trading arrangements for the purposes of this section.

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(4) References in this section to enabling a person to obtain an amount of money are to be read—

(a) as references to enabling an amount to be obtained by that person by any means at all, including in particular—

(i) by using any asset or other property as security for a loan or advance, or

(ii) by using any rights comprised in or attached to any asset or other property to obtain any asset for which trading arrangements exist; and

(b) as including references to cases where a person is enabled to obtain an amount as a member of a class or description of persons, as well as where the person is so enabled in the person's own right.

(5) For the purposes of this section an amount is similar to the expense incurred in the provision of any asset if it is, or is an amount of money equivalent to—

(a) the amount of the expense so incurred, or

(b) a greater amount, or

(c) an amount that is less than that amount but not substantially so.

**[**[F1674](5A) An asset consisting in securities which is not a readily convertible asset apart from this subsection is to be treated as a readily convertible asset unless the securities are shares that are corporation tax deductible.

(5B) For the purposes of subsection (5A) shares are corporation tax deductible if they are acquired by a person—

(a) by reason of that, or another person's, employment with a company, or

(b) pursuant to an option granted by reason of that, or another person's, employment with a company,

and the company is entitled to corporation tax relief in respect of the shares under **[**[F1675]Part 12 of CTA 2009**]** (corporation tax relief for employee share acquisition).

(5C) If a person acquires additional shares by virtue of holding shares that are corporation tax deductible, the additional shares are to be treated for the purposes of subsection (5A) as if they were corporation tax deductible.

(5D) If—

(a) on a person ceasing to be beneficially entitled to shares that are corporation tax deductible, that person acquires other shares, and

(b) the circumstances are such that the shares to which the person ceases to be beneficially entitled constitute "original shares" and the other shares constitute a "new holding" for the purposes of sections 127 to 130 of TCGA 1992,

the shares that constitute the new holding are to be treated for the purposes of subsection (5A) as if they were corporation tax deductible.**]**

(6) In this section—

"money" includes money expressed in a currency other than sterling;

"money debt" means any obligation which falls to be, or may be, settled—

(a) by the payment of money, or

(b) by the transfer of a right to settlement under an obligation which is itself a money debt;

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**[**[F1676]"securities" has the same meaning as in Chapters 1 to 5 of Part 7 (employment income from securities) (see section 420),

"shares" includes—

(a) an interest in shares, and

(b) stock or an interest in stock,**]**

"warehousing regime" means—

(a) a warehousing or fiscal warehousing regime (within the meaning of sections 18 to 18F of the Value Added Tax Act 1994 (c. 23)); or

(b) any corresponding arrangements in a State other than the United Kingdom which is a Contracting Party to the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993.

**Textual Amendments**

**F1674** S. 702(5A)-(5D) inserted (10.7.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 15(2)**

**F1675** Words in s. 702(5B) substituted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), **Sch. 1 para. 555** (with Sch. 2 Pts. 1, 2)

**F1676** Words in s. 702(6) inserted (10.7.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 15(3)**

## CHAPTER 5

PAYE SETTLEMENT AGREEMENTS

### 703 Introduction

This Chapter provides—

(a) for employers to make agreements with **[**[F1677]Her Majesty's Revenue and Customs**]** ("PAYE settlement agreements") under which they agree to be accountable to the **[**[F1678]Commissioners**]** for sums in respect of income tax on general earnings of their employees; and

(b) for such earnings to be treated for certain purposes of the Income Tax Acts as excluded from the employees' income.

**Textual Amendments**

**F1677** Words in s. 703(a) substituted (with effect in accordance with s. 6(2) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 6(1)**

**F1678** Words in s. 703 substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(3)(j)**; S.I. 2005/1126, art. 2(2)(h)

### 704 Sums payable by employers under agreements

(1) PAYE regulations may provide—

(a) for a person to make a PAYE settlement agreement with **[**[F1679]Her Majesty's Revenue and Customs**]**; and

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(b) to such extent as may be prescribed, for that person's accountability, and the sums to be accounted for, in respect of income tax on general earnings of that person's employees to be determined—

(i) in accordance with the agreement, and

(ii) not in accordance with PAYE regulations which would apply apart from this Chapter.

(2) Without prejudice to the generality of section 684(2), any power of the **[**F1680Commissioners**]** to make PAYE regulations with respect to sums falling to be accounted for under such regulations includes power to make the corresponding provision with respect to sums falling to be accounted for in accordance with a PAYE settlement agreement.

**Textual Amendments**

**F1679** Words in s. 704(1)(a) substituted (with effect in accordance with s. 6(2) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 6(1)**

**F1680** Words in s. 704 substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(3)(k)**; S.I. 2005/1126, art. 2(2)(h)

## 705 Approximations allowed in calculations

PAYE regulations may provide for a PAYE settlement agreement to allow sums which an employer is to account for—

(a) to be computed, if two or more persons hold employments to which the agreement relates, by reference to a number of those persons all taken together;

(b) to include sums representing income tax on an estimated amount taken to be the aggregate of the amounts of PAYE income consisting of—

(i) taxable benefits provided or made available by reason of the employments to which the agreement relates, and

(ii) expenses paid to the persons holding those employments; and

(c) to be computed in a manner under which they do not necessarily represent an amount of income tax which would be payable (apart from the agreement) by persons holding employments to which the agreement relates.

## 706 Exclusion of general earnings from income etc.

PAYE regulations may provide—

(a) that sums accountable for by an employer under a PAYE settlement agreement, or any other sums, are not to be treated for any prescribed purpose as tax deducted from general earnings;

(b) that an employee is to have no right to be treated as having paid tax in respect of sums accountable for by the employer under such an agreement;

(c) that an employee is to be treated, except—

(i) for the purposes of the obligations imposed on the employer by such an agreement, and

(ii) to such further extent as may be prescribed,

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as relieved from any prescribed obligations of the employee under the Income Tax Acts in respect of general earnings from an employment to which the agreement relates; and

(d) that such earnings are to be treated as excluded from the employee's income for such further purposes of the Income Tax Acts, and to such extent, as may be prescribed.

### 707 Interpretation of this Chapter

In this Chapter—

"employment" means any employment the general earnings from which are (or, apart from any regulations made by virtue of **[**F1681this Chapter**]**, would be) PAYE income and related expressions are to be construed accordingly;

"prescribed" means prescribed by PAYE regulations;

"taxable benefit", in relation to an employee, means any benefit provided or made available, otherwise than in the form of a payment of money, to the employee, or to a person who is a member of the employee's family or household.

**Textual Amendments**

**F1681** Words in s. 707 substituted (10.7.2003) by Finance Act 2003 (c. 14), **s. 145(5)**

## CHAPTER 6

MISCELLANEOUS AND SUPPLEMENTAL

### **[**F1682707A Provision of additional information to His Majesty's Revenue and Customs

(1) PAYE regulations may include provision requiring an employer to provide any information that is specified or described in regulations made by the Commissioners (whether or not that information is also relevant to the assessment, charge, collection and recovery of income tax in respect of PAYE income).

(2) The Commissioners for His Majesty's Revenue and Customs may only specify or describe information in regulations under subsection (1) if the Commissioners consider that the information is relevant for the purpose of the collection and management of any of the taxes listed in section 1 of TMA 1970.**]**

**Textual Amendments**

**F1682** S. 707A inserted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2024 (c. 3), **s. 36(4)**(5)

### 708 PAYE repayments

(1) PAYE regulations may provide that no repayment of income tax may be made under such regulations to a person—

(a) during a period for which the person has claimed jobseeker's allowance, or

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(b) at a time when the person is prevented by the trade disputes provisions from being entitled to a jobseeker's allowance, or would be so prevented if the person otherwise met the conditions for entitlement.

(2) Different provision may be made with respect to—

(a) persons within subsection (1)(a), and

(b) persons within subsection (1)(b).

(3) "The trade disputes provisions" means—

(a) section 14 of JSA 1995, or

(b) Article 16 of JS(NI)O 1995.

### 709 Additional provision for certain assessments

(1) This section applies if—

(a) an assessment to income tax is made as respects relevant income (with or without other income), and

(b) the assessment is made after the end of the period of 12 months following the tax year for which it is made.

(2) In so far as it relates to relevant income, the assessment is to be made in accordance with the practice generally prevailing at the end of that period.

(3) "Relevant income" means income which—

(a) has been taken into account in the making of deductions or repayments of tax under PAYE regulations, and

(b) was received not less than 12 months before the beginning of the tax year in which the assessment is made.

### 710 Notional payments: accounting for tax

(1) If an employer makes a notional payment of PAYE income of an employee, the employer must**[**F1683, subject to and in accordance with PAYE regulations,**]** deduct income tax at the relevant time from any payment or payments the employer actually makes of, or on account of, PAYE income of the employee.

(2) For the purposes of this section—

(a) a notional payment is a payment treated as made by virtue of any of sections 687, **[**F1684687A,**]** 689**[**F1685, 689A**]** and 693 to 700, other than a payment whose amount is given by section 687(3)(a)**[**F1686, 689(3)(a) or 689A(4)(a)**]**, and

(b) any reference to an employer includes a reference to a person who is treated as making a payment by virtue of section 689(2) **[**F1687or 689A(3)**]**.

(3) Subsection (4) applies if, because the payments actually made are insufficient for the purpose, the employer is unable to deduct the full amount of the income tax as required by subsection (1).

(4) The employer must**[**F1688, subject to and in accordance with PAYE regulations,**]** account to **[**F104the Commissioners for Her Majesty's Revenue and Customs**]** at the relevant time for an amount of income tax equal to the amount of income tax the employer is required, but is unable, to deduct.

(5) PAYE regulations may make provision—

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(a) with respect to the time when any notional payment (or description of notional payment) is made;

(b) applying (with or without modifications) any specified provisions of the regulations for the time being in force in relation to deductions from actual payments to amounts **[**F1689deducted or accounted for (or required to be deducted or accounted for)**]** in respect of any notional payments;

(c) with respect to the collection and recovery of amounts **[**F1690deducted or accounted for (or required to be deducted or accounted for)**]** in respect of notional payments.

(6) Any amount—

(a) which an employer deducts as mentioned in subsection (1), or

(b) for which an employer accounts as mentioned in subsection (4),

is to be treated as **[**F1691an amount of tax which**]**, at the time when the notional payment is made, **[**F1691is deducted**]** in respect of the employee's liability to income tax.

(7) "The relevant time" means **[**F1692(subject to subsection (7A))**]**—

(a) in subsection (1), any occasion—

(i) on or after the time when the notional payment is made, and

(ii) falling within the same income tax period,

on which the employer actually makes a payment of, or on account of, PAYE income of the employee;

(b) in subsection (4), any time within 14 days of the end of the income tax period in which the notional payment was made.

**[**F1693(7A) In a case where the notional payment is treated by virtue of any Act as made before the date on which the Act is passed—

(a) the reference in sub-paragraph (i) of paragraph (a) of subsection (7) to the time when the notional payment is made is to the date on which the Act is passed,

(b) the reference in sub-paragraph (ii) of that paragraph to any occasion falling within the same income tax period is to any occasion falling before the end of the income tax period next after that in which that date falls, and

(c) the reference in paragraph (b) of that subsection to the income tax period in which the notional payment was made is to the income tax period next after that in which that date falls.**]**

(8) In subsection (7) "income tax period" has the same meaning as in the Income Tax (Employments) Regulations 1993 (S.I. 1993/744), or any subsequent regulations making corresponding provision.

**Textual Amendments**

**F104** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(2)**; S.I. 2005/1126, art. 2(2)(h)

**F1683** Words in s. 710(1) inserted (10.7.2003) by Finance Act 2003 (c. 14), **s. 145(6)(a)**

**F1684** Word in s. 710(2)(a) inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 33**

**F1685** Words in s. 710(2)(a) inserted (6.4.2014) by Finance Act 2014 (c. 26), **s. 21(7)(a)(i)**(10)

**F1686** Words in s. 710(2)(a) substituted (6.4.2014) by Finance Act 2014 (c. 26), **s. 21(7)(a)(ii)**(10)

**F1687** Words in s. 710(2)(b) inserted (6.4.2014) by Finance Act 2014 (c. 26), **s. 21(7)(b)**(10)

**F1688** Words in s. 710(4) inserted (10.7.2003) by Finance Act 2003 (c. 14), **s. 145(6)(a)**

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**F1689** Words in s. 710(5)(b) substituted (10.7.2003) by Finance Act 2003 (c. 14), **s. 145(6)(b)**
**F1690** Words in s. 710(5)(c) substituted (10.7.2003) by Finance Act 2003 (c. 14), **s. 145(6)(b)**
**F1691** Words in s. 710(6) substituted (10.7.2003) by Finance Act 2003 (c. 14), **s. 145(6)(c)**
**F1692** Words in s. 710(7) inserted (with effect in accordance with s. 94(5) of the amending Act) by Finance Act 2006 (c. 25), **s. 94(4)(a)**; S.I. 2007/1081, art. 2
**F1693** S. 710(7A) inserted (with effect in accordance with s. 94(5) of the amending Act) by Finance Act 2006 (c. 25), **s. 94(4)(b)**; S.I. 2007/1081, art. 2

## 711 Right to make a return

(1) A person who has PAYE income for a tax year in respect of which deductions or repayments are made under PAYE regulations may by notice require **[**[F154]an officer of Revenue and Customs**]** to give that person a notice under section 8 of TMA 1970 (personal return) for the tax year.

(2) A notice to **[**[F154]an officer of Revenue and Customs**]** under subsection (1) must be given no later than **[**[F1694]3 years**]** after the 31st October next following the tax year.

**Textual Amendments**
**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)
**F1694** Words in s. 711(2) substituted (1.4.2010) by Finance Act 2008 (c. 9), s. 118(2), **Sch. 39 para. 49**; S.I. 2009/403, art. 2(2) (with art. 10)

## 712 Interpretation of this Part

(1) In this Part—

"employee" means a person who holds or has held employment with another person;

"employer" means—

(a) in relation to an employee, a person with whom the employee holds or has held an employment, and

(b) in relation to any PAYE income of an employee, the person who is the employer of the employee in relation to the employment in respect of which the income is or was provided or, as the case may be, by reference to which it falls to be regarded as PAYE income. The above definitions are subject to sections 688 and 710(2)(b).

**[**[F1695]" relevant debt " has the meaning given by section 684(7AA).**]**

(2) Sections 4 and 5 apply for the purposes of this Part as they apply for the purposes of the employment income Parts.

**Textual Amendments**
**F1695** Words in s. 712(1) inserted (20.7.2011) by The Finance Act 2009 (Consequential Amendments) Order 2011 (S.I. 2011/1583), arts. 1, **2(10)**

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# PART 12

## PAYROLL GIVING

### 713 Donations to charity: payroll deduction scheme

(1) This section applies if—

(a) an individual is entitled to receive payments of, or on account of, PAYE income in respect of which PAYE regulations require deductions or repayments of income tax in accordance with those regulations, and

(b) at the request of the individual, the person making the payments (the "payer") withholds sums from them as donations.

(2) In determining whether there is such a requirement under PAYE regulations for the purposes of subsection (1)(a), any requirement under the regulations which requires the deduction of an amount in calculating the payments of, or on account of, PAYE income is to be disregarded.

(3) The amount of the donations is allowed as a deduction in calculating the amount of the individual's income which is charged to tax in accordance with subsection (4).

(4) In the case of a payment of, or on account of—

(a) taxable earnings from an employment, the deduction is allowed from the taxable earnings from the employment in calculating the net taxable earnings from the employment for the relevant tax year for the purposes of Part 2 (see section 11(1));

(b) taxable specific income from an employment, the deduction is allowed from that taxable specific income in calculating the net taxable specific income from the employment for the relevant tax year for the purposes of Part 2 (see section 12(1));

(c) taxable pension income for a pension, annuity or other item of pension income, the deduction is allowed from that taxable pension income in calculating the net taxable pension income for that income for the relevant tax year for the purposes of Part 9 (see section 567(3));

(d) taxable social security income for a taxable benefit, the deduction is allowed from that taxable social security income in calculating the net taxable social security income for that benefit for the relevant tax year for the purposes of Part 10 (see section 658(3)).

(5) For the purposes of subsection (4) "relevant tax year" means—

(a) in the case of paragraphs (a) and (b), the tax year in which the donation is withheld, and

(b) in the case of paragraphs (c) and (d), the tax year for which the income referred to in subsection (1)(a) is taxable pension income or taxable social security income, as the case may be.

**[**[F1696](6) This section is subject to **[**[F1697]sections 809ZM and 809ZMB**]** of ITA 2007 (removal of income tax relief in respect of tainted charity donations etc).**]**

**Textual Amendments**

**F1696** S. 713(6) inserted (with effect in accordance with Sch. 3 para. 27 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 3 para. 5**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F1697** Words in s. 713(6) substituted (with effect in accordance with s. 56(8) of the amending Act) by Finance Act 2026 (c. 11), s. 56(8), **Sch. 9 para. 21**

## 714 Meaning of "donations"

(1) For the purposes of this Part "donations" means sums which—

(a) are withheld by the payer under a scheme which is an approved scheme at the time of the withholding,

(b) constitute gifts by the individual to one or more specified charities under the scheme, and

(c) satisfy the conditions (if any) set out in the scheme.

(2) In this section—

"approved scheme" means a scheme which is approved (or is of a kind approved) by **[**F154an officer of Revenue and Customs**]** and under which—

(a) the payer is required to pay sums withheld to a body which is an approved agent at the time of the withholding, and

(b) the approved agent is required—

(i) to pay sums withheld to the specified charity or charities, or

(ii) in a case where the agent is itself a specified charity, to retain any sum due to itself;

"charity" ... includes each of the bodies mentioned in **[**F1698section 468 of CTA 2010**]**;

"specified charity" means a charity specified by the individual.

(3) For the purposes of this section a body is an "approved agent" if it is approved by **[**F154an officer of Revenue and Customs**]** for the purpose of paying donations to one or more charities.

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F1698** Words in s. 714(2) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 394** (with Sch. 2)

## 715 Approval of schemes: regulation by Treasury

(1) The Treasury may by regulations prescribe the circumstances in which **[**F154an officer of Revenue and Customs**]** may grant or withdraw approval of any—

(a) scheme,

(b) kind of scheme, or

(c) agent.

(2) The circumstances, whether relating to the terms of schemes or the qualifications of agents or otherwise, are to be such as the Treasury think fit.

(3) The Treasury may by regulations make provision—

(a) requiring a payer or agent who participates (or has at any time participated) in an approved scheme under this Part—

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(i) . . . . . .

(ii) in prescribed circumstances, to furnish to **[**F154an officer of Revenue and Customs**]** prescribed information;

(b) for, and in relation to, appeals ... against **[**F1699a refusal by an officer of Revenue and Customs to approve**]**, or **[**F1700the officer's**]** withdrawal of approval from, any—

(i) scheme,

(ii) kind of scheme, or

(iii) agent;

(c) generally for giving effect to sections 713 and 714.

In this subsection "prescribed" means prescribed by the regulations.

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F1699** Word in s. 715(3)(b) substituted (18.4.2005) by virtue of Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 118**; S.I. 2005/1126, art. 2(2)(h)

**F1700** Words in s. 715(3)(b) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 103(2)(a)**; S.I. 2005/1126, art. 2(2)(h)

## PART 13

SUPPLEMENTARY PROVISIONS

*Alteration of amounts*

### 716 Alteration of amounts by Treasury order

(1) The Treasury may by order increase or further increase the sums of money specified in any of the following provisions.

(2) They are—

(a) section 179(2)(a) (limit on exception for advances for necessary expenses),

(b) section 241(3)(a) and (b) (incidental overnight expenses: overall exemption limit),

(c) section 264(2) and (3) (annual parties and functions),

(d) section 287(1) (limit on exemption under Chapter 7 of Part 4: removal benefits and expenses),

(e) section 322(1) and (4) (suggestion awards: "the permitted maximum"),

(f) section 323(2) (long service awards),

**[**F1701(fa) section 323A(4) (trivial benefits provided by employers: cost of providing benefit),

(fb) section 323B(2) (trivial benefits provided by employers: annual exempt amount),**]**

(g) section 324(6) (small gifts from third parties), and

(h) section 358(3)(b) (business entertainment and gifts: other exceptions).

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(3) An order relating to section 241(3)(a) or (b) may make provision for determining what earnings are treated as received on or after the date when the order comes into force.

(4) An order relating to section 287(1) applies to a change of an employee's residence where the employment change occurs on or after the day specified in the order for the purpose.

"The employment change" here has the same meaning as in Chapter 7 of Part 4 (see section 275).

**Textual Amendments**

**F1701** S. 716(2)(fa)(fb) inserted (with effect in accordance with s. 13(5) of the amending Act) by Finance Act 2016 (c. 24), **s. 13(3)**

*[F1702 Priority rule for certain dividends etc*

**Textual Amendments**

**F1702** S. 716A and cross-heading inserted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 615** (with Sch. 2)

### 716A Priority rule for dividends etc. of UK resident companies etc.

**[** F1703(1)**]** Any income, so far as it falls within—

(a) Part 2, 9 or 10 of this Act, and

(b) Chapter 3 of Part 4 of ITTOIA 2005 (dividends etc. from UK resident companies etc.),

is dealt with under Chapter 3 of Part 4 of ITTOIA 2005.

**[** F1704(2) Subsection (1) is subject to section 554Z2(2).**]]**

**Textual Amendments**

**F1703** S. 716A renumbered as s. 716A(1) (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 34(2)**

**F1704** S. 716A(2) inserted (with effect in accordance with Sch. 2 paras. 52-59 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 2 para. 34(3)**

*[F1705 Employment intermediaries: information powers*

**Textual Amendments**

**F1705** S. 716B and cross-heading inserted (17.7.2014) by Finance Act 2014 (c. 26), **s. 18(1)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### 716B Employment intermediaries to keep, preserve and provide information etc

(1) For purposes connected with Chapter 7 ... (treatment of workers supplied by agencies) **[**F1706or 11 (umbrella companies) of Part 2**]** or Part 11 (PAYE), the Commissioners for Her Majesty's Revenue and Customs may by regulations make provision for, or in connection with, requiring a specified employment intermediary—

(a) to keep and preserve specified information, records or documents for a specified period;

(b) to provide Her Majesty's Revenue and Customs with specified information, records or documents within a specified period or at specified times.

(2) An "employment intermediary" is a person **[**F1707(other than an individual mentioned in paragraph (a) or (b))**]** who makes **[**F1708or participates in**]** arrangements under or in consequence of which—

(a) an individual works, or is to work, for a third person, or

(b) an individual is, or is to be, remunerated for work done for a third person.

(3) For the purposes of subsection (2), an individual works for a person if—

(a) the individual performs any duties of an employment for that person (whether or not the individual is employed by that person), or

(b) the individual provides, or is involved in the provision of, a service to that person.

(4) In subsection (1) "specified" means specified or described in regulations made under this section.

(5) Regulations under this section may—

(a) make different provision for different cases or different purposes, and

(b) make incidental, consequential, supplementary or transitional provision or savings.**]**

**Textual Amendments**

**F1706** Words in s. 716B(1) inserted (with effect in accordance with s. 24(11) of the amending Act) by Finance Act 2026 (c. 11), **s. 24(8)(a)(ii)**(11)

**F1707** Words in s. 716B(2) inserted (with effect in accordance with s. 24(11) of the amending Act) by Finance Act 2026 (c. 11), **s. 24(8)(b)(i)**(11)

**F1708** Words in s. 716B(2) inserted (with effect in accordance with s. 24(11) of the amending Act) by Finance Act 2026 (c. 11), **s. 24(8)(b)(ii)**(11)

*Orders and regulations*

### 717 Orders and regulations made by Treasury or [F1709Commissioners]

(1) Any power of the Treasury or **[**F104the Commissioners for Her Majesty's Revenue and Customs**]** to make any order or regulations under this Act is exercisable by statutory instrument.

This is subject to subsection (2).

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(2) Subsection (1) does not apply to the power conferred by section 28(5) (overseas Crown employment: order excepting certain earnings) **[**F1710or section 421L(7) (persons to whom section 421J applies: order in relation to excluded securities).**]**

(3) Any statutory instrument containing any order or regulations made by the Treasury or **[**F104the Commissioners for Her Majesty's Revenue and Customs**]** under this Act is subject to annulment in pursuance of a resolution of the House of Commons.

This is subject to subsection (4).

(4) Subsection (3) does not apply to any statutory instrument made under **[**F1711section 24A(11) (assumptions about related employments),**][**F1712section 270AA(3) (exemption from income tax for qualifying childcare vouchers: meaning of "eligible employee"),**][**F1713section 318AZA(3) (exemption from income tax for other care: meaning of "eligible employee"),**][**F1714section 323C(1) (trivial benefits provided by employers),**]** section 343(3) (deduction for professional membership fees: order adding certain fees) **[**F1715or section 688A(7) (PAYE regulations: managed service companies)**][**F1716or to which **[**F1717section 312A(10) (reduction of tax-exempt amount in respect of certain bonus payments) **[**F1718, section 402D(10) (meaning of basic pay for purpose of calculating charge on termination award), section 404B(4) (reduction of tax-free threshold for employment-termination etc payments)**]** or**]** section 681F(3) **[**F1719or 681J(3)**]** (variation of income limit etc for high income child benefit **[**F1720or winter fuel payment**]** charge: orders increasing liability to tax) applies**]** .

**Textual Amendments**

**F104** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(2)**; S.I. 2005/1126, art. 2(2)(h)

**F1709** Words in s. 717 title substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(3)(l)**; S.I. 2005/1126, art. 2(2)(h)

**F1710** Words in s. 717(2) inserted (19.7.2007) by Finance Act 2007 (c. 11), **Sch. 26 para. 10(3)**

**F1711** Words in s. 717(4) inserted (17.7.2014) by Finance Act 2014 (c. 26), **Sch. 3 para. 6**

**F1712** Words in s. 717(4) inserted (21.4.2017) by Childcare Payments Act 2014 (c. 28), **ss. 63(5)**, 75(2); S.I. 2017/578, reg. 3(f) (with reg. 8)

**F1713** Words in s. 717(4) inserted (21.4.2017) by Childcare Payments Act 2014 (c. 28), **ss. 64(6)**, 75(2); S.I. 2017/578, reg. 3(f) (with reg. 8)

**F1714** Words in s. 717(4) inserted (with effect in accordance with s. 13(5) of the amending Act) by Finance Act 2016 (c. 24), **s. 13(4)**

**F1715** Words in s. 717(4) inserted (retrospective to 6.4.2007) by Finance Act 2007 (c. 11), s. 25(2), **Sch. 3 para. 7**

**F1716** Words in s. 717(4) inserted (with effect in accordance with Sch. 1 para. 7 of the amending Act) by Finance Act 2012 (c. 14), **Sch. 1 para. 5(6)**

**F1717** Words in s. 717(4) inserted (17.7.2014) by Finance Act 2014 (c. 26), **Sch. 37 para. 6**

**F1718** Words in s. 717(4) inserted (with effect in accordance with s. 5(10) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **s. 5(9)**

**F1719** Words in s. 717(4) inserted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2026 (c. 11), **Sch. 10 paras. 3(4)(a)**, 5

**F1720** Words in s. 717(4) inserted (for the tax year 2025-26 and subsequent tax years) by Finance Act 2026 (c. 11), **Sch. 10 paras. 3(4)(b)**, 5

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*Interpretation*

## 718 Connected persons

**[**[F1721]Section 993 of ITA 2007**]** (how to tell whether persons are connected) applies for the purposes of this Act.

**Textual Amendments**

**F1721** Words in s. 718 substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 442** (with Sch. 2)

## 719 [F1722]Meaning of "control"]

**[**[F1723]Section 995 of ITA 2007 (meaning of "control")**]** applies for the purposes of this Act, unless otherwise indicated.

**Textual Amendments**

**F1722** S. 719 sidenote substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 443(b)** (with Sch. 2)

**F1723** Words in s. 719 substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 443(a)** (with Sch. 2)

## 720 Meaning of " an officer of Revenue and Customs " etc.

. . . . . .

## 721 Other definitions

(1) In this Act—

"cash voucher" has the same meaning as in Chapter 4 of Part 3 (see section 75),

**[**[F1724]"the Contributions and Benefits Act" means SSCBA 1992 or SSCB(NI)A 1992;**]**

"credit-token" has the same meaning as in Chapter 4 of Part 3 (see section 92),

**[**[F1725]"foreign employer" means an individual, partnership or body of persons resident outside, and not resident in, the United Kingdom,**]**

"non-cash voucher" has the same meaning as in Chapter 4 of Part 3 (see section 84),

...

(2) . . . . . .

(3) Any reference in this Act to being domiciled in the United Kingdom is to be read as a reference to being domiciled in any part of the United Kingdom.

(4) For the purposes of this Act the following are members of a person's family—

(a) the person's spouse **[**[F1726]or civil partner**]**,

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(b) the person's children and their spouses **[**F1727or civil partners**]**,
(c) the person's parents, and
(d) the person's dependants.

(5) For the purposes of this Act the following are members of a person's family or household—
(a) members of the person's family,
(b) the person's domestic staff, and
(c) the person's guests.

(6) The following provisions (which relate to the legal equality of illegitimate children) are to be disregarded in interpreting references in this Act to a child or children—
(a) section 1 of the Family Law Reform Act 1987 (c. 42);
(b) the paragraph inserted in Schedule 1 to the Interpretation Act 1978 (c. 30) by paragraph 73 of Schedule 2 to the 1987 Act;
(c) section 1(2) of the Law Reform (Parent and Child) (Scotland) Act 1986 (c. 9);
(d) Article 155 of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)).

(7) In the employment income Parts any reference to earnings which is not limited by the context—
(a) to earnings within Chapter 1 of Part 3, or
(b) to any other particular description of earnings,
includes a reference to any amount treated as earnings by any of the provisions mentioned in section 7(5) (meaning of "employment income" etc.).

**Textual Amendments**

**F1724** Words in s. 721(1) inserted (1.9.2004) by Finance Act 2004 (c. 12), s. 85(2), **Sch. 16 para. 7(2)**; S.I. 2004/1945, art. 2

**F1725** Words in s. 721(1) substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 39**

**F1726** Words in s. 721(4)(a) inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **168(a)**

**F1727** Words in s. 721(4)(b) inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **168(b)**

*Amendments, repeals, citation etc.*

## 722 Consequential amendments

Schedule 6 contains consequential amendments.

## 723 Commencement and transitional provisions and savings

(1) This Act comes into force on 6th April 2003 and has effect—
(a) for the purposes of income tax, for the tax year 2003-04 and subsequent tax years, and
(b) for the purposes of corporation tax, for accounting periods ending after 5th April 2003.

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) Subsection (1) is subject to Schedule 7, which contains transitional provisions and savings.

### 724 Repeals and revocations

(1) The enactments specified in Part 1 of Schedule 8 (which include certain spent provisions) are repealed to the extent specified.

(2) The instruments specified in Part 2 of that Schedule are revoked to the extent specified.

### 725 Citation

This Act may be cited as the Income Tax (Earnings and Pensions) Act 2003.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

# SCHEDULES

## SCHEDULE 1 Section 2

### ABBREVIATIONS AND DEFINED EXPRESSIONS

### PART 1

### ABBREVIATIONS OF ACTS AND INSTRUMENTS

| | |
|---|---|
| **[**F1728FA followed by a year | The Finance Act of that year |
| F(No.2)A followed by a year | The Finance (No.2) Act of that year.**]** |
| **[**F1729ETA(NI) 1950 | The Employment and Training Act (Northern Ireland) 1950 (c. 29 (N.I.))**]** |
| **[**F1730SW(S)A 1968 | The Social Work (Scotland) Act 1968**]** |
| TMA 1970 | The Taxes Management Act 1970 (c. 9) |
| ICTA 1970 | The Income and Corporation Taxes Act 1970 (c. 10) |
| F1731 | F1731 |
| . . . | . . . |
| F1731 | F1731 |
| . . . | . . . |
| **[**F1729ETA 1973 | The Employment and Training Act 1973 (c. 50)**]** |
| OPA 1973 | The Overseas Pensions Act 1973 (c. 21) |
| F1731 | F1731 |
| . . . | . . . |
| F1731 | F1731 |
| . . . | . . . |
| F1731 | F1731 |
| . . . | . . . |
| F1731 | F1731 |
| . . . | . . . |
| ICTA | The Income and Corporation Taxes Act 1988 (c. 1) |
| **[**F1730SSA 1988 | The Social Security Act 1988**]** |
| F1731 | F1731 |

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

| | |
|---|---|
| . . . | . . . |
| **F1731** | **F1731** |
| . . . | . . . |
| **[**F1732LGFA 1992 | Local Government Finance Act 1992**]** |
| SSCBA 1992 | The Social Security Contributions and Benefits Act 1992 (c. 4) |
| SSCB(NI)A 1992 | The Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) |
| TCGA 1992 | The Taxation of Chargeable Gains Act 1992 (c. 12) |
| VERA 1994 | The Vehicle Excise and Registration Act 1994 (c. 22) |
| **F1731** | **F1731** |
| . . . | . . . |
| JSA 1995 | The Jobseekers Act 1995 (c. 18) |
| CSA 1995 | The Child Support Act 1995 (c. 34) |
| **[**F1730C(S)A 1995 | The Children (Scotland) Act 1995**]** |
| CS(NI)O 1995 | The Child Support (Northern Ireland) Order 1995 (S.I. 1995/2702 (N.I. 13)) |
| JS(NI)O 1995 | The Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15)) |
| **F1731** | **F1731** |
| . . . | . . . |
| ERA 1996 | The Employment Rights Act 1996 (c. 18) |
| ER(NI)O 1996 | The Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I. 16)) |
| **F1731** | **F1731** |
| . . . | . . . |
| WRPA 1999 | The Welfare Reform and Pensions Act 1999 (c. 30) |
| WRP(NI)O 1999 | The Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11)) |
| **F1731** | **F1731** |
| . . . | . . . |
| **[**F1732CSPSSA 2000 | Child Support, Pensions and Social Security Act 2000**]** |
| CAA 2001 | The Capital Allowances Act 2001 (c. 2) |
| **F1731** | **F1731** |
| . . . | . . . |

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

| | |
|---|---|
| SPCA 2002 | The State Pension Credit Act 2002 (c. 16) |
| TCA 2002 | The Tax Credits Act 2002 (c. 21) |
| SPCA(NI) 2002 | The State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)) |
| **[**F1730LGSA 2003 | The Local Government in Scotland Act 2003**]** |
| F1731 | F1731 |
| . . . | . . . |
| **[**F1733ITTOIA 2005 | The Income Tax (Trading and Other Income) Act 2005**]** |
| F1731 | F1731 |
| . . . | . . . |
| **[**F1730GOWA 2006 | The Government of Wales Act 2006**]** |
| **[**F1734ITA 2007 | The Income Tax Act 2007**]** |
| **[**F1735WRA 2007 | The Welfare Reform Act 2007**]** |
| **[**F1736CTA 2009 | The Corporation Tax Act 2009**]** |
| **[**F1730FAA(NI) 2009 | The Financial Assistance Act (Northern Ireland) 2009**]** |
| **[**F1730FPA(NI) 2009 | The Financial Provisions Act (Northern Ireland) 2009**]** |
| **[**F1737CTA 2010 | The Corporation Tax Act 2010**]** |
| **[**F1738TIOPA 2010 | The Taxation (International and Other Provisions) Act 2010**]** |
| **[**F1739WRA 2012 | The Welfare Reform Act 2012**]** |
| **[**F1740PA 2014 | The Pensions Act 2014**]** |
| **[**F1732DSR(NI) 2016 | Discretionary Support Regulations (Northern Ireland) 2016 (S.R. (N.I.) 2016 No. 270)**]** |
| **[**F1741HB(WSP)R(NI) 2017 | The Housing Benefit (Welfare Supplementary Payment) Regulations (Northern Ireland) 2017 S.R. (N.I.) 2017 No. 35 |
| WSPR(NI) 2016 | The Welfare Supplementary Payments Regulations (Northern Ireland) 2016 S.R.(N.I.) 2016 No. 178 |
| WSP(LDLA)R(NI) 2016 | The Welfare Supplementary Payment (Loss of Disability Living Allowance) Regulations (Northern Ireland) 2016 S.R.(N.I.) 2016 No. 250 |
| WSP(LCP)R(NI) 2016 | The Welfare Supplementary Payment (Loss of Carer Payments) Regulations (Northern Ireland) 2016 S.R.(N.I.) 2016 No. 253 |

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| | |
|---|---|
| WSP(LDRP)R(NI) 2016 | The Welfare Supplementary Payment (Loss of Disability-Related Premiums) Regulations (Northern Ireland) 2016 S.R.(N.I.) 2016 No. 254**]** |
| **[**F1732SS(S)A 2018 | Social Security (Scotland) Act 2018**]** |
| **[**F1730LGE(W)A 2021 | The Local Government and Elections (Wales) Act 2021**]** |
| **[**F1742CA(CSP)(S)R 2023 | The Carer's Assistance (Carer Support Payment) (Scotland) Regulations 2023**]** |

**Textual Amendments**

**F1728** Words in Sch. 1 Pt. 1 inserted (21.7.2009) by Finance Act 2009 (c. 10), **s. 126(3)**

**F1729** Words in Sch. 1 Pt. 1 inserted (with effect in accordance with s. 46(3) of the amending Act) by Finance Act 2008 (c. 9), **s. 46(2)**

**F1730** Words in Sch. 1 Pt. 1 inserted (with effect in accordance with reg. 3(4)(5) of the amending S.I.) by The Income Tax (Tax Treatment of Carer Support Payment and Exemption of Social Security Benefits) Regulations 2023 (S.I. 2023/1148), regs. 1(1), **3(3)**

**F1731** Words in Sch. 1 Pt. 1 omitted (21.7.2009) by virtue of Finance Act 2009 (c. 10), **s. 126(4)**

**F1732** Words in Sch. 1 Pt. 1 inserted (12.2.2019) by Finance Act 2019 (c. 1), **s. 12(8)**

**F1733** Words in Sch. 1 Pt. 1 inserted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 616(2)** (with Sch. 2)

**F1734** Words in Sch. 1 Pt. 1 inserted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 445** (with Sch. 2)

**F1735** Words in Sch. 1 Pt. 1 inserted (18.3.2008 for specified purposes, 27.10.2008 in so far as not already in force) by Welfare Reform Act 2007 (c. 5), s. 70(2), **Sch. 3 para. 24(6)**; S.I. 2008/787, art. 2(1), Sch.; S.I. 2008/787, art. 2(4)(f)

**F1736** Words in Sch. 1 Pt. 1 inserted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), **Sch. 1 para. 556(a)** (with Sch. 2 Pts. 1, 2)

**F1737** Words in Sch. 1 Pt. 1 inserted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 395(2)** (with Sch. 2)

**F1738** Words in Sch. 1 Pt. 1 inserted (with effect in accordance with s. 381(1) of the amending Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), s. 381(1), **Sch. 8 para. 323** (with Sch. 9 paras. 1-9, 22)

**F1739** Words in Sch. 1 Pt. 1 inserted (8.4.2013 for specified purposes, 10.6.2013 in so far as not already in force) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 9 para. 50**; S.I. 2013/358, art. 7(1)(2)(k), Sch. 3; S.I. 2013/1250, art. 2

**F1740** Words in Sch. 1 Pt. 1 inserted (with effect in accordance with s. 16(4) of the amending Act) by Finance Act 2015 (c. 11), **s. 16(3)**

**F1741** Words in Sch. 1 Pt. 1 inserted (with effect in accordance with reg. 2 of the amending S.I.) by The Taxation of Northern Ireland Welfare Supplementary Payments Regulations 2017 (S.I. 2017/338), regs. 1, **16**

**F1742** Words in Sch. 1 Pt. 1 inserted (19.11.2023) by The Income Tax (Tax Treatment of Carer Support Payment and Exemption of Social Security Benefits) Regulations 2023 (S.I. 2023/1148), regs. 1(1), **2(5)**

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## PART 2

INDEX OF EXPRESSIONS DEFINED IN THIS ACT OR ICTA

*Note: this index does not apply to expressions used in any of Chapters 6 to 9 of Part 7 (share incentive plans and other arrangements for acquiring shares): separate indexes appear at the end of Schedules 2 to 5.*

| | |
|---|---|
| accessory (in Chapter 6 of Part 3) | **[**F1743sections 125(2) and 125A(2)**]** |
| F1744 | F1744 |
| . . . | . . . |
| F1744 | F1744 |
| . . . | . . . |
| F1744 | F1744 |
| . . . | . . . |
| **[**F1745the acquisition (in Chapters 1 to 4 of Part 7) | section 421B(8) (see also section 446Q(4))**]** |
| F1744 | F1744 |
| . . . | . . . |
| **[**F1745the acquisition (in Chapter 5 of Part 7) | section 471(5)**]** |
| F1746 | F1746 |
| . . . | . . . |
| **[**F1747adjusted net income (in Chapter 8 of Part 10) | section 681H**]** |
| age of a car F1748 | section 171(3) |
| ... (in Chapter 6 of Part 3) | |
| agency contract (in Chapter 7 of Part 2) | section 47(1) |
| **[**F1749amount foregone (in relation to a benefit) (in the benefits code) | section 69B**]** |
| annual rental value (in Chapter 10 of Part 3) | section 207 |
| annual value (in Chapter 5 of Part 3) | section 110 |
| F1746 | F1746 |
| . . . | . . . |
| F1746 | F1746 |
| . . . | . . . |
| F1746 | F1746 |

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| . . . | . . . |
| **F1744** | **F1744** |
| . . . | . . . |
| **F1744** | **F1744** |
| . . . | . . . |
| **F1744** | **F1744** |
| . . . | . . . |
| asset (in Chapter 4 of Part 11) | section 701 |
| **F1744** | **F1744** |
| . . . | . . . |
| assignment (in the application of the Act to Scotland) | **[**F1750section 1008(1) of ITA 2007**]** |
| associate (in Chapter 8 of Part 2) | section 60 |
| **[**F1751associate (in Chapter 9 of Part 2) | section 61I (but see section 61C(4))**]** |
| associate (in Chapter 11 of Part 7) | section 549(4) |
| associated company (in Chapter 8 of Part 2) | section 61(1) |
| **[**F1745associated company (in section 421H(1) and Chapters 2 to 4 of Part 7) | section 421H(2)**]** |
| **F1744** | **F1744** |
| . . . | . . . |
| **[**F1745associated person (in Chapters 1 to 4 of Part 7) | section 421C**]** |
| **[**F1745associated person (in Chapter 5 of Part 7) | section 472**]** |
| available for private use (in Chapter 6 of Part 3) | section 118(1) |
| basic rate | **[**F1752section 6(2) of ITA 2007 (as applied by section 989 of that Act)**]** |
| benefit (in Chapter 10 of Part 3) | section 201(2) |
| benefit (in Chapter 3 of Part 6) | section 402 |
| the benefits code (in the employment income Parts) | section 63(1) |

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| | |
|---|---|
| **[**F104the Commissioners for Her Majesty's Revenue and Customs**]** | section 720(2) |
| body of persons | **[**F1753section 989 of ITA 2007**]** |
| business (in Chapter 8 of Part 2) | section 61(1) |
| **[**F1751business (in Chapter 9 of Part 2) | section 61J**]** |
| business travel (in Chapter 6 of Part 3) | section 171(1) |
| business travel (in Chapter 2 of Part 4) | **[**F1754sections 235A and 236(1)**]** |
| capital allowance | **[**F1755section 989 of ITA 2007**]** |
| car (in Chapter 6 of Part 3) | section 115(1) |
| car (in Chapter 2 of Part 4) | section 235(2) |
| car (in Chapter 3 of Part 4) | section 249 |
| car is available to an employee (in Chapter 6 of Part 3) | section 116(1) |
| car first made available to an employee (in Chapter 6 of Part 3) | section 116(2)(a) |
| car made available by reason of employment (in Chapter 6 of Part 3) | section 117 |
| car with a $CO_2$ emissions figure (in Chapter 6 of Part 3) | section 134(1) |
| car without a $CO_2$ emissions figure (in Chapter 6 of Part 3) | section 134(2) |
| cash voucher | section 721(1) |
| **[**F1745chargeable event (in Chapter 3B of Part 7) | section 446P(5)**]** |
| charging provisions of Chapter 4 of Part 2 (in the employment income Parts) | section 14(3) |
| charging provisions of Chapter 5 of Part 2 (in the employment income Parts) | section 20(3) |
| cheque voucher (in Chapter 4 of Part 3) | section 84(4) |
| child, children | F1756 |

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| | |
|---|---|
| | ... section 721(6) |
| **[**F1751the client (in Chapter 9 of Part 2) | section 61D(4)**]** |
| close company | **[**F1757section 989 of ITA 2007**]** |
| company | **[**F1758section 992 of ITA 2007**]** |
| company (in Chapter 8 of Part 2) | section 61(1) |
| **[**F1759company (in Chapter 10A of Part 4) | section 312I**]** |
| F1744 | F1744 |
| . . . | . . . |
| company vehicle (in Chapter 2 of Part 4) | section 236(2) |
| connected (in the context of "connected person" or one person being "connected" with another) | **[**F1760section 993 of ITA 2007**]** (see section 718) |
| **[**F1745consideration (in Chapters 2 to 5 of Part 7) | sections 421(2) and 421A**]** |
| **[**F1745consideration given for the acquisition of employment-related securities (in Chapters 2 to 3A of Part 7) | section 421I**]** |
| F1744 | F1744 |
| . . . | . . . |
| **[**F1761the Contributions and Benefits Act | section 721(1)**]** |
| control | **[**F1762section 995 of ITA 2007**]** (see section 719) |
| control (in the benefits code) | section 69 |
| F1744 | F1744 |
| . . . | . . . |
| **[**F1745convertible securities (in Chapters 2 to 3A of Part 7) | section 436**]** |
| cost of provision in relation to non-cash voucher (in Chapter 4 of Part 3) | section 87(3) |
| credit-token | section 721(1) |
| cycle (in Chapter 2 of Part 4) | section 235(5) |

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| date of first registration (in relation to a car | section 171(2) |
| **F1748** | |
| ...) (in Chapter 6 of Part 3) | |
| deductible payment (in Part 8) | section 558 |
| the deductibility provisions (in Part 5) | section 332 |
| **[**[F1763]dependants' income withdrawal (in Chapter 5A of Part 9) | section 579D**]** |
| **F1744** | **F1744** |
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| diesel (in Chapter 6 of Part 3) | section 171(1) |
| director (in the benefits code) | section 67(1) |
| **F1746** | **F1746** |
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| **F1744** | **F1744** |
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| director (in Chapter 10 of Part 7) | section 548(1) |
| director, full-time working (in the benefits code) | section 67(3) |
| disabled person’s badge (in Chapter 6 of Part 3) | section 171(4) |
| distribution | **[**[F1764]section 989 of ITA 2007**]** |
| domiciled in the United Kingdom | section 721(3) |
| donations (in Part 12) | section 714(1) |
| earnings (in the employment income Parts) | section 62 and see section 721(7) |
| earnings (from which deductions are allowed) (in Part 5) | section 327(2)(a) |

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| earnings charged on receipt (in Part 5) | section 335(4) |
| earnings charged on remittance (in Part 5) | section 335(4) |
| earnings "for" a tax year (in Chapter 4 of Part 2) | section 16 |
| earnings "for" a tax year (in Chapter 5 of Part 2) | section 29 |
| earnings-only exemption | section 227(2) |
| EC certificate of conformity (in Chapter 6 of Part 3) | section 171(1) |
| EC type-approval certificate (in Chapter 6 of Part 3) | section 171(1) |
| eligible period (in Chapter 6 of Part 5) | section 378(2) |
| employed (in the employment income Parts) | sections 4 and 5(2)(a) |
| employed (in the benefits code) | section 66(1)(b) |
| employee (in the employment income Parts) | sections 4 and 5(2)(b) |
| employee (in the benefits code) | section 66(1)(b) (see also section 216(5)) |
| employee (in Chapter 3 of Part 3) | section 70(4) |
| **F1744** | **F1744** |
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| **F1744** | **F1744** |
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| employee (in Chapter 10 of Part 3) | section 201(5) |
| **F1746** | **F1746** |
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| **F1746** | **F1746** |
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| **[**F1745the employee (in Chapters 1 to 4 of Part 7) | section 421B(8)**]** |
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| **F1744** | **F1744** |
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| **F1744** | **F1744** |
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| **[**[F1745]the employee (in Chapter 5 of Part 7) | section 471(5)**]** |
| employee (in Chapter 10 of Part 7) | section 548(1) |
| employee (in Chapter 11 of Part 7) | section 549(5) |
| employee (in Part 8) | section 562(2) |
| **F1746** | **F1746** |
| . . . | . . . |
| employee (in Chapter 13 of Part 9) | section 628(1) |
| employee (in Part 11) | section 712(1) |
| employee benefit trust (in Chapter 11 of Part 7) | section 550 |
| **[**[F1745]employee-controlled (in Chapters 2 to 4 of Part 7) | section 421H(1)**]** |
| **F1744** | **F1744** |
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| **F1744** | **F1744** |
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| the employee offer (in Chapter 10 of Part 7) | section 544(1) |
| employer (in the employment income Parts) | sections 4 and 5(2)(c) |
| employer (in the benefits code) | section 66(1)(b) |
| the employer (in the benefits code) | section 66(2)(b) |

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| **F1746** | **F1746** |
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| **[**F1745the employer (in Chapters 1 to 4 of Part 7) | section 421B(8)**]** |
| **[**F1745the employer (in Chapter 5 of Part 7) | section 471(5)**]** |
| employer (in Part 8) | section 562(2) |
| employer (in Part 11) | section 712(1) |
| **[**F1765employer-financed retirement benefits scheme (in Chapter 2 of Part 6) | section 393A**]** |
| **F1744** | **F1744** |
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| **F1744** | **F1744** |
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| **F1744** | **F1744** |
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| employer's national insurance contributions (in Chapter 8 of Part 2) | section 61(1) |
| **[**F1751employer's national insurance contributions (in Chapter 9 of Part 2) | section 61J**]** |
| employment (in the employment income Parts) | sections 4 and 5(1) |
| employment (in the benefits code) | section 66(1)(a) |
| the employment (in the benefits code) | section 66(2)(a) |
| **F1746** | **F1746** |
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| **[**F1745the employment (in Chapters 1 to 4 of Part 7) | section 421B(8)**]** |
| **[**F1745the employment (in Chapter 5 of Part 7) | section 471(5)**]** |
| employment (in Part 8) | section 562(2) |
| employment (in Chapter 5 of Part 11) | section 707 |
| employment as a seafarer (in Chapter 6 of Part 5) | section 384(1) |

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|---|---|
| the employment change (in Chapter 7 of Part 4) | section 275 |
| employment income | section 7(2) |
| the employment income Parts | section 3(2) |
| employment income exemption | section 227(3) |
| employment-related benefit (in Chapter 10 of Part 3) | section 201(2) |
| employment-related loan (in Chapter 7 of Part 3) | section 174 |
| **[**[F1745]employment-related securities (in Chapters 1 to 5 of Part 7) | section 421B(8) (see also section 484(4))**]** |
| **[**[F1745]employment-related securities option (in Chapter 5 of Part 7) | section 471(5)**]** |
| **F1744** | **F1744** |
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| **F1744** | **F1744** |
| . . . | . . . |
| engagement to which Chapter 8 of Part 2 applies (in Chapter 8 of Part 2) | section 49(5) |
| excluded benefits (in Chapter 10 of Part 3) | section 202 |
| **F1766** | **F1766** |
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| **F1766** | **F1766** |
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| excluded services (in Chapter 7 of Part 2) | section 47(2) |
| **F1746** | **F1746** |
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| exempt income (for the purposes of the employment income Parts) | section 8 |
| exempt income (for the purposes of Part 9) | section 566(3) |
| exempt income (for the purposes of Part 10) | section 656(2) |
| **F1746** | **F1746** |
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| **F1746** | **F1746** |
| . . . | . . . |
| foreign employer | section 721(1) |
| **[**F1767foreign employment election | section 989 of ITA 2007 (and see section 41M of this Act)**]** |
| **F1746** | **F1746** |
| . . . | . . . |
| **[**F1768former civil partner (in Chapter 2 of Part 6) | section 588(1) |
| **[**F1768former civil partner (in Chapter 6 of Part 9) | section 588(1) |
| former employee (in Part 8) | section 562(1) |
| former employer (in relation to former employee) (in Part 8) | section 563 |
| former employment (in relation to former employee) (in Part 8) | section 563 |
| **F1769** | **F1769** |
| . . . | . . . |
| general earnings | section 7(3) |
| **[**F1770generally accepted accounting practice | **[**F1771section 997 of ITA 2007**]]** |
| **F1744** | **F1744** |
| . . . | . . . |
| House of Commons Members' Fund (in Chapter 12 of Part 9) | section 620 |
| the included amount (in Chapter 5 of Part 5) | section 369(2) |
| **[**F1763income withdrawal (in Chapter 5A of Part 9) | section 579D**]** |
| **F1746** | **F1746** |
| . . . | . . . |
| individual learning account training (in Chapter 4 of Part 4) | section 256 |
| initial extra accessory (in Chapter 6 of Part 3) | section 126(2) |
| **F1772** | **F1772** |
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| **F1773** | **F1773** |
| . . . | . . . |
| **[**F1745interest, in relation to securities (or shares) (in Chapters 1 to 5 of Part 7) | section 420(8)**]** |
| interest in residence (in Chapter 7 of Part 4) | section 276(3) |
| **F1744** | **F1744** |
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| **F1744** | **F1744** |
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| **F1744** | **F1744** |
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| last day on which car available (in Chapter 6 of Part 3) | section 116(2)(b) |
| later accessory (in Chapter 6 of Part 3) | section 126(3) |
| the limitation day (in Chapter 7 of Part 4) | section 274 |
| list price (of a car) (in Chapter 6 of Part 3) | section 123(1) |
| list price (of accessories) (in Chapter 6 of Part 3) | section 127 |
| listed provision (in Chapter 11 of Part 7) | section 549(2) |
| loan (in Chapter 7 of Part 3) | section 173(2)(a) |
| local authority | **[**F1774section 999 of ITA 2007**]** |
| **F1766** | **F1766** |
| . . . | . . . |
| **[**F1775lower-paid employment as a minister of religion (in the benefits code) | section 66(5) |
| lower-paid employment as a minister of religion (in Part 4) | section 290D**]** |
| making a loan (in Chapter 7 of Part 3) | section 173(2)(b) |
| **[**F1751managed service company (in Chapter 9 of Part 2) | section 61B**]** |
| **F1744** | **F1744** |

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| **F1744** | **F1744** |
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| **[**F1745market value (in Chapters 1 to 5 of Part 7) | section 421(1)**]** |
| **F1744** | **F1744** |
| . . . | . . . |
| market value (of asset) (in Chapter 10 of Part 3) | section 208 |
| material interest (in company) (in the benefits code) | section 68 |
| members of a person's family | section 721(4) |
| member of a person's family or household | section 721(5) |
| mileage allowance payments (in Chapter 2 of Part 4) | section 229(2) |
| motor cycle (in Chapter 2 of Part 4) | section 235(4) |
| national insurance contributions (in Chapter 8 of Part 2) | section 61(1) |
| **[**F1751national insurance contributions (in Chapter 9 of Part 2) | section 61J**]** |
| **[**F1776net income | section 23 of ITA 2007 (as applied by section 989 of that Act**]** |
| net taxable earnings (for the purposes of Part 2) | section 11 |
| net taxable specific income (for the purposes of Part 2) | section 12 |
| **F1746** | **F1746** |
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| **F1746** | **F1746** |
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| non-cash voucher | section 721(1) |
| **[**F1745non-commercial increase (in Chapter 3B of Part 7) | section 446K(4)**]** |
| **[**F1745non-commercial reduction (in Chapter 3B of Part 7) | section 446K(4)**]** |

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|---|---|
| non-standard accessory (in Chapter 6 of Part 3) | section 125(4) |
| the normal self-assessment filing date | **[**F1777section 989 of ITA 2007**]** |
| notice | **[**F1778section 989 of ITA 2007**]** |
| **[**F1745the notional loan (in Chapter 3C of Part 7) | section 446S(1)**]** |
| notional price (of a car) (in Chapter 6 of Part 3) | section 124(1) |
| notional price (of accessories) (in Chapter 6 of Part 3) | section 130(1) |
| office (in the employment income Parts) | section 5(3) |
| office (in Part 8) | section 564(3) |
| official rate of interest (in Chapter 7 of Part 3) | section 181 |
| **[**F1779offshore installation | **[**F1780sections 1001 and 1002 of ITA 2007**]]** |
| F1744 | F1744 |
| . . . | . . . |
| **[**F1749optional remuneration arrangements (in the benefits code) | section 69A**]** |
| ordinary commuting (in Chapter 3 of Part 4) | section 249 |
| ordinary share capital | **[**F1781section 989 of ITA 2007**]** |
| original pensioner (in Chapter 14 of Part 9) | section 630(1) |
| **[**F1782the overseas part | section 989 of ITA 2007**]** |
| passenger payments (in Chapter 2 of Part 4) | section 233(3) |
| **[**F1747partner (in Chapter 8 of Part 10) | section 681G**]** |
| PAYE income | section 683 |
| PAYE provisions (in Chapter 8 of Part 2) | section 61(1) |
| **[**F1751PAYE provisions (in Chapter 9 of Part 2) | section 61J**]** |
| PAYE regulations | section 684(8) |
| F1744 | F1744 |

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| . . . | . . . |
| pension (in Chapter 3 of Part 9) | section 570 |
| pension (in Chapter 4 of Part 9) | section 574 |
| pension (in Chapter 11 of Part 9) | section 615(7) |
| pension (in Chapter 18 of Part 9) | section 647(4) |
| pension income | section 566(2) |
| **[**F1783pension under a registered pension scheme (in Chapter 5A of Part 9) | section 579D**]** |
| permanent workplace (in Chapter 3 of Part 4) | section 249 |
| permanent workplace (in Part 5) | section 339(2) |
| person involved in providing the accommodation (in Chapter 5 of Part 3) | section 112 |
| person paying an amount (in Chapter 2 of Part 5) | section 333(2) |
| F1746 | F1746 |
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| F1746 | F1746 |
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| personal representatives | **[**F1784section 989 of ITA 2007**]** |
| persons providing a benefit (in Chapter 10 of Part 3) | section 209 |
| post-employment earnings (in relation to former employee) (in Part 8) | section 563 |
| premium (in relation to qualifying insurance contract) (in Chapter 2 of Part 5) | section 346(3)(a) |
| premium (in relation to qualifying insurance contract) (in Part 8) | section 558(3)(a) |
| pre-1973 pension (in Chapter 14 of Part 9) | section 630(2) |
| prescribed (in Chapter 5 of Part 11) | section 707 |

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| price of a car (in Chapter 6 of Part 3) | section 122 |
| private use (in Chapter 6 of Part 3) | section 118(2) |
| the property, in relation to living accommodation (in Chapter 5 of Part 3) | section 113 |
| **F1746** | **F1746** |
| . . . | . . . |
| provision of cash voucher for employee (in Chapter 4 of Part 3) | section 74 |
| provision of credit-token for employee (in Chapter 4 of Part 3) | section 91(a) |
| provision of non-cash voucher for employee (in Chapter 4 of Part 3) | section 83 |
| **F1746** | **F1746** |
| . . . | . . . |
| the public offer (in Chapter 10 of Part 7) | section 544(1) |
| published price of the manufacturer, importer or distributor of the accessory (in Chapter 6 of Part 3) | section 129(1) |
| published price of the manufacturer, importer or distributor of the car (in relation to accessory) (in Chapter 6 of Part 3) | section 128(1) |
| qualifying accessory (in Chapter 6 of Part 3) | section 125(1) |
| qualifying journey (in Chapter 3 of Part 4) | section 249 |
| **[**[F1767]qualifying new resident | section 989 of ITA 2007 (and see section 845B of ITTOIA 2005)**]** |
| readily convertible asset (in Chapter 4 of Part 11) | section 702 |
| receipt of cash voucher by employee (in Chapter 4 of Part 3) | section 74 |

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| receipt of money earnings (in Chapter 4 of Part 2) | section 18 |
| **F1785** | **F1785** |
| . . . | . . . |
| receipt of non-cash voucher by employee (in Chapter 4 of Part 3) | section 83 |
| receipt of non-money earnings (in Chapter 4 of Part 2) | section 19 |
| **F1786** | **F1786** |
| . . . | . . . |
| **[**F1745recognised stock exchange | **[**F1787section 1005 of ITA 2007**]]** |
| **[**F1788registered pension scheme | **[**F1789section 150(2) of FA 2004 (as applied by section 989 of ITA 2007)**]]** |
| registrant discount (in Chapter 10 of Part 7) | section 547 |
| **F1746** | **F1746** |
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| **F1744** | **F1744** |
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| **F1746** | **F1746** |
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| **[**F1765relevant benefits (in Chapter 2 of Part 6) | section 393B**]** |
| **[**F1790relevant debt (in Part 11) | section 684(7AA)**]** |
| **F1746** | **F1746** |
| . . . | . . . |
| relevant engagements (in Chapter 8 of Part 2) | section 50(4) |
| **[**F1745relevant period (in Chapter 3B of Part 7) | section 446O**]** |
| relevant retirement benefit (in relation to former employee) (in Part 8) | section 563 |
| **[**F1751the relevant services (in Chapter 9 of Part 2) | section 61D(4)**]** |
| **F1746** | **F1746** |
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| relevant taxes (in Chapter 6 of Part 3) | section 171(1) |
| remittance of earnings (in Chapter 5 of Part 2) | section 33 |
| remuneration (in Chapter 7 of Part 2) | section 47(3) |
| residence, former residence and new residence (in Chapter 7 of Part 4) | section 276(1), (2) |
| **[**F1765responsible person (in Chapter 2 of Part 6) | section 399A**]** |
| **[**F1745restricted securities and restricted interest in securities (in Chapters 2, 3A and 3B of Part 7) | sections 423 and 424**]** |
| **[**F1745restriction (in Chapters 2, 3A and 3B of Part 7) | section 432(8)**]** |
| F1746 | F1746 |
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| retirement benefits scheme (in Chapter 1 of Part 6) | section 387(1) |
| F1746 | F1746 |
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| road fuel gas (in Chapter 6 of Part 3) | section 171(1) |
| F1791 | F1791 |
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| F1744 | F1744 |
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| **[**F1745secondary Class 1 contributions (in Chapter 5 of Part 7) | section 484(7)**]** |
| **[**F1745securities (in Chapters 1 to 5 of Part 7) | section 420**]** |
| **[**F1745securities option (in Chapters 1 to 5 of Part 7) | section 420(8)**]** |
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| **[**F1745shares (in Chapters 1 to 5 of Part 7) | section 420(8)**]** |
| F1744 | F1744 |
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| shares (in Chapter 10 of Part 7) | section 548(1) |
| ship (in Chapter 6 of Part 5) | section 385 |
| social security income | section 657(2) |
| F1792 | F1792 |
| . . . | . . . |
| specific employment income | section 7(4) |
| **[**F1782split year | section 989 of ITA 2007**]** |
| standard accessory (in Chapter 6 of Part 3) | section 125(4) |
| **[**F1768stepchild (in Parts 4 and 5 | **[**F1793section 246 of the Civil Partnership Act 2004 (as applied by section 989 of ITA 2007)**]]** |
| 51% subsidiary | **[**F1794section 989 of ITA 2007**]** |
| Table A (in Part 10) | section 657(5) |
| Table B (in Part 10) | section 657(6) |
| tax | **[**F1795section 989 of ITA 2007**]** |
| F1796 | F1796 |

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| . . . | . . . |
| taxable benefit (in Chapter 5 of Part 11) | section 707 |
| taxable benefits (in Part 10) | section 657(3) |
| taxable cheap loan (in Chapter 7 of Part 3) | section 175(2) |
| taxable earnings (in the employment income Parts) | section 10(2) |
| taxable employment under Part 2 (in the benefits code) | section 66(3) |
| taxable pension income (in Part 9) | section 567(3), (4) |
| the taxable period (in Chapter 5 of Part 3) | section **[**F1797102(1)**]** |
| taxable person (in Chapter 3 of Part 6) | section 403(6) |
| taxable social security income (in Part 10) | section 658(4)-(7) |
| taxable specific income (in the employment income Parts) | section 10(3) |
| tax year | **[**F1798section 4(2) of ITA 2007 (as applied by section 989 of that Act)**]** |
| the tax year (in Part 5) | section 327(2)(b) |
| the tax year 2003-04 etc. | **[**F1799section 4(4) of ITA 2007 (as applied by section 989 of that Act)**]** |
| F1744 | F1744 |
| . . . | . . . |
| F1744 | F1744 |
| . . . | . . . |
| total income | **[**F1800section 23 of ITA 2007 (as applied by section 989 of that Act)**]** |
| trade | **[**F1801section 989 of ITA 2007**]** |
| **[**F1759trade (in Chapter 10A of Part 4) | section 312I**]** |
| transport voucher (in Chapter 4 of Part 3) | section 84(3) |
| **[**F1802tribunal | section 989 of ITA 2007**]** |

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

| | |
|---|---|
| United Kingdom | **[**F1803section 1013 of ITA 2007**]** |
| UK approval certificate (in Chapter 6 of Part 3) | section 171(1) |
| **[**F1782the UK part | section 989 of ITA 2007**]** |
| F1791 | F1791 |
| . . . | . . . |
| use of credit-token by employee (in Chapter 4 of Part 3) | section 91(b) |
| **[**F1745valuation date (in Chapter 3B of Part 7) | section 446O**]** |
| F1744 | F1744 |
| . . . | . . . |
| van (in Chapter 6 of Part 3) | section 115(1) |
| van (in Chapter 2 of Part 4) | section 235(3) |
| van is available to an employee (in Chapter 6 of Part 3) | section 116(1) |
| van made available by reason of employment (in Chapter 6 of Part 3) | section 117 |
| **[**F1745variation, in relation to a restriction (in Chapter 2 of Part 7) | section 427(4)**]** |
| **[**F1747week (in Chapter 8 of Part 10) | section 681H**]** |
| **[**F1751the worker (in Chapter 9 of Part 2) | section 61D(4)**]** |
| workplace (in Chapter 3 of Part 4) | section 249 |
| workplace (in Part 5) | section 339(1) |
| work-related training (in Chapter 4 of Part 4) | section 251(1)**]]** |

**Textual Amendments**

**F1743** Words in Sch. 1 Pt. 2 substituted (with effect in accordance with s. 14(5) of the amending Act) by Finance Act 2012 (c. 14), **s. 14(4)**

**F1744** Sch. 1 Pt. 2 entries repealed (1.9.2003 with effect in accordance with Sch. 22 para. 42(4) of the amending Act) by Finance Act 2003 (c. 14), Sch. 22 para. 42(2), **Sch. 43 Pt. 3(4)**; S.I. 2003/1997, art. 2

**F1745** Words in Sch. 1 Pt. 2 inserted (1.9.2003 with effect in accordance with Sch. 22 para. 42(4) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 22 para. 42(3)**; S.I. 2003/1997, art. 2

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F1746** Words in Sch. 1 Pt. 2 repealed (6.4.2006) by Finance Act 2004 (c. 12), **Sch. 42 Pt. 3** (with Sch. 36)

**F1747** Words in Sch. 1 Pt. 2 inserted (with effect in accordance with Sch. 1 para. 7 of the amending Act) by Finance Act 2012 (c. 14), **Sch. 1 para. 5(7)**

**F1748** Words in Sch. 1 Pt. 2 repealed (22.7.2004) by Finance Act 2004 (c. 12), **Sch. 42 Pt. 2(9)**

**F1749** Words in Sch. 1 Pt. 2 inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 60**

**F1750** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(2)** (with Sch. 2)

**F1751** Words in Sch. 1 Pt. 2 Table inserted (retrospective to 6.4.2007) by Finance Act 2007 (c. 11), s. 25(2), **Sch. 3 para. 8**

**F1752** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(3)** (with Sch. 2)

**F1753** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(4)** (with Sch. 2)

**F1754** Words in Sch. 1 substituted (with effect in accordance with s. 29(7) of the amending Act) by Finance (No. 2) Act 2015 (c. 33), **s. 29(6)**

**F1755** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(5)** (with Sch. 2)

**F1756** Words in Sch. 1 Pt. 2 Table repealed (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 446(6), **Sch. 3 Pt. 1** (with Sch. 2)

**F1757** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(7)** (with Sch. 2)

**F1758** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(8)** (with Sch. 2)

**F1759** Words in Sch. 1 Pt. 2 inserted (17.7.2014) by Finance Act 2014 (c. 26), **Sch. 37 para. 7**

**F1760** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(9)** (with Sch. 2)

**F1761** Words in Sch. 1 Pt. 2 substituted (1.9.2004) by Finance Act 2004 (c. 12), s. 85(2), **Sch. 16 para. 7(3)**; S.I. 2004/1945, art. 2

**F1762** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(10)** (with Sch. 2)

**F1763** Words in Sch. 1 Pt. 2 inserted (with effect in accordance with Sch. 16 para. 85 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 16 para. 61**

**F1764** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(11)** (with Sch. 2)

**F1765** Words in Sch. 1 Pt. 2 inserted (6.4.2006) by Finance Act 2004 (c. 12), **ss. 249(12)**, 284(1) (with Sch. 36)

**F1766** Words in Sch. 1 Pt. 2 omitted (with effect in accordance with s. 13(4) of the amending Act) by virtue of Finance Act 2015 (c. 11), **Sch. 1 para. 21(2)**

**F1767** Words in Sch. 1 Pt. 2 inserted (18.3.2026) by Finance Act 2026 (c. 11), **Sch. 3 para. 7(4)**

**F1768** Words in Sch. 1 Pt. 2 inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **169**

**F1769** Sch. 1 Pt. 2 Table entry omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 340(2)**

**F1770** Words in Sch. 1 Pt. 2 inserted (with effect in accordance with Sch. 2 para. 2(8) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 2 para. 2(7)**

**F1771** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(12)** (with Sch. 2)

**F1772** Sch. 1 Pt. 2 entries repealed (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), Sch. 4 para. 120, **Sch. 5**; S.I. 2005/1126, art. 2(2)(h)(i)

**F1773** Sch. 1 Pt. 2 Table entry repealed (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 446(13), **Sch. 3 Pt. 1** (with Sch. 2)

**F1774** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(14)** (with Sch. 2)

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**F1775** Words in Sch. 1 Pt. 2 inserted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 1 para. 21(3)**

**F1776** Words in Sch. 1 Pt. 2 Table inserted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(15)** (with Sch. 2)

**F1777** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(16)** (with Sch. 2)

**F1778** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(17)** (with Sch. 2)

**F1779** Words in Sch. 1 Pt. 2 inserted (with effect in accordance with Sch. 27 para. 16 of the amending Act) by Finance Act 2004 (c. 12), **Sch. 27 para. 15**

**F1780** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(18)** (with Sch. 2)

**F1781** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(19)** (with Sch. 2)

**F1782** Words in Sch. 1 Pt. 2 inserted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 105**

**F1783** Words in Sch. 1 Pt. 2 inserted (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 31 para. 15** (with Sch. 36)

**F1784** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(20)** (with Sch. 2)

**F1785** Sch. 1 entry omitted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by virtue of Finance Act 2008 (c. 9), **Sch. 7 para. 40(a)**

**F1786** Sch. 1 entry omitted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by virtue of Finance Act 2008 (c. 9), **Sch. 7 para. 40(b)**

**F1787** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(21)** (with Sch. 2)

**F1788** Words in Sch. 1 Pt. 2 inserted (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 35 para. 65(3)** (with Sch. 36)

**F1789** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(22)** (with Sch. 2)

**F1790** Words in Sch. 1 Pt. 2 inserted (20.7.2011) by The Finance Act 2009 (Consequential Amendments) Order 2011 (S.I. 2011/1583), arts. 1, **2(11)**

**F1791** Sch. 1 Pt. 2 Table entries repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 556(b), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

**F1792** Sch. 1 Pt. 2 Table entry omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 340(3)**

**F1793** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(24)** (with Sch. 2)

**F1794** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(25)** (with Sch. 2)

**F1795** Words in Sch. 1 Pt. 2 substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 395(3)** (with Sch. 2)

**F1796** Words in Sch. 1 Pt. 2 omitted (with effect in accordance with Sch. 1 para. 73 of the amending Act) by virtue of Finance Act 2016 (c. 24), **Sch. 1 para. 61(3)**

**F1797** Word in Sch. 1 Pt. 2 substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 61**

**F1798** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(28)** (with Sch. 2)

**F1799** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(29)** (with Sch. 2)

**F1800** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(30)** (with Sch. 2)

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**F1801** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(31)** (with Sch. 2)
**F1802** Words in Sch. 1 Pt. 2 Table inserted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 340(4)**
**F1803** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(32)** (with Sch. 2)

## Textual Amendments

**F104** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(2)**; S.I. 2005/1126, art. 2(2)(h)
**F1743** Words in Sch. 1 Pt. 2 substituted (with effect in accordance with s. 14(5) of the amending Act) by Finance Act 2012 (c. 14), **s. 14(4)**
**F1744** Sch. 1 Pt. 2 entries repealed (1.9.2003 with effect in accordance with Sch. 22 para. 42(4) of the amending Act) by Finance Act 2003 (c. 14), Sch. 22 para. 42(2), **Sch. 43 Pt. 3(4)**; S.I. 2003/1997, art. 2
**F1745** Words in Sch. 1 Pt. 2 inserted (1.9.2003 with effect in accordance with Sch. 22 para. 42(4) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 22 para. 42(3)**; S.I. 2003/1997, art. 2
**F1746** Words in Sch. 1 Pt. 2 repealed (6.4.2006) by Finance Act 2004 (c. 12), **Sch. 42 Pt. 3** (with Sch. 36)
**F1747** Words in Sch. 1 Pt. 2 inserted (with effect in accordance with Sch. 1 para. 7 of the amending Act) by Finance Act 2012 (c. 14), **Sch. 1 para. 5(7)**
**F1748** Words in Sch. 1 Pt. 2 repealed (22.7.2004) by Finance Act 2004 (c. 12), **Sch. 42 Pt. 2(9)**
**F1749** Words in Sch. 1 Pt. 2 inserted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 60**
**F1750** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(2)** (with Sch. 2)
**F1751** Words in Sch. 1 Pt. 2 Table inserted (retrospective to 6.4.2007) by Finance Act 2007 (c. 11), s. 25(2), **Sch. 3 para. 8**
**F1752** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(3)** (with Sch. 2)
**F1753** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(4)** (with Sch. 2)
**F1754** Words in Sch. 1 substituted (with effect in accordance with s. 29(7) of the amending Act) by Finance (No. 2) Act 2015 (c. 33), **s. 29(6)**
**F1755** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(5)** (with Sch. 2)
**F1756** Words in Sch. 1 Pt. 2 Table repealed (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 446(6), **Sch. 3 Pt. 1** (with Sch. 2)
**F1757** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(7)** (with Sch. 2)
**F1758** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(8)** (with Sch. 2)
**F1759** Words in Sch. 1 Pt. 2 inserted (17.7.2014) by Finance Act 2014 (c. 26), **Sch. 37 para. 7**
**F1760** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(9)** (with Sch. 2)
**F1761** Words in Sch. 1 Pt. 2 substituted (1.9.2004) by Finance Act 2004 (c. 12), s. 85(2), **Sch. 16 para. 7(3)**; S.I. 2004/1945, art. 2
**F1762** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(10)** (with Sch. 2)
**F1763** Words in Sch. 1 Pt. 2 inserted (with effect in accordance with Sch. 16 para. 85 of the amending Act) by Finance Act 2011 (c. 11), **Sch. 16 para. 61**
**F1764** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(11)** (with Sch. 2)

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**F1765** Words in Sch. 1 Pt. 2 inserted (6.4.2006) by Finance Act 2004 (c. 12), **ss. 249(12)**, 284(1) (with Sch. 36)

**F1766** Words in Sch. 1 Pt. 2 omitted (with effect in accordance with s. 13(4) of the amending Act) by virtue of Finance Act 2015 (c. 11), **Sch. 1 para. 21(2)**

**F1767** Words in Sch. 1 Pt. 2 inserted (18.3.2026) by Finance Act 2026 (c. 11), **Sch. 3 para. 7(4)**

**F1768** Words in Sch. 1 Pt. 2 inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **169**

**F1769** Sch. 1 Pt. 2 Table entry omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 340(2)**

**F1770** Words in Sch. 1 Pt. 2 inserted (with effect in accordance with Sch. 2 para. 2(8) of the amending Act) by Finance (No. 2) Act 2005 (c. 22), **Sch. 2 para. 2(7)**

**F1771** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(12)** (with Sch. 2)

**F1772** Sch. 1 Pt. 2 entries repealed (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), Sch. 4 para. 120, **Sch. 5**; S.I. 2005/1126, art. 2(2)(h)(i)

**F1773** Sch. 1 Pt. 2 Table entry repealed (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 446(13), **Sch. 3 Pt. 1** (with Sch. 2)

**F1774** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(14)** (with Sch. 2)

**F1775** Words in Sch. 1 Pt. 2 inserted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 1 para. 21(3)**

**F1776** Words in Sch. 1 Pt. 2 Table inserted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(15)** (with Sch. 2)

**F1777** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(16)** (with Sch. 2)

**F1778** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(17)** (with Sch. 2)

**F1779** Words in Sch. 1 Pt. 2 inserted (with effect in accordance with Sch. 27 para. 16 of the amending Act) by Finance Act 2004 (c. 12), **Sch. 27 para. 15**

**F1780** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(18)** (with Sch. 2)

**F1781** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(19)** (with Sch. 2)

**F1782** Words in Sch. 1 Pt. 2 inserted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 45 para. 105**

**F1783** Words in Sch. 1 Pt. 2 inserted (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 31 para. 15** (with Sch. 36)

**F1784** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(20)** (with Sch. 2)

**F1785** Sch. 1 entry omitted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by virtue of Finance Act 2008 (c. 9), **Sch. 7 para. 40(a)**

**F1786** Sch. 1 entry omitted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by virtue of Finance Act 2008 (c. 9), **Sch. 7 para. 40(b)**

**F1787** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(21)** (with Sch. 2)

**F1788** Words in Sch. 1 Pt. 2 inserted (6.4.2006) by Finance Act 2004 (c. 12), s. 284(1), **Sch. 35 para. 65(3)** (with Sch. 36)

**F1789** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(22)** (with Sch. 2)

**F1790** Words in Sch. 1 Pt. 2 inserted (20.7.2011) by The Finance Act 2009 (Consequential Amendments) Order 2011 (S.I. 2011/1583), arts. 1, **2(11)**

**F1791** Sch. 1 Pt. 2 Table entries repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 556(b), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F1792** Sch. 1 Pt. 2 Table entry omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 340(3)**
**F1793** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(24)** (with Sch. 2)
**F1794** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(25)** (with Sch. 2)
**F1795** Words in Sch. 1 Pt. 2 substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 395(3)** (with Sch. 2)
**F1796** Words in Sch. 1 Pt. 2 omitted (with effect in accordance with Sch. 1 para. 73 of the amending Act) by virtue of Finance Act 2016 (c. 24), **Sch. 1 para. 61(3)**
**F1797** Word in Sch. 1 Pt. 2 substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by Finance Act 2017 (c. 10), **Sch. 2 para. 61**
**F1798** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(28)** (with Sch. 2)
**F1799** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(29)** (with Sch. 2)
**F1800** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(30)** (with Sch. 2)
**F1801** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(31)** (with Sch. 2)
**F1802** Words in Sch. 1 Pt. 2 Table inserted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 340(4)**
**F1803** Words in Sch. 1 Pt. 2 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 446(32)** (with Sch. 2)

SCHEDULE 2 Section 488

# [F1804]... SHARE INCENTIVE PLANS

**Textual Amendments**
**F1804** Word in Sch. 2 title omitted (6.4.2014) by virtue of Finance Act 2014 (c. 26), **Sch. 8 paras. 14**, 89 (with Sch. 8 paras. 90-96)

## PART 1

### INTRODUCTION

### *[F1805 Introduction to Schedule 2] share incentive plans (SIPs)*

**Textual Amendments**
**F1805** Words in Sch. 2 para. 1 cross-heading substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 15**, 89 (with Sch. 8 paras. 90-96)

**[F1806**(A1) For the purposes of the SIP code a share incentive plan (a "SIP") is a Schedule 2 SIP if the requirements of Parts 2 to 9 of this Schedule are met in relation to the SIP.**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) The requirements consist of general requirements (see Part 2) and requirements as to—

the eligibility of individuals (see Part 3),

the types of shares that may be awarded (see Part 4),

free shares (see Part 5),

partnership shares (see Part 6),

matching shares (see Part 7),

cash dividends and dividend shares (see Part 8), and

the trustees (see Part 9).

**[**F1807(4) Sub-paragraph (A1) is subject to Part 10 of this Schedule which—

(a) requires notice of a plan to be given to Her Majesty's Revenue and Customs ("HMRC") in order for the plan to be a Schedule 2 SIP (see paragraph 81A(1)),

(b) provides for a plan in relation to which such notice is given to be a Schedule 2 SIP (see paragraph 81A(4)), and

(c) gives power to HMRC to enquire into a plan and to decide that the plan should not be a Schedule 2 SIP (see paragraphs 81F to 81I).**]**

**[**F1808(5) Sub-paragraph (A1) is also subject to Part 10A of this Schedule (disqualifying events).**]**

**Textual Amendments**

**F1806** Sch. 2 para. 1(A1) substituted for Sch. 2 para. 1(1)(2) (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 16(2)**, 89 (with Sch. 8 paras. 90-96)

**F1807** Sch. 2 para. 1(4) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 16(3)**, 89 (with Sch. 8 paras. 90-96)

**F1808** Sch. 2 para. 1(5) inserted (with effect in accordance with Sch. 3 para. 2(4) of the amending Act) by Finance Act 2016 (c. 24), **Sch. 3 para. 2(2)**

*SIPs: free shares and partnership shares*

2 (1) In the SIP code a "share incentive plan" (or "SIP" for short) means (in accordance with section 488(4)) a plan established by a company providing—

(a) for shares to be appropriated to employees without payment ("free shares"), or

(b) for shares to be acquired on behalf of employees out of sums deducted from their salary ("partnership shares").

(2) In the SIP code, in relation to a SIP—

"the company" means the company which established the plan;

"plan requirements" means requirements applying to the plan;

"the trustees" means the body of persons established under Part 9 to exercise functions in connection with the plan.

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*Matching shares*

3 (1) A SIP that provides for partnership shares may also provide for shares to be appropriated without payment to employees in proportion to the partnership shares acquired by them ("matching shares").

(2) If a SIP contains provision for all, or more than one, of the following—

free shares,

partnership shares, and

matching shares,

the plan may provide for the company to decide when the provisions relating to each kind of share are to have effect.

*Group plans*

4 (1) A SIP established by a company that controls other companies (a "parent company") may extend to all or any of those other companies.

(2) In the SIP code a SIP established by a parent company which so extends is referred to as a "group plan".

(3) In relation to a group plan a "constituent company" means—

(a) the parent company, or

(b) any other company to which for the time being the plan is expressed to extend.

(4) Paragraph 91 deals with jointly owned companies and companies controlled by them.

*Meaning of "award of shares", "participant" etc.*

5 (1) For the purposes of the SIP code an "award of shares" is made under a SIP on each occasion when in accordance with the plan—

(a) free or matching shares are appropriated to employees, or

(b) partnership shares are acquired on behalf of employees.

(2) Accordingly, references to shares awarded to an individual under a SIP are to—

(a) free or matching shares appropriated to the individual, or

(b) partnership shares acquired on the individual's behalf,

under the plan.

(3) For the purposes of the SIP code an individual participates in an award of free, matching or partnership shares under a SIP if shares included in that award are—

(a) in the case of an award of free or matching shares, appropriated to the individual, or

(b) in the case of an award of partnership shares, acquired on the individual's behalf.

(4) In the SIP code, in relation to a SIP, "participant" means an individual to whom shares have been awarded under the plan.

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## PART 2

### GENERAL REQUIREMENTS

*General requirements ...: introduction*

6[F1809(1)] A SIP must meet the plan requirements contained in—

paragraph 7 (the purpose of the plan),

paragraph 8 (all-employee nature of plan),

paragraph 9 (participation on same terms),

paragraph 10 (no preferential treatment for directors and senior employees),

paragraph 11 (no further conditions), and

paragraph 12 (no loan arrangements).

**[**F1810(2) The requirements of this Part are also to be taken to include the requirements of paragraphs 89 and 90 (plan termination notices etc).**]**

**Textual Amendments**

**F1809** Sch. 2 para. 6 renumbered as Sch. 2 para. 6(1) (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 18(1)**, 89 (with Sch. 8 paras. 90-96)

**F1810** Sch. 2 para. 6(2) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 18(2)**, 89 (with Sch. 8 paras. 90-96)

*The purpose of the plan*

7 (1) The purpose of the plan must be to provide**[**F1811, in accordance with this Schedule,**]** benefits to employees in the **[**F1812form**]** of shares in a company which give them a continuing stake in that company.

**[**F1813(1A) The plan must not provide benefits to employees otherwise than in accordance with this Schedule.

(1B) For example, the plan must not provide cash to employees as an alternative to shares.

(1C) Sub-paragraph (1A) does not prohibit an employee receiving a benefit from a company as a result of any shares in that company being held on the employee's behalf under the plan where the employee would have received the same benefit from the company had the shares been acquired by the employee otherwise than by virtue of the plan.**]**

F1814(2) . . . . . .

**Textual Amendments**

**F1811** Words in Sch. 2 para. 7(1) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 19(2)(a)**, 89 (with Sch. 8 paras. 90-96)

**F1812** Word in Sch. 2 para. 7(1) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 19(2)(b)**, 89 (with Sch. 8 paras. 90-96)

**F1813** Sch. 2 para. 7(1A)-(1C) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 19(3)**, 89 (with Sch. 8 paras. 90-96)

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**F1814** Sch. 2 para. 7(2) omitted (6.4.2014) by virtue of Finance Act 2014 (c. 26), **Sch. 8 paras. 19(4)**, 89 (with Sch. 8 paras. 90-96)

*All-employee nature of plan*

8 (1) The plan must provide that every employee who—

(a) meets the requirements of Part 3 of this Schedule (eligibility of individuals) in relation to an award of shares under the plan, and

(b) is a UK resident taxpayer,

is eligible to participate in the award, and is invited to do so.

**[**F1815(2) An employee is a UK resident taxpayer if—

(a) the employee's earnings from the employment by reference to which the employee meets the employment requirement are (or would be if there were any) general earnings to which section 15 applies (earnings for year when employee UK resident) F1816...

F1816(b) . . . . . .

(3) The plan**]** must not contain any feature which has or is likely to have the effect of discouraging any description of employees within sub-paragraph (1) from participating in an award of shares under the plan.

(4) Sub-paragraph (3) does not apply to any provision required or authorised by this Schedule.

(5) The plan may provide that an employee who—

(a) meets the requirements of Part 3 of this Schedule (eligibility of individuals) in relation to an award of shares under the plan, but

(b) is not a UK resident taxpayer (see sub-paragraph (2)),

is eligible to participate in the award, and may be invited to do so.

(6) For the purposes of the SIP code an individual is a "qualifying employee", in relation to an award of shares, if the individual—

(a) is eligible to participate in it under sub-paragraph (1), or

(b) is eligible to participate in it under sub-paragraph (5) and has been invited to do so.

**Textual Amendments**

**F1815** Sch. 2 para. 8(2) substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 41**

**F1816** Sch. 2 para. 8(2)(b) and word omitted (with effect in accordance with Sch. 46 para. 72 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 46 para. 40(1)** (with Sch. 46 para. 40(2))

*Participation on same terms*

9 (1) The requirement of this paragraph is that—

(a) every employee who is invited to participate in an award must be invited to participate on the same terms, and

(b) those who do participate must actually do so on the same terms.

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(2) The requirement of this paragraph is infringed by the awarding of free shares by reference to factors other than those mentioned in sub-paragraph (3).

(3) The requirement of this paragraph is not infringed by the awarding of free shares by reference to—

(a) an employee's remuneration,

(b) an employee's length of service, or

(c) hours worked by an employee;

but this is subject to sub-paragraph (4).

(4) If the awarding of free shares is by reference to more than one of the factors mentioned in sub-paragraph (3), the requirement of this paragraph is infringed unless—

(a) each factor gives rise to a separate entitlement related to the level of remuneration, length of service or (as the case may be) hours worked, and

(b) the total entitlement is the sum of those separate entitlements.

(5) In the case of an award of free shares which provides for performance allowances, this paragraph has effect as provided in—

(a) paragraph 41 (performance allowances: method one), or

(b) paragraph 42 (performance allowances: method two).

(6) In sub-paragraph (5) "performance allowances" has the meaning given in paragraph 34(4).

(7) In the case of an award of partnership shares, the requirement of this paragraph is not infringed by the operation of any percentage limit specified in or under paragraph 46(2) or (3) (maximum amount of deductions) so far as the application of that limit to employees with different levels of remuneration results in deductions of different amounts or in the award of different numbers of shares.

*No preferential treatment for directors and senior employees*

10 (1) The first requirement of this paragraph is that no feature of the plan has or is likely to have the effect of conferring benefits wholly or mainly—

(a) on directors, or

(b) on employees receiving the higher or highest levels of remuneration.

(2) The second requirement of this paragraph applies only if the plan is established by a company that is a member of a group.

(3) The requirement is that the identity of the company (or, if it is a group plan, the constituent companies) must not be such that the plan has or is likely to have the effect of conferring benefits wholly or mainly—

(a) on employees of companies that are members of the group who receive the higher or highest levels of remuneration, or

(b) on directors of such companies.

(4) The requirements of this paragraph are not infringed by the awarding of free shares in circumstances where (as a result of paragraph 9(3) and (4)) that would not constitute an infringement of the requirements of paragraph 9.

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*No further conditions*

11 No conditions apart from those required or authorised by this Schedule may be imposed on an employee's participation in an award of shares under the plan.

*No loan arrangements*

12 (1) The arrangements for the plan must not make any provision, or be associated in any way with any provision made, for loans to some or all of the employees of—

(a) the company, or

(b) in the case of a group plan, of any constituent company.

(2) The operation of the plan must not be associated in any way with such loans.

(3) In sub-paragraph (1) "arrangements" includes any scheme, agreement, undertaking or understanding, whether or not legally enforceable.

## PART 3

ELIGIBILITY OF INDIVIDUALS

*Eligibility of individuals: introduction*

13 A SIP must meet the plan requirements contained in—

paragraph 14 (time of eligibility to participate),

paragraph 15 (the employment requirement),

**[**F1817paragraph 18 (requirement not to participate simultaneously in connected SIPs), **[**F1818and**]** paragraph 18A (successive participation in connected SIPs)**]** F1819...

**Textual Amendments**

**F1817** Words in Sch. 2 para. 13 substituted (10.7.2003) by Finance Act 2003 (c. 14), **Sch. 21 para. 3**

**F1818** Word in Sch. 2 para. 13 inserted (with effect in accordance with Sch. 2 para. 38 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 34(a)**

**F1819** Words in Sch. 2 para. 13 omitted (with effect in accordance with Sch. 2 para. 38 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 34(b)**

*Time of eligibility to participate*

14 (1) The plan must provide that an individual may only participate in an award of shares if the individual is eligible to participate in the award at the appropriate time mentioned below.

(2) In the case of an award of free shares, the appropriate time is the time when the award is made.

(3) In the case of an award of partnership shares where the plan does not provide for an accumulation period, the appropriate time is the time of the deduction of the partnership share money relating to the award.

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(4) In the case of an award of partnership shares where the plan does provide for an accumulation period, the appropriate time is the time of the first deduction of partnership share money relating to the award.

(5) In the case of an award of matching shares where the plan does not provide for an accumulation period, the appropriate time is the time of the deduction of the partnership share money relating to the award of partnership shares to which the matching shares relate.

(6) In the case of an award of matching shares where the plan does provide for an accumulation period, the appropriate time is the time of the first deduction of partnership share money relating to the award of partnership shares to which the matching shares relate.

(7) For the purposes of this paragraph an individual is eligible to participate in an award of shares under the plan if and only if the requirements of the plan are met as to—

(a) employment (see paragraph 15),

**[**F1820(b) not participating simultaneously in connected SIPs (see paragraph 18), **[**F1821and**]**

(ba) successive participation in connected SIPs (see paragraph 18A), F1822...**]**

F1822(c) . . . . . .

(8) In the case of an individual within paragraph 8(5) (all-employee nature of plan: non-UK resident taxpayer), the individual is not eligible to participate in an award of shares under the plan unless (in addition to the requirements mentioned in sub-paragraph (7)) any further eligibility requirements of the plan are met.

**Textual Amendments**

**F1820** Sch. 2 para. 14(7)(b)(ba) substituted for Sch. 2 para. 14(7)(b) (10.7.2003) by Finance Act 2003 (c. 14), **Sch. 21 para. 4**

**F1821** Word in Sch. 2 para. 14(7)(b) inserted (with effect in accordance with Sch. 2 para. 38 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 35(a)**

**F1822** Sch. 2 para. 14(7)(c) and word omitted (with effect in accordance with Sch. 2 para. 38 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 35(b)**

*The employment requirement*

15 (1) The plan must provide that an individual is not eligible to participate in an award of shares unless the individual meets the requirement in sub-paragraph (2).

(2) The requirement is that the individual—

(a) is an employee of—

(i) the company, or

(ii) in the case of a group plan, a constituent company, and

(b) if the plan provides for a qualifying period, has at all times during that period been an employee of a qualifying company.

(3) In the SIP code "the employment requirement" means the requirement in sub-paragraph (2).

(4) This paragraph is supplemented—

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(a) as regards qualifying periods, by paragraph 16, and

(b) as regards the meaning of "qualifying company", by paragraph 17.

*Qualifying periods*

16 (1) This paragraph applies if the plan provides for a qualifying period in relation to an award.

(2) In the case of an award of free shares, the qualifying period must be a period of not more than 18 months ending with the date on which the award is made.

(3) In the case of an award of partnership shares where the plan does not provide for an accumulation period, the qualifying period must be a period of not more than 18 months ending with the deduction of partnership share money relating to the award.

(4) In the case of an award of partnership shares where the plan does provide for an accumulation period, the qualifying period must be a period of not more than 6 months ending with the start of the accumulation period relating to the award.

(5) In the case of an award of matching shares where the plan does not provide for an accumulation period, the qualifying period must be a period of not more than 18 months ending with the deduction of partnership share money relating to the award of partnership shares to which the matching shares relate.

(6) In the case of an award of matching shares where the plan does provide for an accumulation period, the qualifying period must be a period of not more than 6 months ending with the start of the accumulation period relating to the award of partnership shares to which the matching shares relate.

(7) In relation to an award, the same qualifying period must apply in relation to all employees—

(a) of the company, or

(a) in the case of a group plan, of the constituent companies.

(8) The plan may authorise the company to specify different qualifying periods in respect of different awards of shares, but the requirements in sub-paragraphs (2) to (7) apply to periods so specified.

*Meaning of "qualifying company"*

17 (1) For the purposes of paragraph 15(2) "qualifying company" has the meaning given by this paragraph.

(2) Except in the case of a group plan, "qualifying company" means—

(a) the company, or

(b) a company that, when the individual was employed by it, was an associated company—

(i) of the company, or

(ii) of another company qualifying under this paragraph.

(3) In the case of a group plan, "qualifying company" means—

(a) a company that is a constituent company at the end of the qualifying period mentioned in paragraph 15(2),

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(b) a company that, when the individual was employed by it, was a constituent company, or

(c) a company that, when the individual was employed by it, was an associated company of—

(i) (i)a company qualifying under paragraph (a) or (b), or

(ii) another company qualifying under this paragraph.

*Requirement not to participate in other SIPs*

18 (1) The plan must provide that an individual is not eligible to participate in an award of free, matching or partnership shares under the plan in a tax year if the individual—

F1823(a) . . . . . .

(b) is at the same time to participate, in an award of shares under another **[**F1824Schedule 2**]** SIP established by the company or a connected company.

(2) For the purposes of this paragraph an individual is to be treated as having participated in an award of free shares under a SIP if the individual would have participated in that award but for the individual's failure to obtain a performance allowance (see paragraph 34).

(3) In this paragraph "connected company" means— (a)a company which controls or is controlled by the company or which is controlled by a company which also controls the company, or (b)a company which is a member of a consortium owning the company or which is owned in part by the company as a member of a consortium.

**Textual Amendments**

**F1823** Sch. 2 para. 18(1)(a) repealed (10.7.2003) by Finance Act 2003 (c. 14), Sch. 21 para. 5, **Sch. 43 Pt. 3(3)**

**F1824** Words in Sch. 2 para. 18(1) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 20**, 89 (with Sch. 8 paras. 90-96)

***[**F1825Participation in more than one connected SIP in a tax year***

**Textual Amendments**

**F1825** Sch. 2 para. 18A and cross-heading inserted (10.7.2003) by Finance Act 2003 (c. 14), **Sch. 21 para. 2**

18A (1) The plan must provide that, if an individual participates in an award of shares under the plan in a tax year in which he has already participated in an award of shares under one or more other **[**F1826Schedule 2**]** SIPs established by the company or a connected company—

(a) paragraph 35 (maximum annual award of free shares),

(b) paragraph 46 (maximum amount of partnership share money deductions), and (c)paragraph 64 (limit on amount reinvested), apply as if the plan and the other plan or plans were a single plan.

(2) In this paragraph "connected company" has the same meaning as in paragraph 18.**]**

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**Textual Amendments**

**F1826** Words in Sch. 2 para. 18A(1) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 21**, 89 (with Sch. 8 paras. 90-96)

*The "no material interest" requirement*

F1827 19 . . . . . .

**Textual Amendments**

**F1827** Sch. 2 paras. 19-24 omitted (with effect in accordance with Sch. 2 para. 38 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 36**

*Meaning of "material interest"*

F1827 20 . . . . . .

**Textual Amendments**

**F1827** Sch. 2 paras. 19-24 omitted (with effect in accordance with Sch. 2 para. 38 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 36**

*Material interest: options and interests in SIPs*

F1827 21 . . . . . .

**Textual Amendments**

**F1827** Sch. 2 paras. 19-24 omitted (with effect in accordance with Sch. 2 para. 38 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 36**

*Meaning of "associate"*

F1827 22 . . . . . .

**Textual Amendments**

**F1827** Sch. 2 paras. 19-24 omitted (with effect in accordance with Sch. 2 para. 38 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 36**

*Meaning of "associate": trustees of employee benefit trust*

F1827 23 . . . . . .

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**Textual Amendments**

**F1827** Sch. 2 paras. 19-24 omitted (with effect in accordance with Sch. 2 para. 38 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 36**

*Meaning of "associate": trustees of discretionary trust*

F1827 24 . . . . . .

**Textual Amendments**

**F1827** Sch. 2 paras. 19-24 omitted (with effect in accordance with Sch. 2 para. 38 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 36**

## PART 4

TYPES OF SHARES THAT MAY BE AWARDED

*Types of share that may be awarded: introduction*

25 (1) The requirements of the following paragraphs must be met with respect to any shares that may be awarded under a SIP—

paragraph 26 (shares must be part of ordinary share capital of certain companies),

paragraph 27 (requirement as to listing etc.),

paragraph 28 (shares must be fully paid up and not redeemable), **[**F1828 and**]**

paragraph 29 (prohibited shares)

F1829 ...

(2) In this Part of this Schedule "eligible shares" means shares that may be awarded under the plan.

**Textual Amendments**

**F1828** Word in Sch. 2 para. 25(1) inserted (with effect in accordance with Sch. 2 para. 58 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 47(a)**

**F1829** Words in Sch. 2 para. 25(1) omitted (with effect in accordance with Sch. 2 para. 58 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 47(b)**

*Shares must be part of ordinary share capital of certain companies*

26 Eligible shares must form part of the ordinary share capital of—

(a) the company,

(b) a company which has control of the company, or

(c) a company which either is, or has control of, a company which is a member of a consortium owning either the company or a company having control of the company.

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*Requirement as to listing etc.*

27 (1) Eligible shares must be—

(a) shares of a class listed on a recognised stock exchange,

(b) shares in a company which is not under the control of another company, F1830 ...

**[**F1831(ba) shares in a company which is subject to an employee-ownership trust, or**]**

(c) shares in a company which is under the control of a listed company.

(2) A "listed company" is a company whose shares are listed on a recognised stock exchange, other than—

(a) a close company, or

(b) a company that would be a close company if resident in the United Kingdom.

**[**F1832(3) But a company is not a close company for the purposes of sub-paragraph (2) if it is subject to an employee-ownership trust.

(4) A company ("C") is "subject to an employee-ownership trust" if—

(a) C meets the trading requirement set out in section 312D,

(b) C meets the indirect employee-ownership requirement,

(c) neither C, nor any other company which is a member of the same group of companies as C, is a service company, and

(d) C is not under the control of another company (ignoring for this purpose another company acting in its capacity as the trustee of the settlement by virtue of which C meets the indirect employee-ownership requirement).

(5) Section 312E (the indirect employee-ownership requirement) applies for the purposes of sub-paragraph (4), subject to the following modifications—

(a) subsection (3) of that section has effect as if—

(i) the words "during the qualifying period" were omitted, and

(ii) in paragraph (a) for "10 December 2013" there were substituted " 1 October 2014 ", and

(b) subsection (4) has effect as if for paragraph (b) there were substituted—

"(b) section 236L of that Act applies as if the reference in subsection (1)(c) of that section to the period of 12 months ending with the time in question were a reference to any time on or after 1 October 2014."

(6) Section 312G (meaning of "service company") applies for the purposes of sub-paragraph (4)(c), subject to the following modifications—

(a) in subsection (3)(b), the reference to the company which makes the payment is to be read as a reference to C,

(b) in subsection (4)(a), the reference to the time the payment is made is to be read as a reference to any time, and

(c) in subsection (4)(b), the reference to any time before the time the payment is made is to be read as a reference to any time.**]**

**Textual Amendments**

**F1830** Word in Sch. 2 para. 27(1)(b) omitted (1.10.2014) by virtue of Finance Act 2014 (c. 26), **Sch. 37 para. 19(2)**(4)

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F1831** Sch. 2 para. 27(1)(ba) inserted (1.10.2014) by Finance Act 2014 (c. 26), **Sch. 37 para. 19(2)**(4)
**F1832** Sch. 2 para. 27(3)-(6) inserted (1.10.2014) by Finance Act 2014 (c. 26), **Sch. 37 para. 19(3)**(4)

*Shares must be fully paid up and not redeemable*

28 (1) Eligible shares must be—

(a) fully paid up, and

(b) not redeemable.

(2) For the purposes of sub-paragraph (1)(a) shares are not to be regarded as fully paid up if there is an undertaking to pay cash at a future date to the company whose shares they are.

(3) For the purposes of sub-paragraph (1)(b) "redeemable" shares include shares that may become redeemable at a future date.

(4) Sub-paragraph (1)(b) does not apply to shares in **[**F1833a registered co-operative society**]**.

**[**F1834(5) In sub-paragraph (4) "registered co-operative society" means—

(a) a society registered as a co-operative society under the Co-operative and Community Benefit Societies Act 2014,

(b) a pre-commencement society (within the meaning of that Act) that is a co-operative society within the meaning of section 2 of that Act,

(c) a society registered or deemed to be registered under the Industrial and Provident Societies Act (Northern Ireland) 1969 that is a co-operative society within the meaning of section 1 of that Act , or

(d) an SCE formed in accordance with Council Regulation (EC) No 1435/2003 on the Statute for a European Cooperative Society.**]**

**Textual Amendments**

**F1833** Words in Sch. 2 para. 28(4) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 82(2)** (with Sch. 5)

**F1834** Sch. 2 para. 28(5) substituted (1.8.2014) by Co-operative and Community Benefit Societies Act 2014 (c. 14), s. 154, **Sch. 4 para. 82(3)** (with Sch. 5) (as amended by Finance Act 2014 (c. 26), **Sch. 39 paras. 8**, 15)

*Prohibited shares*

29 (1) Eligible shares must not be shares in—

(a) a service company, or

(b) a company that—

(i) has control of a service company, and

(ii) is under the control of a person or persons who fall within sub-paragraph (2)(b)(i) or (ii) as it applies to a service company.

(2) For the purposes of this paragraph a company is a "service company" if—

(a) the business carried on by it consists substantially in the provision of the services of persons employed by it, and

(b) the majority of those services are provided to—

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(i) a person who has control of the company,

(ii) two or more persons who together have control of the company, or

(iii) a company associated with the company.

(3) For the purposes of sub-paragraph (2)(b)(iii) a company is associated with another company if both companies are under the control of the same person or persons.

(4) For the purposes of sub-paragraphs (1) to (3)—

(a) a partnership is to be treated as a single person; and

(b) where a partner (alone or together with others) has control of a company, the partnership is to be treated as having (in the same way) control of that company.

(5) For the purposes of this paragraph the question whether a person controls a company is to be determined in accordance with **[**[F1835]sections 450 and 451 of CTA 2010**]**.

**Textual Amendments**

**F1835** Words in Sch. 2 para. 29(5) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 396(3)** (with Sch. 2)

*Only certain kinds of restriction allowed*

[F1836]30 . . . . . .

**Textual Amendments**

**F1836** Sch. 2 paras. 30-33 omitted (with effect in accordance with Sch. 2 para. 58 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 48**

*Permitted restrictions: voting rights*

[F1836]31 . . . . . .

**Textual Amendments**

**F1836** Sch. 2 paras. 30-33 omitted (with effect in accordance with Sch. 2 para. 58 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 48**

*Permitted restrictions: provision for forfeiture*

[F1836]32 . . . . . .

**Textual Amendments**

**F1836** Sch. 2 paras. 30-33 omitted (with effect in accordance with Sch. 2 para. 58 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 48**

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Permitted restrictions: pre-emption conditions*

F1836 33 . . . . . .

**Textual Amendments**

**F1836** Sch. 2 paras. 30-33 omitted (with effect in accordance with Sch. 2 para. 58 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 48**

## PART 5

FREE SHARES

*Free shares: introduction*

34 (1) If a SIP provides for free shares, it must meet the plan requirements contained in—

paragraph 35 (maximum annual award), and

paragraph 36 (the holding period).

(2) If a SIP provides for free shares and for performance allowances, the requirements of the following paragraphs also apply—

paragraph 38 (performance allowances: general application),

paragraph 39 (performance allowances: targets and measures),

paragraph 40 (performance allowances: information to be given to employees), and

either paragraph 41 or 42 (performance allowances: methods of awarding shares).

(3) The plan must meet any plan requirements contained in those paragraphs.

(4) For the purpose of the SIP code a plan provides for performance allowances if it provides for—

(a) whether or not free shares will be awarded to an individual, or

(b) the number or value of free shares awarded,

to be conditional on performance targets being met.

*Maximum annual award*

35 (1) The plan must provide that the initial market value of the free shares awarded to a participant in a tax year is not to exceed **[**F1837 £3,600**]** .

(2) The "initial market value" of shares means their market value on the date on which they are awarded.

**[**F1838 (2A) The Treasury may by order amend sub-paragraph (1) by substituting for any amount for the time being specified there an amount specified in the order.**]**

F1839 (3) . . . . . .

F1839 (4) . . . . . .

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**Textual Amendments**

**F1837** Word in Sch. 2 para. 35(1) substituted (6.4.2014) by Finance Act 2014 (c. 26), **s. 49(2)**(4)

**F1838** Sch. 2 para. 35(2A) inserted (17.7.2014) by Finance Act 2014 (c. 26), **s. 50(2)**

**F1839** Sch. 2 para. 35(3)(4) omitted (17.7.2013) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 49**

*The holding period*

36 (1) The plan must require the company in respect of each award of free shares to specify a period ("the holding period") during which a participant is bound by contract with the company—

(a) to permit the free shares awarded to the participant to remain in the hands of the trustees, and

(b) not to assign, charge or otherwise dispose of the beneficial interest in the shares.

(2) The holding period—

(a) must be a period of at least 3 years but not more than 5 years, beginning with the date on which the shares in question are awarded to the participant, and

(b) must be the same for all shares in the same award.

(3) The plan—

(a) may authorise the company to specify different holding periods from time to time, but

(b) must prevent the company from increasing the holding period specified in respect of free shares that have been awarded under the plan.

(4) The participant's obligations with respect to the holding period are subject to—

(a) paragraph 37 (power to authorise trustees to accept general offers etc.),

(b) paragraph 79 (meeting by trustees of PAYE obligations), and

(c) paragraph 90(5) (termination of plan: early removal of shares with participant's consent).

(5) If at any time in the holding period the participant ceases to be in relevant employment, the participant's obligations with respect to that period come to an end.

*Holding period: power of participant to direct trustees to accept general offers etc.*

37 (1) A participant may direct the trustees to do any of the following during the holding period.

(2) The participant may direct the trustees to accept an offer for any of the participant's free shares ("the original shares") if the acceptance or agreement will result in a new holding being equated with the original shares for the purposes of capital gains tax.

(3) The participant may direct the trustees to agree to a transaction affecting the participant's free shares, or such of them as are of a particular class, if the transaction would be entered into as a result of a compromise, arrangement or scheme applicable to or affecting—

(a) all the ordinary share capital of the company or, as the case may be, all the shares of the class in question, or

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(b) all the shares, or all the shares of the class in question, which are held by a class of shareholders identified otherwise than by reference to their employment or their participation in **[**F1840a Schedule 2**]** SIP.

(4) The participant may direct the trustees to accept an offer for the participant's free shares of—

(a) cash, with or without other assets, or

(b) a qualifying corporate bond (whether alone or with other assets or cash or both),

if the offer forms part of a general offer falling within sub-paragraph (5).

(5) A general offer falls within this sub-paragraph if—

(a) it is made to holders of shares of the same class as the participant's or to holders of shares in the same company, and

(b) it is made in the first instance on a condition such that if it is satisfied the person making the offer will have control of that company.

(6) In sub-paragraph (5) "control" has the meaning given by **[**F1841sections 450 and 451 of CTA 2010**]**.

**[**F1842(7) For the purposes of sub-paragraph (5) it does not matter if the general offer is made to different shareholders by different means.

(8) If in the case of a takeover offer (as defined in section 974 of the Companies Act 2006) there arises a right under section 983 of that Act to require the offeror to acquire the participant's free shares, or such of them as are of a particular class, the participant may direct the trustees to exercise that right.**]**

**Textual Amendments**

**F1840** Words in Sch. 2 para. 37(3)(b) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 22**, 89 (with Sch. 8 paras. 90-96)

**F1841** Words in Sch. 2 para. 37(6) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 396(4)** (with Sch. 2)

**F1842** Sch. 2 para. 37(7)(8) inserted (17.7.2013) by Finance Act 2013 (c. 29), **Sch. 2 para. 20(1)** (with Sch. 2 para. 20(2))

*Performance allowances: general application*

38 A plan that provides for performance allowances in relation to an award must make provision for such allowances for all qualifying employees in relation to that award.

*Performance allowances: targets and measures*

39 (1) A plan that provides for performance allowances must comply with the following requirements with respect to performance targets and performance measures.

(2) The performance targets must be set for performance units comprising one or more employees.

(3) The performance measures used must—

(a) be based on business results or other objective criteria, and

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(b) be fair and objective measures of the performance of the units to which they are or may be applied.

(4) For the purposes of an award of free shares under the plan an employee must not be a member of more than one performance unit.

*Performance allowances: information to be given to employees*

40 (1) A plan that provides for performance allowances in relation to an award of shares must require the company—

(a) to notify each qualifying employee who has accepted an invitation to participate in the award of the performance targets and measures which, under the plan, will be used to determine the number or value of free shares awarded to the employee, and

(b) to notify all qualifying employees—

(i) of the company, or

(ii) in the case of a group plan, of any constituent company,

in general terms, of the performance measures to be used to determine the number or value of free shares to be awarded to each employee participating in the award.

(2) The notices must be given as soon as reasonably practicable.

(3) The company may exclude from the notice mentioned in sub-paragraph (1)(b) any information whose disclosure the company reasonably considers would prejudice commercial confidentiality.

*Performance allowances: method one*

41 (1) The requirements of this paragraph are those contained in sub-paragraph (2).

(2) In the case of an award in relation to which the plan provides for performance allowances—

(a) at least 20% of the shares in the award must be awarded without reference to performance in accordance with the requirement of paragraph 9 (participation on same terms),

(b) the remaining shares must be awarded by reference to performance, and

(c) the highest number of shares within paragraph (b) awarded to an individual must not be more than four times the highest number of shares within paragraph (a) awarded to an individual.

(3) In determining for the purposes of sub-paragraph (2)(a) whether the requirement of paragraph 9 is met, the shares to which sub-paragraph (2)(a) applies are to be treated as a separate award of free shares.

(4) If the plan meets the requirements of this paragraph, the requirement of paragraph 9 does not apply to any provision of the plan relating to the awarding of shares within sub-paragraph (2)(b).

(5) If free shares of different classes are awarded, the requirements of this paragraph apply separately in relation to each class.

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*Performance allowances: method two*

42 (1) The requirements of this paragraph are those contained in sub-paragraphs (2) and (3).

(2) In the case of an award in relation to which the plan provides for performance allowances—

(a) some or all of the shares in the award must be awarded by reference to performance, and

(b) the awarding of the shares to qualifying employees who are members of the same performance unit must meet the requirement of paragraph 9 (participation on same terms).

(3) The performance targets set in connection with such an award must be consistent targets (see sub-paragraph (6)).

(4) In determining for the purposes of sub-paragraph (2)(b) whether the requirement of paragraph 9 is met, the free shares awarded in respect of each performance unit are to be treated as a separate award of free shares.

(5) If this method is used, nothing in paragraph 9 requires the awarding of shares to members of different performance units to be on the same terms.

(6) In sub-paragraph (3) "consistent targets" means targets which, at the time when they are set in accordance with the plan, can reasonably be viewed as being comparable in terms of the likelihood of their being met by the performance units to which they apply.

## PART 6

PARTNERSHIP SHARES

*Partnership shares: introduction*

43 (1) If a SIP provides for partnership shares, the following paragraphs apply—

paragraph 44 (partnership share agreements),
paragraph 45 (deductions from salary),
paragraph 46 (maximum amount of deductions),
paragraph 47 (minimum amount of deductions),
paragraph 48 (notice of possible effect of deductions on benefit entitlement),
paragraph 49 (partnership share money held for employee),
paragraph 50 (application of money deducted where no accumulation periods),
paragraph 51 (accumulation periods),
paragraph 52 (application of money deducted in accumulation period),
paragraph 53 (restriction on number of shares awarded),
paragraph 54 (stopping and re-starting deductions),
paragraph 55 (withdrawal from partnership share agreement),
paragraph 56 (repayment of partnership share money on withdrawal of approval or termination), and
paragraph 57 (access to partnership shares).

(2) The plan must meet any plan requirements contained in those paragraphs.

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**[**F1843(2A) The plan must provide that partnership shares are not to be subject to any provision for forfeiture.**]**

**[**F1844(2B) Partnership shares may (notwithstanding sub-paragraph (2A) if relevant) be subject to provision requiring partnership shares acquired on behalf of an employee to be offered for sale but only if the requirement of sub-paragraph (2C) is met.

(2C) The consideration at which the shares are required to be offered for sale must be at least equal to—

(a) the amount of partnership share money applied in acquiring the shares on behalf of the employee, or

(b) if lower, the market value of the shares at the time they are offered for sale.**]**

(3) References in the SIP code to the trustees acquiring partnership shares on behalf of an employee include their appropriating to an employee shares already held by them.

(4) In the SIP code references to an employee's "salary" are to be read as follows—

(a) in the case of an individual within the scope of the charge to tax under Part 2 of this Act, they are to be read as references to such of the earnings of the eligible employment—

(i) as are liable to be paid under deduction of tax under PAYE regulations, after deducting any amounts included by virtue of the benefits code, or

(ii) as would be liable to be so paid apart from the SIP code;

(b) in the case of an individual not within the scope of the charge to tax under Part 2 of this Act, they are to be read as references to such of the earnings of the eligible employment as would have fallen within sub-paragraph (i) or (ii) of paragraph (a) if the individual had been within the scope of that charge to tax.

(5) In sub-paragraph (4) "the eligible employment" means the employment by reference to which the employee is eligible to participate in the plan.

**Textual Amendments**

**F1843** Sch. 2 para. 43(2A) inserted (with effect in accordance with Sch. 2 para. 58 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 50**

**F1844** Sch. 2 para. 43(2B)(2C) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 23**, 89 (with Sch. 8 paras. 90-96)

*Partnership share agreements*

44 (1) The plan must provide for qualifying employees to enter into agreements with the company ("company A") under which—

(a) the employee authorises the employer company to deduct part of the employee's salary for the purchase of partnership shares, and

(b) company A undertakes to arrange for partnership shares to be awarded to the employee in accordance with the plan.

(2) Such agreements are referred to in the SIP code as "partnership share agreements".

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(3) In sub-paragraph (1) "the employer company" means the company by reference to which the employee meets the employment requirement in relation to the plan.

*Deductions from salary*

45 (1) The plan must provide for a partnership share agreement to be given effect by deductions from the employee's salary.

(2) Amounts so deducted are referred to in the SIP code as "partnership share money".

(3) The partnership share agreement must specify—

(a) what amounts are to be deducted, and

(b) at what intervals;

but this does not prevent the employee and the company agreeing to vary those amounts or intervals.

(4) For the purposes of sub-paragraph (3)(a) the agreement may specify a percentage of the employee's salary.

(5) The plan must require the employer company to calculate the amounts and intervals having regard to paragraph 46 (maximum amount of deductions from salary).

(6) In sub-paragraph (5) "the employer company" means the company by reference to which the employee meets the employment requirement in relation to the plan.

*Maximum amount of deductions*

46 (1) The amount of partnership share money deducted from an employee's salary must not exceed **[**F1845£1,800**]** in any tax year.

(2) The amount of partnership share money deducted from an employee's salary **[**F1846for any tax year must not exceed 10% of the employee's salary for the tax year.**]**

(3) The plan may authorise the company to specify lower limits than those specified in sub-paragraphs (1) and (2).

(4) If it does so, different limits may be specified in relation to different awards of shares.

**[**F1847(4A) A limit lower than that specified in sub-paragraph (2) may be framed—

(a) as a proposition substituting a percentage lower than that so specified, or

(b) as a proposition that a particular description of earnings is not to be regarded as forming part of an employee's salary for the purposes of that sub-paragraph.**]**

(5) Any amount deducted in excess of that allowed by sub-paragraph (1) or (2), or any lower limit in the plan, must be paid over to the employee as soon as practicable.

**[**F1848(6) The Treasury may by order amend sub-paragraph (1) by substituting for any amount for the time being specified there an amount specified in the order.**]**

**Textual Amendments**

**F1845** Word in Sch. 2 para. 46(1) substituted (6.4.2014) by Finance Act 2014 (c. 26), **s. 49(3)**(4)

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**F1846** Words in Sch. 2 para. 46(2) substituted (with effect in accordance with Sch. 21 para. 7(5) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 21 para. 7(3)**
**F1847** Sch. 2 para. 46(4A) inserted (10.7.2003) by virtue of Finance Act 2003 (c. 14), **Sch. 21 para. 7(4)**
**F1848** Sch. 2 para. 46(6) inserted (17.7.2014) by Finance Act 2014 (c. 26), **s. 50(3)**

*Minimum amount of deductions*

47 (1) The plan may provide that the amount to be deducted under a partnership share agreement **[**F1849on any occasion**]** must not be less than a minimum amount specified in the plan.

(2) The specified minimum amount must not be greater than £10.

F1850(3) . . . . . .

**Textual Amendments**
**F1849** Words in Sch. 2 para. 47 substituted (10.7.2003) by Finance Act 2003 (c. 14), **Sch. 21 para. 8(a)**
**F1850** Sch. 2 para. 47(3) repealed (10.7.2003) by Finance Act 2003 (c. 14), Sch. 21 para. 8(b), **Sch. 43 Pt. 3(3)**

*Notice of possible effect of deductions on benefit entitlement*

48 (1) The plan must provide that the company may not enter into a partnership share agreement with an employee unless the agreement contains a notice under this paragraph.

(2) A notice under this paragraph is a notice in a prescribed form containing prescribed information as to the possible effect of deductions on an employee's entitlement to social security benefits, statutory sick pay **[**F1851, statutory neonatal care pay**]** and statutory maternity pay.

(3) In this paragraph "prescribed" means prescribed by regulations made by **[**F104the Commissioners for Her Majesty's Revenue and Customs**]**.

**Textual Amendments**
**F104** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(2)**; S.I. 2005/1126, art. 2(2)(h)
**F1851** Words in Sch. 2 para. 48(2) inserted (20.3.2025) by Finance Act 2025 (c. 8), **s. 36(3)**

*Partnership share money held for employee*

49 (1) The plan must provide that partnership share money deducted under a partnership share agreement is—

(a) paid to the trustees as soon as practicable, and

(b) held by them on behalf of the employee until such time as it is applied by them in acquiring partnership shares on the employee's behalf.

(2) Sub-paragraph (1) is subject to paragraphs 50(5)(b) and 52(6)(b) and (7) (obligations to pay money to the employee).

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(3) The plan must provide for the trustees to keep any money required to be held by them under this paragraph in an account (interest bearing or otherwise) with—

(a) a person falling within **[**F1852section 991(2)(b) of ITA 2007**]** (certain institutions permitted to accept deposits),

(b) a building society, or

(c) a firm falling within **[**F1853section 991(2)(c) of ITA 2007**]** (EEA firms permitted to accept deposits).

(4) The plan must provide for the trustees to account to an employee for the interest if the partnership share money held on behalf of the employee is held in an interest bearing account.

**Textual Amendments**

**F1852** Words in Sch. 2 para. 49(3)(a) substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 447(2)(a)** (with Sch. 2)

**F1853** Words in Sch. 2 para. 49(3)(c) substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 447(2)(b)** (with Sch. 2)

*Application of money deducted where no accumulation periods*

50 (1) If the plan does not provide for an accumulation period, it must provide for partnership share money to be applied by the trustees in acquiring partnership shares on behalf of the employee on the acquisition date.

(2) The number of shares awarded to each employee must be determined in accordance with the market value of the shares on the acquisition date.

(3) Sub-paragraphs (1) and (2) are subject to paragraph 53 (restriction on number of shares awarded).

(4) In those sub-paragraphs "the acquisition date" means the date set by the trustees in relation to the award of partnership shares, which must be not later than 30 days after the last date on which the partnership share money to be applied in acquiring the shares was deducted.

(5) Any surplus partnership share money remaining after the acquisition of shares by the trustees—

(a) may with the agreement of the employee be carried forward and added to the amount of the next deduction, and

(b) in any other case must be paid over to the employee as soon as practicable.

*Accumulation periods*

51 (1) The plan may provide for accumulation periods not exceeding 12 months.

(2) If the plan does so, the following provisions apply.

(3) The partnership share agreements—

(a) must specify when each accumulation period begins and ends;

(b) may specify that an accumulation period comes to an end on the occurrence of a specified event.

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(4) However—

(a) the beginning of the first accumulation period must not be later than the date on which the first deduction of partnership share money is made; and

(b) the accumulation period which applies in relation to each award of partnership shares must be the same for all individuals entering into the partnership share agreements.

(5) The plan may also provide that if—

(a) during an accumulation period, a transaction occurs in relation to any of the shares ("the original holding") to be acquired under a partnership share agreement which results in a new holding of shares being equated with the original holding for the purposes of capital gains tax, and

(b) the employee consents,

the partnership share agreement is to have effect after the time of the transaction as if it were an agreement for the purchase of the shares comprised in the new holding.

*Application of money deducted in accumulation period*

52 (1) This paragraph applies if the plan provides for one or more accumulation periods.

(2) The plan must provide for the partnership share money deducted in each accumulation period under a partnership share agreement to be applied by the trustees in acquiring partnership shares on behalf of the employee on the acquisition date.

**[**F1854(2A) The number of shares awarded to the employee must be determined in accordance with one of sub-paragraphs (3), (3A) and (3B) and the partnership share agreement must specify which one of those sub-paragraphs is to apply for the purposes of the agreement.**]**

(3) **[**F1855If the agreement specifies that this sub-paragraph is to apply, the number of shares awarded to the**]** employee must be determined in accordance with the lower of—

(a) the market value of the shares at the beginning of the accumulation period, and

(b) the market value of the shares on the acquisition date.

**[**F1856(3A) If the agreement specifies that this sub-paragraph is to apply, the number of shares awarded to the employee must be determined in accordance with the market value of the shares at the beginning of the accumulation period.

(3B) If the agreement specifies that this sub-paragraph is to apply, the number of shares awarded to the employee must be determined in accordance with the market value of the shares on the acquisition date.**]**

(4) Sub-paragraphs (2) **[**F1857to (3B)**]** are subject to sub-paragraphs (7) and (8) and to paragraph 53 (restriction on number of shares awarded).

(5) In sub-paragraphs (2) **[**F1857to (3B)**]** "the acquisition date" means the date set by the trustees in relation to the award of partnership shares, which must be not later than 30 days after the end of the accumulation period which applies in relation to the award.

(6) Any surplus partnership share money remaining after the acquisition of shares by the trustees—

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(a) may with the agreement of the employee be carried forward to the next accumulation period, and

(b) in any other case must be paid over to the employee as soon as practicable.

(7) The plan must provide that where the employee ceases to be in relevant employment during an accumulation period, any partnership share money deducted in the period is to be paid over to the individual as soon as practicable.

(8) The partnership share agreement may provide that, where an accumulation period comes to an end on the occurrence of a specified event, the partnership share money deducted in that period must be paid over to the individual as soon as practicable instead of being applied in acquiring shares.

**Textual Amendments**

**F1854** Sch. 2 para. 52(2A) inserted (with effect in accordance with Sch. 2 para. 81 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 79(2)**

**F1855** Words in Sch. 2 para. 52(3) substituted (with effect in accordance with Sch. 2 para. 81 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 79(3)**

**F1856** Sch. 2 para. 52(3A)(3B) inserted (with effect in accordance with Sch. 2 para. 81 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 79(4)**

**F1857** Words in Sch. 2 para. 52(4)(5) substituted (with effect in accordance with Sch. 2 para. 81 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 79(5)**

*Restriction on number of shares awarded*

53 (1) The plan may authorise the company to specify the maximum number of shares ("the award maximum") to be included in an award of partnership shares.

(2) If the plan does so—

(a) a different number may be specified by the company in relation to different awards, and

(b) the following provisions apply to the plan.

(3) The plan must require partnership share agreements to contain an undertaking by the company to notify the employee of any restriction on the number of shares to be included in an award.

(4) The plan must require the notice to be given—

(a) if there is no accumulation period, before the deduction of the partnership share money relating to the award, and

(b) if there is an accumulation period, before the beginning of the accumulation period relating to the award.

(5) The plan must provide that, where the award maximum in respect of an award of partnership shares is smaller than the number of shares which would otherwise be included in the award, the number of partnership shares acquired on behalf of each employee under paragraph 50(1) or 52(2) must be reduced proportionately.

*Stopping and re-starting deductions*

54 (1) The plan must provide that an employee may at any time give notice to the company to stop deductions under a partnership share agreement.

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(2) The plan must provide that, unless a later date is specified in the notice, the company must, on receiving a notice within sub-paragraph (1), ensure within 30 days after receipt of the notice that no further deductions are made by it under the partnership share agreement.

(3) The plan must also provide that an employee who has stopped deductions—

(a) may subsequently give notice to the company to re-start deductions under the agreement, but

(b) may not make up deductions that have been missed.

(4) If the plan makes provision for one or more accumulation periods, it may prevent an employee re-starting deductions more than once in any accumulation period.

(5) The plan must provide that, unless a later date is specified in the notice, the company must, on receiving a notice within sub-paragraph (3), re-start deductions under the partnership share agreement not later than the re-start date.

(6) "The re-start date" means the date of the first deduction due under the partnership share agreement more than 30 days after receipt of the notice under sub-paragraph (3).

(7) In this paragraph "notice" means notice in writing.

*Withdrawal from partnership share agreement*

55 (1) The plan must provide that an employee may at any time give notice to the company of the employee's withdrawal from a partnership share agreement.

(2) The plan must provide that, unless a later date is specified in the notice, a notice of withdrawal takes effect 30 days after it is received by the company.

(3) The plan must provide that, where an employee withdraws from a partnership share agreement, any partnership share money held on behalf of the employee is to be paid over to the employee as soon as practicable.

(4) In this paragraph "notice" means notice in writing.

*Repayment of partnership share money on **[**F1858**plan ceasing to be a Schedule 2 SIP**]** or termination*

**Textual Amendments**

**F1858** Words in Sch. 2 para. 56 cross-heading substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 24**, 89 (with Sch. 8 paras. 90-96)

56 (1) The plan must provide that, where the **[**F1859**plan is not to be a Schedule 2 SIP by virtue of paragraph 81H or 81I**]**, any partnership share money held on behalf of an employee is to be paid over to the employee.

(2) The plan must require the payment to be made as soon as practicable after **[**F1860**the relevant day**]**.

**[**F1861**(2A) If the plan is not to be a Schedule 2 SIP by virtue of paragraph 81H, in sub-paragraph (2) "the relevant day" means—

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(a) the last day of the period in which notice of an appeal under paragraph 81K(2)(a) may be given, or

(b) if notice of such an appeal is given, the day on which the appeal is determined or withdrawn.

(2B) If the plan is not to be a Schedule 2 SIP by virtue of paragraph 81I, in sub-paragraph (2) "the relevant day" means—

(a) the last day of the period in which notice of an appeal under paragraph 81K(3) may be given, or

(b) if notice of such an appeal is given, the day on which the appeal is determined or withdrawn.**]**

(3) The plan must provide that, where a plan termination notice is issued in respect of the plan (see paragraph 90), any partnership share money held on behalf of an employee is to be paid over to the employee.

(4) The plan must require the payment to be made as soon as practicable after the plan termination notice is notified to the trustees under paragraph 89(2).

**Textual Amendments**

**F1859** Words in Sch. 2 para. 56(1) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 25(2)**, 89 (with Sch. 8 paras. 90-96)

**F1860** Words in Sch. 2 para. 56(2) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 25(3)**, 89 (with Sch. 8 paras. 90-96)

**F1861** Sch. 2 para. 56(2A)(2B) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 25(4)**, 89 (with Sch. 8 paras. 90-96)

*Access to partnership shares*

57 (1) The plan must provide that when partnership shares have been awarded to an employee, the employee may at any time withdraw any or all of the partnership shares from the plan.

(2) If the employee does so, there may be a charge to tax by virtue of section 506 (charge on partnership shares ceasing to be subject to plan).

## PART 7

### MATCHING SHARES

*Matching shares: introduction*

58 If a SIP provides for matching shares it must meet the plan requirements contained in—

paragraph 59 (general requirements for matching shares),

paragraph 60 (ratio of matching shares to partnership shares), and

paragraph 61 (holding period for matching shares).

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*General requirements for matching shares*

59 (1) The plan must provide for the matching shares to be—

(a) shares of the same class and carrying the same rights as the partnership shares to which they relate;

(b) awarded on the same day as the partnership shares to which they relate are awarded; and

(c) awarded to all employees who participate in the award on exactly the same basis.

F1862(2) . . . . . .

**Textual Amendments**

**F1862** Sch. 2 para. 59(2) omitted (with effect in accordance with Sch. 2 para. 58 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 51**

*Ratio of matching shares to partnership shares*

60 (1) The partnership share agreement must specify—

(a) the ratio of matching shares to partnership shares for the time being offered by the company, and

(b) the circumstances and manner in which the ratio may be changed by the company.

(2) The ratio must not exceed 2:1 and must be applied by reference to the number of shares.

(3) A partnership share agreement must provide for the employee to be informed by the company if the ratio offered by the company changes before partnership shares are awarded to the employee under the agreement.

**[**F1863(4) The Treasury may by order amend sub-paragraph (2) by substituting for any ratio for the time being specified there a ratio specified in the order.**]**

**Textual Amendments**

**F1863** Sch. 2 para. 60(4) inserted (17.7.2014) by Finance Act 2014 (c. 26), **s. 50(4)**

*Holding period for matching shares*

61 Paragraphs 36 and 37 (the holding period and related matters) apply in relation to matching shares as they apply in relation to free shares.

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## PART 8

### CASH DIVIDENDS AND DIVIDEND SHARES

*Reinvestment of cash dividends*

62 (1) A SIP may provide that, where the company so directs, the trustees must apply **[**F1864some or all of the**]** cash dividends in respect of plan shares held on behalf of—

(a) all participants, or

(b) all participants who elect to reinvest their dividends,

in acquiring further shares on their behalf.

**[**F1865(1A) The company's direction must set out—

(a) the amount of the cash dividends to be applied as mentioned in sub-paragraph (1), or

(b) how that amount is to be determined.**]**

(2) Sub-paragraph (1) is subject to paragraph 63 (requirements to be met as regards cash dividends).

(3) In the SIP code—

(a) the application of cash dividends as mentioned in sub-paragraph (1) is referred to as "reinvestment"; and

(b) the further plan shares acquired are referred to as "dividend shares".

(4) The company may **[**F1866modify or**]** revoke a direction requiring the reinvestment of cash dividends.

(5) References in the SIP code to the trustees acquiring dividend shares on behalf of a participant include their appropriating to a participant shares already held by them.

**Textual Amendments**

**F1864** Words in Sch. 2 para. 62(1) substituted (with effect in accordance with Sch. 2 para. 86 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 83(2)**

**F1865** Sch. 2 para. 62(1A) inserted (with effect in accordance with Sch. 2 para. 86 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 83(3)**

**F1866** Words in Sch. 2 para. 62(4) inserted (with effect in accordance with Sch. 2 para. 86 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 83(4)**

*Requirements to be met as regards cash dividends*

63 (1) If a SIP makes the provision authorised by paragraph 62(1) (reinvestment of cash dividends), the following paragraphs apply—

F1867...

paragraph 65 (general requirements as to dividend shares),

paragraph 66 (acquisition of dividend shares),

paragraph 67 (holding period for dividend shares), and

paragraph 68 (reinvestment: amounts to be carried forward).

(2) The plan must meet any plan requirements contained in those paragraphs.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) A SIP must in any event meet the plan requirement contained in paragraph 69 (cash dividends not required to be reinvested).

**Textual Amendments**

**F1867** Words in Sch. 2 para. 63(1) omitted (with effect in accordance with Sch. 2 para. 89 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 87**

*Limit on amount reinvested*

F1868 64 . . . . . .

**Textual Amendments**

**F1868** Sch. 2 para. 64 omitted (with effect in accordance with Sch. 2 para. 89 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 88**

*General requirements as to dividend shares*

65 [F1869(1)] The plan must provide that dividend shares are to be shares—

(a) which are in the same company and of the same class, and carry the same rights, as the shares in respect of which the dividend is paid, and

(b) which are not subject to any provision for forfeiture.

[F1870(2) Dividend shares may (notwithstanding sub-paragraph (1)(b) if relevant) be subject to provision requiring dividend shares acquired on behalf of an employee to be offered for sale but only if the requirement of sub-paragraph (3) is met.

(3) The consideration at which the shares are required to be offered for sale must be at least equal to—

(a) the amount of the cash dividends applied in acquiring the shares on behalf of the employee, or

(b) if lower, the market value of the shares at the time they are offered for sale.]

**Textual Amendments**

**F1869** Sch. 2 para. 65 renumbered as Sch. 2 para. 65(1) (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 26(2)**, 89 (with Sch. 8 paras. 90-96)

**F1870** Sch. 2 para. 65(2)(3) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 26(3)**, 89 (with Sch. 8 paras. 90-96)

*Acquisition of dividend shares*

66 (1) The plan must provide that the trustees must treat participants fairly and equally in exercising their powers in relation to the acquisition of dividend shares.

(2) The plan must provide for the trustees to acquire dividend shares on behalf of participants on the acquisition date.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) The number of dividend shares acquired on behalf of each participant must be determined in accordance with the market value of the shares on the acquisition date.

(4) In this paragraph "the acquisition date" means the date set by the trustees for the acquisition of dividend shares and falling not later than 30 days after the dividend is received by them.

*Holding period for dividend shares*

67 Paragraphs 36 and 37 (the holding period and related matters) apply in relation to dividend shares as they apply in relation to free shares, except that the holding period must be 3 years.

*Reinvestment: amounts to be carried forward*

68 **[**F1871(1) This paragraph applies where an amount is not reinvested because it is not sufficient to acquire a share.**]**

(2) The amount may be retained by the trustees and carried forward to be added to the amount of the next cash dividend to be reinvested.

(3) If so retained, the trustees must hold the amount so as to be separately identifiable for the purposes of sub-paragraphs (4) and (5).

(4) An amount retained under this paragraph must be paid over to the participant—

F1872(a) . . . . . .

(b) if F1873... the participant ceases to be in relevant employment (see paragraph 95), or

(c) if F1873... a plan termination notice is issued in respect of the plan (see paragraph 90).

(5) An amount required to be paid over to the participant under sub-paragraph (4) must be paid over as soon as practicable.

F1874(6) . . . . . .

**Textual Amendments**

**F1871** Sch. 2 para. 68(1) substituted (with effect in accordance with Sch. 2 para. 86 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 84**

**F1872** Sch. 2 para. 68(4)(a) and word omitted (with effect in accordance with Sch. 2 para. 90(4)(5) of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 90(2)(a)**

**F1873** Words in Sch. 2 para. 68(4)(b)(c) omitted (with effect in accordance with Sch. 2 para. 90(4)(5) of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 90(2)(b)**

**F1874** Sch. 2 para. 68(6) omitted (with effect in accordance with Sch. 2 para. 90(4)(5) of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 90(3)**

*Cash dividends where no requirement to reinvest*

69 (1) The plan must require any distributable cash dividends in respect of plan shares held on behalf of a participant to be paid over to the participant as soon as practicable.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) "Distributable cash dividends" means cash dividends **[**F1875so far as they**]** are not required to be reinvested under the plan.

**Textual Amendments**

**F1875** Words in Sch. 2 para. 69(2) substituted (with effect in accordance with Sch. 2 para. 86 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 85**

## PART 9

TRUSTEES

*Requirements etc. relating to trustees: introduction*

70 (1) A SIP must meet the plan requirements contained in—

paragraph 71(1) and (2) (establishment of trustees), and

paragraph 79 (meeting by trustees of PAYE obligations).

(2) The following provisions also relate to the trustees—

paragraph 71(3) to (6) (the trust instrument and classes of trustees)

paragraph 72 (duty to act in accordance with participant's directions),

paragraph 73 (duty not to dispose of plan shares),

paragraph 74 (duty to make payments to participants),

paragraph 75 (duty to give notice of award of shares etc.),

paragraph 76 (power to borrow),

paragraph 77 (power to raise funds to subscribe for rights issue), **[**F1876and**]** F1877...

paragraph 80 (other duties in relation to tax liabilities).

**Textual Amendments**

**F1876** Word in Sch. 2 para. 70(2) inserted (with effect in accordance with Sch. 2 para. 93(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 92(a)**

**F1877** Words in Sch. 2 para. 70(2) omitted (with effect in accordance with Sch. 2 para. 93(2) of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 92(b)**

*Establishment of trustees*

71 (1) The plan must provide for the establishment of a body of trustees consisting of persons resident in the United Kingdom ("the trustees").

(2) The plan must provide that the trustees are required—

(a) in the case of free or matching shares, to acquire shares and appropriate them to employees in accordance with the plan,

(b) in the case of partnership shares, to apply partnership share money in acquiring shares on behalf of employees in accordance with the plan, and

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(c) in the case of dividend shares, to apply cash dividends in acquiring shares on behalf of participants in accordance with the plan.

(3) The functions of the trustees with respect to shares held by them must be regulated by a trust ("the plan trust")—

(a) which is constituted under the law of a part of the United Kingdom, and

(b) the terms of which are embodied in an instrument which complies with the requirements of this Part of this Schedule ("the trust instrument").

(4) The trust instrument must not contain any terms which are neither essential nor reasonably incidental to complying with the requirements of this Part of this Schedule.

(5) The trust instrument may contain terms that—

(a) define who is a professional trustee and who is a non-professional trustee;

(b) require the trustees to include at least one person who is a professional trustee and at least two who are non-professional trustees;

(c) require at least half of the non-professional trustees to have been, before being appointed as trustees, selected in accordance with a specified process of selection;

(d) require the trustees so selected to be persons who are employees of the company or, in the case of a group plan, of a participating company.

(6) The terms mentioned in sub-paragraph (5) are to be regarded as reasonably incidental to complying with the requirements of this Part of this Schedule for the purposes of sub-paragraph (4).

*[F1878 Duty to monitor participants in connected schemes*

**Textual Amendments**

**F1878** Sch. 2 para. 71A and cross-heading inserted (10.7.2003) by Finance Act 2003 (c. 14), **Sch. 21 para. 6**

71A The trust instrument must require the trustees to maintain records of participants who have participated in one or more other **[**F1879 Schedule 2**]** SIPs established by the company or a connected company.**]**

**Textual Amendments**

**F1879** Words in Sch. 2 para. 71A substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 27**, 89 (with Sch. 8 paras. 90-96)

*Duty to act in accordance with participant's directions*

72 (1) The trust instrument must require the trustees—

(a) to dispose of a participant's plan shares, and

(b) to deal with any right conferred in respect of any of a participant's plan shares to be allotted other shares, securities or rights of any description,

only in accordance with a direction given by or on behalf of the participant.

(2) Sub-paragraph (1) is subject to—

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(a) paragraph 73 (duty not to dispose of plan shares), and

(b) any provision in the plan made in accordance with paragraph 79 (meeting by trustees of PAYE obligations).

(3) The plan may provide for participants to give such general directions, to such effect and in such terms, as are specified in the plan.

*Duty not to dispose of plan shares*

73 (1) This paragraph applies to a participant's plan shares that are free, matching or dividend shares.

(2) The trust instrument must prohibit the trustees from disposing of any of those shares (to the participant or otherwise) at any time during the holding period, unless the participant has at that time ceased to be in relevant employment.

(3) Sub-paragraph (2) is subject to—

(a) paragraph 37 (holding period: power to direct trustees to accept general offers etc.),

(b) paragraph 77 (power of trustees to raise funds to subscribe for rights issue),

(c) paragraph 79 (meeting by trustees of PAYE obligations), and

(d) paragraph 90(5) (termination of plan: early removal of shares with participant's consent).

*Duty to make payments to participants*

74 (1) The trust instrument must require the trustees to pay over to a participant as soon as practicable—

(a) any money received by them in respect of, or by reference to, any of the participant's shares, or

(b) any money's worth so received unless it consists of new shares within the meaning of paragraph 87 (company reconstructions).

(2) Sub-paragraph (1) is subject to—

(a) paragraphs 62 to 69 (cash dividends and dividend shares),

(b) the trustees' obligations under sections 510 to 514 (PAYE: shares ceasing to be subject to plan; capital receipts), and

(c) the trustees' PAYE obligations.

*Duty to give notice of award of shares etc.*

75 (1) The trust instrument must make the following provision regarding notices.

(2) It must provide that, as soon as practicable after any free or matching shares have been awarded to an employee, the trustees must give the employee notice of the award—

(a) specifying the number and description of those shares,

**[**[F1880](aa) if the shares are subject to any restriction, giving details of the restriction,**]**

(b) stating their market value on the date on which they were awarded to the employee, and

(c) stating the holding period applicable to them.

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(3) It must provide that, as soon as practicable after any partnership shares have been awarded to an employee, the trustees must give the employee notice of the award—

(a) specifying the number and description of those shares,

**[**[F1881](aa) if the shares are subject to any restriction, giving details of the restriction,**]**

(b) stating the amount of partnership share money applied by the trustees in acquiring the shares on behalf of the employee, and

**[**[F1882](c) stating the market value in accordance with which the number of shares awarded to the employee was determined.**]**

(4) It must provide that, as soon as practicable after any dividend shares have been acquired on behalf of a participant, the trustees must give the participant notice of the acquisition—

(a) specifying the number and description of those shares,

(b) stating their market value on the acquisition date (as defined by paragraph 66(4)),

(c) stating the holding period applicable to them, and

(d) informing the participant of any amount carried forward under paragraph 68 (reinvestment: amounts to be carried forward).

(5) It must provide that, where any foreign cash dividend is received in respect of plan shares held on behalf of a participant, the trustees must give the participant notice of the amount of any foreign tax deducted from the dividend before it was paid.

(6) In sub-paragraph (5) "foreign cash dividend" means a cash dividend paid in respect of plan shares in a company not resident in the United Kingdom.

**Textual Amendments**

**F1880** Sch. 2 para. 75(2)(aa) inserted (with effect in accordance with Sch. 2 para. 58 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 52**

**F1881** Sch. 2 para. 75(3)(aa) inserted (with effect in accordance with Sch. 2 para. 58 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 52**

**F1882** Sch. 2 para. 75(3)(c) substituted (with effect in accordance with Sch. 2 para. 81 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 80**

*Power of trustees to borrow*

76 The trust instrument may provide that the trustees have power to borrow—

(a) to acquire shares for the purposes of the plan, and

(b) for such other purposes as may be specified in the trust instrument.

*Power of trustees to raise funds to subscribe for rights issue*

77 (1) The trustees may dispose of some of the rights arising under a rights issue in order to be able to obtain sufficient funds to exercise other such rights.

(2) The power conferred by sub-paragraph (1) is subject to paragraph 72 (duty to act in accordance with participant's directions).

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*Acquisition by trustees of shares from employee share ownership trust*

F1883 78 . . . . . .

**Textual Amendments**

**F1883** Sch. 2 para. 78 omitted (with effect in accordance with Sch. 2 para. 93(2) of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 93(1)**

*Meeting by trustees of PAYE obligations*

79 (1) The plan must make provision to ensure that, where a PAYE obligation is imposed on the trustees as a result of any of a participant's plan shares ceasing to be subject to the plan, the trustees are able to meet that obligation—

(a) by disposing of any of those shares, or

(b) if there are any remaining plan shares of the participant, by disposing of any of those shares, or

(c) by the participant paying to the trustees a sum equal to the amount required to discharge the obligation.

(2) A "PAYE obligation" includes an obligation under any of sections 510 to 512 (PAYE: shares ceasing to be subject to the plan).

(3) For the purposes of sub-paragraph (1) any reference to the trustees disposing of shares includes a reference to their acquiring the shares as trustees for the purposes of the trust.

(4) A disposal of any of the participant's plan shares in accordance with provision made under sub-paragraph (1)(b) may give rise to a charge to tax under—

section 505 (charge on free or matching shares ceasing to be subject to plan),

section 506 (charge on partnership shares ceasing to be subject to plan), or

**[**F1884 Chapter 3 or 4 of Part 4 of ITTOIA 2005 (dividends etc. from UK or non-UK resident companies etc.) as a result of section 394(2) or 407(2) of that Act (distribution or dividend payment when dividend shares cease to be subject to plan).**]**

**Textual Amendments**

**F1884** Words in Sch. 2 para. 79(4) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 617(3)** (with Sch. 2)

*Other duties of trustees in relation to tax liabilities*

80 (1) The trust instrument must require the trustees to maintain such records as may be necessary for the purposes of—

(a) their own PAYE obligations, or

(b) the PAYE obligations of the employer company so far as they relate to the plan.

(2) In sub-paragraph (1)—

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"PAYE obligations", in relation to the trustees, includes obligations under sections 510 to 514 (PAYE: shares ceasing to be subject to plan and capital receipts);

"the employer company" has the same meaning as in section 513.

(3) The trust instrument must require the trustees, where the participant becomes liable to income tax under—

(a) this Act, or

(b) **[**[F1885]Chapter 3 or 4 of Part 4 of ITTOIA 2005 (dividends etc. from UK or non-UK resident companies etc.)**]**,

by reason of the occurrence of any event, to inform the participant of any facts relevant to determining that liability.

(4) **[**[F1886]Sections 1105 to 1108 of CTA 2010 (information relating to distributions to be provided by nominee) apply**]** in relation to—

(a) the balance of any cash dividend paid over to the participant under paragraph 64(3),

(b) any amount paid over to a participant under paragraph 68(4) (dividend retained for reinvestment and later paid out), or

(c) any relevant dividend (see sub-paragraph (5)),

as if it were a payment to which **[**[F1887]section 1105(1)(b) of that Act**]** applied (and, in the case of an amount within paragraph (b) above, as if the cash dividend had been paid at the time of the payment to the participant under paragraph 68(4)).

(5) In a case where dividend shares cease to be subject to the plan before the end of the period of 3 years beginning with the date on which they were acquired on a participant's behalf, the cash dividend applied to acquire dividend shares on the participant's behalf is a "relevant dividend" for the purposes of sub-paragraph (4)(c).

**Textual Amendments**

**F1885** Words in Sch. 2 para. 80(3)(b) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 617(4)** (with Sch. 2)

**F1886** Words in Sch. 2 para. 80(4) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 396(5)(a)** (with Sch. 2)

**F1887** Words in Sch. 2 para. 80(4) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 396(5)(b)** (with Sch. 2)

## **[**[F1888]PART 10

NOTIFICATION OF PLANS, ANNUAL RETURNS AND ENQUIRIES

**Textual Amendments**

**F1888** Sch. 2 Pt. 10 substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 28**, 89 (with Sch. 8 paras. 90-96)

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Notice of SIP to be given to HMRC*

81A (1) For a SIP to be a Schedule 2 SIP, notice of the SIP must be given to Her Majesty's Revenue and Customs ("HMRC").

(2) The notice must—

(a) be given by the company,

(b) contain, or be accompanied by, such information as HMRC may require, and

(c) contain a declaration within sub-paragraph (3) made by such persons as HMRC may require.

(3) A declaration within this sub-paragraph is a declaration—

(a) that the requirements of Parts 2 to 9 of this Schedule are met in relation to the SIP, and

(b) if the declaration is made after the first date on which awards of shares are made under the SIP ("the first award date"), that those requirements—

(i) were met in relation to those awards of shares, and

(ii) have otherwise been met in relation to the SIP at all times on or after the first award date when shares appropriated to, or acquired on behalf of, individuals under the SIP have been held under the SIP.

(4) If notice is given under this paragraph in relation to a SIP, for the purposes of the SIP code the SIP is to be a Schedule 2 SIP at all times on and after the relevant date (but not before that date).

(5) But if the notice is given after the initial notification deadline, the SIP is to be a Schedule 2 SIP only from the beginning of the relevant tax year.

**[**[F1889](5A) Sub-paragraph (5) does not apply if the company satisfies HMRC (or, on an appeal under paragraph 81K, the tribunal) that there is a reasonable excuse for failing to give notice on or before the initial notification deadline.

(5B) Paragraph 81C(9) (what constitutes a reasonable excuse) applies for the purposes of sub-paragraph (5A).

(5C) Where HMRC are required under sub-paragraph (5A) to consider whether there was a reasonable excuse, HMRC must notify the company of their decision within the period of 45 days beginning with the day on which HMRC received the company's request to consider the excuse.

(5D) Where HMRC are required to notify the company as specified in sub-paragraph (5C) but do not do so—

(a) HMRC are to be treated as having decided that there was no reasonable excuse, and

(b) HMRC must notify the company of the decision which they are treated as having made.**]**

(6) For the purposes of this Part—

"the initial notification deadline" is 6 July in the tax year following that in which the first award date falls,

"the relevant date" is—

(a) the date on which the declaration within sub-paragraph (3) is made, or

(b) if that declaration is made after the first award date, the first award date, and

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"the relevant tax year" is—

(a) the tax year in which the notice under this paragraph is given, or

(b) if that notice is given on or before 6 July in that tax year, the preceding tax year.

(7) Sub-paragraph (4) is subject to the following paragraphs of this Part.

**Textual Amendments**

**F1889** Sch. 2 para. 81A(5A)-(5D) inserted (with effect in accordance with Sch. 3 para. 3(4) of the amending Act) by Finance Act 2016 (c. 24), **Sch. 3 para. 3(2)**

*Annual returns*

81B (1) This paragraph applies if notice is given in relation to a SIP under paragraph 81A.

(2) The company must give to HMRC a return for the tax year in which the relevant date falls and for each subsequent tax year (subject to sub-paragraph (9)).

(3) If paragraph 81A(5) applies in relation to the SIP, in sub-paragraph (2) the reference to the tax year in which the relevant date falls is to be read as a reference to the relevant tax year.

(4) A return for a tax year must—

(a) contain, or be accompanied by, such information as HMRC may require, and

(b) be given on or before 6 July in the following tax year.

(5) The information which may be required under sub-paragraph (4)(a) includes (in particular) information to enable HMRC to determine the liability to tax, including capital gains tax, of—

(a) any person who has participated in the SIP, or

(b) any other person whose liability to tax the operation of the SIP is relevant to.

(6) If during a tax year an alteration is made in a key feature of—

(a) the SIP, or

(b) the plan trust,

the return for the tax year must contain a declaration within sub-paragraph (7) made by such persons as HMRC may require.

(7) A declaration within this sub-paragraph is a declaration that the alteration has not caused the requirements of Parts 2 to 9 of this Schedule not to be met in relation to the SIP.

(8) For the purposes of sub-paragraph (6) a "key feature" of a SIP or plan trust is a provision of the SIP or plan trust which is necessary in order for the requirements of Parts 2 to 9 of this Schedule to be met in relation to the SIP.

(9) A return is not required for any tax year following that in which the termination condition is met in relation to the SIP.

(10) For the purposes of this Part "the termination condition" is met in relation to a SIP when—

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(a) a plan termination notice has been issued in relation to it under paragraph 89, and

(b) all the requirements under paragraphs 56(3), 68(4)(c) and 90 have been met by the trustees.

(11) If the company becomes aware that—

(a) anything which should have been included in, or should have accompanied, a return for a tax year was not included in, or did not accompany, the return,

(b) anything which should not have been included in, or should not have accompanied, a return for a tax year was included in, or accompanied, the return, or

(c) any other error or inaccuracy has occurred in relation to a return for a tax year,

the company must give an amended return correcting the position to HMRC without delay.

81C (1) This paragraph applies if the company fails to give a return for a tax year (containing, or accompanied by, all required information and declarations) on or before the date mentioned in paragraph 81B(4)(b) ("the date for delivery").

(2) The company is liable for a penalty of £100.

(3) If the company's failure continues after the end of the period of 3 months beginning with the date for delivery, the company is liable for a further penalty of £300.

(4) If the company's failure continues after the end of the period of 6 months beginning with the date for delivery, the company is liable for a further penalty of £300.

(5) The company is liable for a further penalty under this sub-paragraph if—

(a) the company's failure continues after the end of the period of 9 months beginning with the date for delivery,

(b) HMRC decide that such a penalty should be payable, and

(c) HMRC give notice to the company specifying the period in respect of which the penalty is payable.

(The company may be liable for more than one penalty under this sub-paragraph.)

(6) The penalty under sub-paragraph (5) is £10 for each day that the failure continues during the period specified in the notice under sub-paragraph (5)(c).

(7) The period specified in the notice under sub-paragraph (5)(c)—

(a) may begin earlier than the date on which the notice is given, but

(b) may not begin until after the end of the period mentioned in sub-paragraph (5)(a) or, if relevant, the end of any period specified in any previous notice under sub-paragraph (5)(c) given in relation to the failure.

(8) Liability for a penalty under this paragraph does not arise if the company satisfies HMRC (or, on an appeal under paragraph 81K, the tribunal) that there is a reasonable excuse for its failure.

(9) For the purposes of sub-paragraph (8)—

(a) an insufficiency of funds is not a reasonable excuse, unless attributable to events outside the company's control,

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(b) where the company relies on any other person to do anything, that is not a reasonable excuse unless the company took reasonable care to avoid the failure, and

(c) where the company had a reasonable excuse for the failure but the excuse ceased, the company is to be treated as having continued to have the excuse if the failure is remedied without unreasonable delay after the excuse ceased.

*Notices and returns to be given electronically etc*

81D (1) A notice under paragraph 81A, and any information accompanying the notice, must be given electronically.

(2) A return under paragraph 81B, and any information accompanying the return, must be given electronically.

(3) But, if HMRC consider it appropriate to do so, HMRC may allow the company to give a notice or return or any accompanying information in another way; and, if HMRC do so, the notice, return or information must be given in that other way.

(4) The Commissioners for Her Majesty's Revenue and Customs—

(a) must prescribe how notices, returns and accompanying information are to be given electronically;

(b) may make different provision for different cases or circumstances.

81E (1) This paragraph applies if a return under paragraph 81B, or any information accompanying such a return—

(a) is given otherwise than in accordance with paragraph 81D, or

(b) contains a material inaccuracy—

(i) which is careless or deliberate, or

(ii) which is not corrected as required by paragraph 81B(11).

(2) The company is liable for a penalty of an amount decided by HMRC.

(3) The penalty must not exceed £5,000.

(4) For the purposes of sub-paragraph (1)(b)(i) an inaccuracy is careless if it is due to a failure by the company to take reasonable care.

*Enquiries*

81F (1) This paragraph applies if notice is given in relation to a SIP under paragraph 81A.

(2) HMRC may enquire into the SIP if HMRC give notice to the company of HMRC's intention to do so no later than—

(a) 6 July in the tax year following the tax year in which the initial notification deadline falls, or

(b) if the notice under paragraph 81A is given after the initial notification deadline, 6 July in the second tax year following the relevant tax year.

(3) HMRC may enquire into the SIP if HMRC give notice to the company of HMRC's intention to do so no later than 12 months after the date on which a declaration within paragraph 81B(7) is given to HMRC.

(4) Sub-paragraph (5) applies if (at any time) HMRC have reasonable grounds for believing that requirements of Parts 2 to 9 of this Schedule—

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(a) are not met in relation to the SIP, or

(b) have not been met in relation to the SIP.

(5) HMRC may enquire into the SIP if HMRC give notice to the company of HMRC's intention to do so.

(6) Notice may be given, and an enquiry may be conducted, under sub-paragraph (2), (3) or (5) even though the termination condition has been met in relation to the SIP.

81G (1) An enquiry under paragraph 81F(2), (3) or (5) is completed when HMRC give the company a notice (a "closure notice") stating—

(a) that HMRC have completed the enquiry, and

(b) that—

(i) paragraph 81H is to apply,

(ii) paragraph 81I is to apply, or

(iii) neither paragraph 81H nor paragraph 81I is to apply.

(2) If the company receives notice under paragraph 81F(2), (3) or (5), the company may make an application to the tribunal for a direction requiring a closure notice for the enquiry to be given within a specified period.

(3) The application is to be subject to the relevant provisions of Part 5 of TMA 1970 (see, in particular, section 48(2)(b) of that Act).

(4) The tribunal must give a direction unless satisfied that HMRC have reasonable grounds for not giving the closure notice within the specified period.

81H (1) This paragraph applies if HMRC decide—

(a) that requirements of Parts 2 to 9 of this Schedule—

(i) are not met in relation to the SIP, or

(ii) have not been met in relation to the SIP, and

(b) that the situation is, or was, so serious that this paragraph should apply.

(2) If this paragraph applies—

(a) the SIP is not to be a Schedule 2 SIP with effect from—

(i) such relevant time as is specified in the closure notice, or

(ii) if no relevant time is specified, the time of the giving of the closure notice, and

(b) the company is liable for a penalty of an amount decided by HMRC.

(3) Sub-paragraph (2)(a) does not affect the operation of the SIP code in relation to shares appropriated to, or acquired on behalf of, an individual under the SIP before the time mentioned in sub-paragraph (2)(a)(i) or (ii) (as the case may be).

(4) In particular, if the SIP was a Schedule 2 SIP when the shares were appropriated to, or acquired on behalf of, the individual, the SIP is to continue to be a Schedule 2 SIP in relation to those shares.

(5) The penalty under sub-paragraph (2)(b) must not exceed an amount equal to twice HMRC's reasonable estimate of—

(a) the total income tax for which participants in the SIP have not been liable, or will not be liable in the future, and

(b) the total contributions under Part 1 of SSCBA 1992 or SSCB(NI)A 1992 for which any persons have not been liable, or will not be liable in the future,

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in consequence of the SIP having been a Schedule 2 SIP at any relevant time before the time mentioned in sub-paragraph (2)(a)(i) or (ii) (as the case may be).

(6) The liabilities covered by sub-paragraph (5) include liabilities for income tax or contributions which a person has not had, or will not have, in consequence of sub-paragraphs (3) and (4).

(7) In this paragraph "relevant time" means any time before the giving of the closure notice when requirements of Parts 2 to 9 of this Schedule were not met in relation to the SIP.

81I (1) This paragraph applies if HMRC decide—

(a) that requirements of Parts 2 to 9 of this Schedule—

(i) are not met in relation to the SIP, or

(ii) have not been met in relation to the SIP, but

(b) that the situation is not, or was not, so serious that paragraph 81H should apply.

(2) If this paragraph applies, the company—

(a) is liable for a penalty of an amount decided by HMRC, and

(b) must, no later than 90 days after the relevant day, secure that the requirements of Parts 2 to 9 of this Schedule are met in relation to the SIP.

(3) The penalty under sub-paragraph (2)(a) must not exceed £5,000.

(4) In sub-paragraph (2)(b) "the relevant day" means—

(a) the last day of the period in which notice of an appeal under paragraph 81K(2)(b) may be given, or

(b) if notice of such an appeal is given, the day on which the appeal is determined or withdrawn.

(5) Sub-paragraph (2)(b) does not apply if the termination condition was met in relation to the SIP before the giving of the closure notice or is met before the end of the 90 day period mentioned in sub-paragraph (2)(b).

(6) If the company fails to comply with sub-paragraph (2)(b), HMRC may give the company a notice stating that that is the case (a "default notice").

(7) If the company is given a default notice—

(a) the SIP is not to be a Schedule 2 SIP with effect from—

(i) such relevant time as is specified in the default notice, or

(ii) if no relevant time is specified, the time of the giving of the default notice, and

(b) the company is liable for a further penalty of an amount decided by HMRC.

(8) Sub-paragraph (7)(a) does not affect the operation of the SIP code in relation to shares appropriated to, or acquired on behalf of, an individual under the SIP before the time mentioned in sub-paragraph (7)(a)(i) or (ii) (as the case may be).

(9) In particular, if the SIP was a Schedule 2 SIP when the shares were appropriated to, or acquired on behalf of, the individual, the SIP is to continue to be a Schedule 2 SIP in relation to those shares.

(10) The penalty under sub-paragraph (7)(b) must not exceed an amount equal to twice HMRC's reasonable estimate of—

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(a) the total income tax for which participants in the SIP have not been liable, or will not be liable in the future, and

(b) the total contributions under Part 1 of SSCBA 1992 or SSCB(NI)A 1992 for which any persons have not been liable, or will not be liable in the future,

in consequence of the SIP having been a Schedule 2 SIP at any relevant time before the time mentioned in sub-paragraph (7)(a)(i) or (ii) (as the case may be).

(11) The liabilities covered by sub-paragraph (10) include liabilities for income tax or contributions which a person has not had, or will not have, in consequence of sub-paragraphs (8) and (9).

(12) In this paragraph "relevant time" means any time before the giving of the default notice when requirements of Parts 2 to 9 of this Schedule were not met in relation to the SIP.

*Assessment of penalties*

81J (1) This paragraph applies if the company is liable for a penalty under this Part.

(2) HMRC must assess the penalty and notify the company of the assessment.

(3) Subject to sub-paragraphs (4) and (5), the assessment must be made no later than 12 months after the date on which the company becomes liable for the penalty.

(4) In the case of a penalty under paragraph 81E(1)(b), the assessment must be made no later than—

(a) 12 months after the date on which HMRC become aware of the inaccuracy, and

(b) 6 years after the date on which the company becomes liable for the penalty.

(5) In the case of a penalty under paragraph 81H(2)(b) or 81I(2)(a) or (7)(b) where notice of appeal is given under paragraph 81K(2) or (3), the assessment must be made no later than 12 months after the date on which the appeal is determined or withdrawn.

(6) A penalty payable under this Part must be paid—

(a) no later than 30 days after the date on which the notice under sub-paragraph (2) is given to the company, or

(b) if notice of appeal is given against the penalty under paragraph 81K(1) or (4), no later than 30 days after the date on which the appeal is determined or withdrawn.

(7) The penalty may be enforced as if it were corporation tax or, if the company is not within the charge to corporation tax, income tax charged in an assessment and due and payable.

(8) Sections 100 to 103 of TMA 1970 do not apply to a penalty under this Part.

*Appeals*

F1[81K](A1) The company may appeal against a decision of HMRC under paragraph 81A(5A) that there was no reasonable excuse for its failure to give notice on or before the initial notification deadline.]

(1) The company may appeal against a decision of HMRC that the company is liable for a penalty under paragraph 81C or 81E.

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(2) The company may appeal against—

(a) a decision of HMRC mentioned in paragraph 81H(1) or a decision of HMRC to specify, or not to specify, a relevant time in the closure notice;

(b) a decision of HMRC mentioned in paragraph 81I(1).

(3) The company may appeal against a decision of HMRC—

(a) to give the company a default notice under paragraph 81I;

(b) to specify, or not to specify, a relevant time in the default notice.

(4) The company may appeal against a decision of HMRC as to the amount of a penalty payable by the company under this Part.

(5) The company may appeal against a decision of an officer of Revenue and Customs to give a direction under section 998 of CTA 2009 (withdrawal of corporation tax deductions in relation to a Schedule 2 SIP).

(6) Notice of appeal must be given to HMRC no later than 30 days after the date on which—

**[**[F1891](za) in the case of an appeal under sub-paragraph (A1), notice of HMRC's decision is given to the company;**]**

(a) in the case of an appeal under sub-paragraph (1) or (4), the notice under paragraph 81J(2) is given to the company;

(b) in the case of an appeal under sub-paragraph (2), the closure notice is given;

(c) in the case of an appeal under sub-paragraph (3), the default notice is given;

(d) in the case of an appeal under sub-paragraph (5), notice of the officer's decision is given to the company.

(7) On an appeal under sub-paragraph **[**[F1892](A1),**]** (1), (3)(a) or (5) which is notified to the tribunal, the tribunal may affirm or cancel the decision.

(8) On an appeal under sub-paragraph (2) or (3)(b) which is notified to the tribunal, the tribunal may—

(a) affirm or cancel the decision, or

(b) substitute for the decision another decision which HMRC had power to make.

(9) On an appeal under sub-paragraph (4) which is notified to the tribunal, the tribunal may—

(a) affirm the amount of the penalty decided, or

(b) substitute another amount for that amount.

(10) Subject to this paragraph and paragraph 81J, the provisions of Part 5 of TMA 1970 relating to appeals have effect in relation to an appeal under this paragraph as they have effect in relation to an appeal against an assessment to corporation tax or, if the company is not within the charge to corporation tax, income tax.**]**

**Textual Amendments**

**F1890** Sch. 2 para. 81K(A1) inserted (with effect in accordance with Sch. 3 para. 3(4) of the amending Act) by Finance Act 2016 (c. 24), **Sch. 3 para. 3(3)(a)**

**F1891** Sch. 2 para. 81K(6)(za) inserted (with effect in accordance with Sch. 3 para. 3(4) of the amending Act) by Finance Act 2016 (c. 24), **Sch. 3 para. 3(3)(b)**

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**F1892** Word in Sch. 2 para. 81K(7) inserted (with effect in accordance with Sch. 3 para. 3(4) of the amending Act) by Finance Act 2016 (c. 24), **Sch. 3 para. 3(3)(c)**

## [F1893PART 10A

DISQUALIFYING EVENTS

**Textual Amendments**

**F1893** Sch. 2 Pt. 10A inserted (with effect in accordance with Sch. 3 para. 2(4) of the amending Act) by Finance Act 2016 (c. 24), **Sch. 3 para. 2(3)**

85A (1) A SIP ceases to be a Schedule 2 SIP if (and with effect from the time when) a disqualifying event occurs.

(2) The following are disqualifying events—

(a) an alteration being made in—

(i) the share capital of a company any of whose shares are subject to the plan trust, or

(ii) the rights attaching to any shares of such a company,

that materially affects the value of the shares that are subject to the plan trust;

(b) shares of a class of shares that is subject to the plan trust receiving different treatment in any respect from the other shares of that class.

(3) Sub-paragraph (2)(b) applies in particular to different treatment in respect of—

(a) the dividend payable,

(b) repayment, or

(c) any offer of substituted or additional shares, securities or rights of any description in respect of the shares.

(4) Sub-paragraph (2)(b) does not however apply where the difference in treatment arises from—

(a) a key feature of the plan, or

(b) any of the participants' shares being subject to any restriction.

(5) Nor does sub-paragraph (2)(b) apply as a result only of the fact that shares which have been newly issued receive, in respect of dividends payable with respect to a period beginning before the date on which they were issued, treatment less favourable than that accorded to shares issued before that date.

(6) For the purposes of this paragraph a "key feature" of a plan is a provision of it that is necessary to meet the requirements of this Schedule.

(7) This paragraph does not affect the operation of the SIP code in relation to shares awarded to participants in the plan before the disqualifying event occurred.**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## PART 11

SUPPLEMENTARY PROVISIONS

*Company reconstructions*

86 (1) In this Part of this Schedule a "company reconstruction" means a transaction to which this paragraph applies.

(2) This paragraph applies to a transaction which occurs in relation to any of a participant's plan shares ("the original holding") and—

(a) results in a new holding being equated with the original holding for the purposes of capital gains tax, or

(b) would have that result but for the fact that what would be the new holding consists of or includes a qualifying corporate bond.

(3) But where an excluded issue of shares is made—

(a) that issue of shares does not by itself count as a transaction within sub-paragraph (2); and

(b) if made as part of a transaction within that sub-paragraph (that is, as part of a company reconstruction), the shares issued are to be regarded as not forming part of the new holding.

(4) An "excluded issue of shares" means an issue of shares of any of the following descriptions (in respect of which a charge to income tax arises)—

(a) redeemable shares or securities issued as mentioned in **[**F1894paragraph C or D in section 1000(1) of CTA 2010**]** (distributions);

(b) share capital issued in circumstances such that **[**F1895section 1022(3) of CTA 2010**]** (bonus issues) applies;

(c) share capital to which **[**F1896section 410 of ITTOIA 2005 (stock dividends) applies that is issued in a case where subsection (2) or (3) of that section applies.**]**

**Textual Amendments**

**F1894** Words in Sch. 2 para. 86(4)(a) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 396(6)(a)** (with Sch. 2)

**F1895** Words in Sch. 2 para. 86(4)(b) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 396(6)(b)** (with Sch. 2)

**F1896** Words in Sch. 2 para. 86(4)(c) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 396(6)(c)** (with Sch. 2)

*Consequences of company reconstructions*

87 (1) In the SIP code references to a participant's plan shares in relation to a SIP are to be read, after the time of a company reconstruction—

(a) as referring to the new shares, or

(b) as including those shares,

as the case may be.

This is subject to the following provisions of this paragraph.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) For the purposes of the SIP code—

(a) a company reconstruction is to be treated as not involving a disposal of the shares comprised in the original holding;

(b) new shares are to be treated as having been awarded to the participant on the date on which the corresponding old shares were awarded;

(c) the conditions in Part 4 of this Schedule (types of share that may be awarded) are to be treated as fulfilled with respect to any new shares if they were (or were treated as) fulfilled with respect to the corresponding old shares; and

(d) the provisions of—

(i) sections 489 to 514 (SIPs: income tax advantages and charges under this Act),

**[**F1897(ii) sections 392 to 395 and 405 to 408 of ITTOIA 2005 (SIPs: special rules for charges under Chapters 3 and 4 of Part 4 of that Act (dividends etc. from UK or non-UK resident companies etc.)) and section 770 of that Act (exemption for amounts applied by SIP trustees acquiring dividend shares or retained for reinvestment),**]**

(iii) sections 686B and 686C of ICTA (SIPs: income tax advantages for trustees), and

(iv) Part 1 of Schedule 7D to TCGA 1992 (SIPs: capital gains tax),

apply in relation to the new shares as they would have applied in relation to the corresponding old shares.

(3) If the corresponding old shares were dividend shares, the reference in sub-paragraph (2)(b) to the corresponding old shares being awarded is a reference to those shares being acquired on behalf of the participant.

(4) Sub-paragraphs (1) to (3) are subject to paragraph 88 (treatment of shares acquired under rights issue).

(5) For the purposes of the SIP code if, as part of a company reconstruction, trustees become entitled to a capital receipt, their entitlement to the capital receipt is to be taken to arise before the new holding comes into being.

(6) In the SIP code, in the context of a new holding, "shares" includes securities and rights of any description which form part of the new holding for the purposes of Chapter 2 of Part 4 of TCGA 1992 (reorganisation of share capital etc.).

(7) In this paragraph—

(a) "new shares" means shares comprised in the new holding which were issued in respect of, or otherwise represent, shares comprised in the original holding;

(b) "the new holding" and "the original holding" mean respectively the new and original holdings mentioned in paragraph 86(2);

(c) "corresponding old shares", in relation to any new shares, means the shares in respect of which the new shares are issued or which the new shares otherwise represent.

**Textual Amendments**

**F1897** Sch. 2 para. 87(2)(d)(ii) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 617(6)** (with Sch. 2)

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Treatment of shares acquired under rights issue*

88 (1) This paragraph applies for the purposes of the SIP code where the trustees exercise rights arising under a rights issue and conferred in respect of a participant's plan shares.

(2) In such a case, any shares or securities or rights allotted are to be treated as if they were plan shares—

(a) identical to the shares in respect of which the rights were conferred, and

(b) appropriated to, or acquired on behalf of, the participant under the plan in the same way and at the same time as those shares.

(3) If, however, either of the conditions set out in sub-paragraph (4) is met, sub-paragraph (5) applies instead.

(4) The conditions are—

(a) that the funds used by the trustees to exercise the rights are not provided by the exercise of the trustees' powers under paragraph 77 (trustees' powers to raise funds to subscribe for rights issue);

(b) that similar rights are not conferred in respect of all ordinary shares in the company.

(5) If either of those conditions is met—

(a) any shares, securities or rights allotted are not plan shares, and

(b) sections 127 to 130 of TCGA 1992 (reorganisation of share capital etc.) do not apply in relation to them.

*Termination of plan*

89 (1) The plan may provide for the company to issue a plan termination notice in respect of the plan in circumstances specified in the plan.

(2) The plan must provide that, where a plan termination notice is issued, a copy of the notice must be given, without delay, to—

F1898(a) . . . . . .

(b) the trustees,

(c) each individual who has plan shares, and

(d) each individual who has entered into a partnership share agreement which was in force immediately before the notice was issued.

**Textual Amendments**

**F1898** Sch. 2 para. 89(2)(a) omitted (6.4.2014) by virtue of Finance Act 2014 (c. 26), **Sch. 8 paras. 29**, 89 (with Sch. 8 paras. 90-96)

*Effect of plan termination notice*

90 (1) This paragraph applies if the company has issued a plan termination notice under paragraph 89.

(2) No further shares may be **[**F1899appropriated to, or acquired on behalf of,**]** individuals under the plan.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) The trustees must remove the plan shares from the plan as soon as practicable after whichever is the later of—

(a) the end of the notice period, or

(b) the first date on which the shares may be removed from the plan without giving rise to a charge to income tax under sections 501 to 507 (SIPs: tax charges) on the participant on whose behalf they are held.

(4) In sub-paragraph (3) "the notice period" means the period of 3 months beginning with the date on which the requirements imposed by the plan in accordance with paragraph 89(2) are met in respect of the plan termination notice.

(5) The trustees may remove a participant's shares from the plan at an earlier date with the participant's consent.

(6) Any consent given by the participant before receiving a copy of the plan termination notice is to be disregarded for the purposes of sub-paragraph (5).

(7) As soon as practicable after the plan termination notice is issued, the trustees must pay any money held on an individual's behalf to the individual.

(8) In this paragraph references to the trustees removing the plan shares from the plan are to their doing the following in the case of each participant—

(a) transferring the shares to the participant on behalf of whom they are held, or to another person, at the participant's direction, or

(b) disposing of the shares and accounting (or holding themselves ready to account) for the proceeds to the participant or to another person at the participant's direction.

(9) Where a participant has died, the references in this paragraph to a participant are to the participant's personal representatives.

**Textual Amendments**

**F1899** Words in Sch. 2 para. 90(2) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 30**, 89 (with Sch. 8 paras. 90-96)

*Jointly owned companies*

91 (1) This paragraph applies for the purposes of the provisions of the SIP code relating to group plans.

(2) Each joint owner of a jointly owned company is to be treated as controlling every company within sub-paragraph (3).

(3) The companies within this sub-paragraph are—

(a) the jointly owned company, and

(b) any company controlled by that company.

(4) However, no company within sub-paragraph (3) may be—

(a) a constituent company in more than one group plan, or

(b) a constituent company in a particular group plan if another company within that sub-paragraph is a constituent company in a different group plan.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) In this paragraph a "jointly owned company" means a company—

(a) of which 50% of the issued share capital is owned by one person and 50% by another, and

(b) which is not controlled by any one person.

(6) This paragraph does not apply for the purposes of paragraph 27(1)(b) (requirement that plan shares are in a company not under another company's control).

*Determination of market value*

92 (1) For the purposes of the SIP code the "market value" of shares has the same meaning as it has for the purposes of TCGA 1992 by virtue of Part 8 of that Act.

**[**F1900(2) For the purposes of this Schedule the market value of shares subject to a restriction is to be determined as if they were not subject to the restriction.**]**

(3) Where the market value of shares on any date has to be determined for the purposes of the SIP code, **[**F154an officer of Revenue and Customs**]** and the trustees may agree that it is to be determined by reference—

(a) to a date or dates, or

(b) to an average of the values on a number of dates,

stated in the agreement.

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F1900** Sch. 2 para. 92(2) substituted (with effect in accordance with Sch. 2 para. 58 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 55**

**Modifications etc. (not altering text)**

**C64** Sch. 2 para. 92(2) applied by 2005 c. 5, s. 407(3C) (as inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 63(3)**, 89 (with Sch. 8 paras. 90-96))

**C65** Sch. 2 para. 92(2) applied by 2005 c. 5, s. 394(3C) (as inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 57(3)**, 89 (with Sch. 8 paras. 90-96))

*Power to require information*

93 **[**F1901(1) An officer of Revenue and Customs may by notice require a person to provide the officer with any information—

(a) which the officer reasonably requires for the performance of any functions of Her Majesty's Revenue and Customs or an officer of Revenue and Customs under the SIP code, and

(b) which the person to whom the notice is addressed has or can reasonably obtain.**]**

(2) The power conferred by this paragraph extends, in particular, to—

(a) information to enable **[**F154an officer of Revenue and Customs**]** —

**[**F1902(i) to check anything contained in a notice under paragraph 81A or a return under paragraph 81B or to check any information accompanying such a notice or return, or", and**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(ii) to determine the liability to tax, including capital gains tax, of any person who has participated in a plan **[**F1903or any other person whose liability to tax the operation of a plan is relevant to**]**, and

(b) information about the administration of a plan and any proposed alteration of the terms of a plan.

(3) The notice must require the information to be provided within a specified period, which must not end earlier than 3 months after the date when the notice is given.

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F1901** Sch. 2 para. 93(1) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 31(2)**, 89 (with Sch. 8 paras. 90-96)

**F1902** Sch. 2 para. 93(2)(a)(i) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 31(3)(a)**, 89 (with Sch. 8 paras. 90-96)

**F1903** Words in Sch. 2 para. 93(2)(a)(ii) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 31(3)(b)**, 89 (with Sch. 8 paras. 90-96)

*Meaning of "associated company"*

94 (1) For the purposes of the SIP code one company is an "associated company" of another company at a given time if—

(a) one has control of the other, or

(b) both are under the control of the same person or persons.

(2) Sub-paragraph (1) does not, however, apply for the purposes of paragraph 29 (prohibited shares).

(3) For the purposes of sub-paragraph (1) the question whether a person controls a company is to be determined in accordance with **[**F1904sections 450 and 451 of CTA 2010**]**.

**Textual Amendments**

**F1904** Words in Sch. 2 para. 94(3) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 396(7)** (with Sch. 2)

*Meaning of participant ceasing to be in relevant employment*

95 (1) This paragraph explains what is meant, for the purposes of the SIP code, by a participant ceasing to be in relevant employment.

(2) For the purposes of the SIP code "relevant employment" means employment by the company or any associated company.

(3) A participant who remains in the employment of the company or any associated company does not cease to be in relevant employment.

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Meaning of shares being withdrawn from plan*

96 (1) For the purposes of the SIP code plan shares are withdrawn from a SIP when—

(a) they are transferred by the trustees to the participant, or another person, on the direction of the participant,

(b) the participant assigns, charges or otherwise disposes of the beneficial interest in the shares, or

(c) they are disposed of by the trustees, on the direction of the participant, in circumstances where the trustees account (or hold themselves ready to account) for the proceeds to the participant or to another person.

(2) Where the participant has died, the references in sub-paragraph (1) to the participant are to the participant's personal representatives.

*Meaning of shares ceasing to be subject to plan*

97 (1) For the purposes of the SIP code plan shares cease to be subject to a SIP when—

(a) they are withdrawn from the plan,

(b) the participant to whom the shares were awarded ceases to be in relevant employment at a time when the shares are subject to the plan, or

(c) the trustees dispose of the shares under provision made in accordance with paragraph 79 (meeting by trustees of PAYE obligations).

(2) If an individual—

(a) participates in an award of partnership shares, and

(b) ceases to be in relevant employment at any time during the acquisition period relating to that award,

the individual is to be treated for the purposes of this paragraph as ceasing to be in relevant employment immediately after the shares are awarded.

(3) In sub-paragraph (2) "the acquisition period" in relation to an award means—

(a) where there was no accumulation period, the period beginning with the deduction of the partnership share money and ending with the acquisition date (as defined by paragraph 50(4)), and

(b) where there was an accumulation period, the period beginning with the end of that period and ending immediately before the acquisition date (as defined by paragraph 52(5)).

(4) If a participant ceases to be in relevant employment, the participant's plan shares are to be treated as ceasing to be subject to the plan on the date of leaving.

*Meaning of "the specified retirement age"*

F1905 98 . . . . . .

**Textual Amendments**

**F1905** Sch. 2 para. 98 omitted (17.7.2013) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 5** (with Sch. 2 para. 17)

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Minor definitions*

99 (1) In the SIP code—

"articles of association", in relation to a company, includes any other written agreement between the shareholders of the company;

"company" means a body corporate;

"group of companies" means a company and any other companies of which it has control, and "group company" has a corresponding meaning;

"participant's plan shares", in relation to a SIP, means plan shares that have been awarded to an individual participant;

"PAYE obligations" means (subject to paragraphs 79(2) and 80(2)) obligations of any person under—

(a) Part 11 of this Act, or

(b) PAYE regulations;

"plan shares", in relation to a SIP, means—

(a) free, partnership or matching shares which have been awarded to participants under the plan,

(b) dividend shares which have been acquired on behalf of participants under the plan, and

(c) shares in relation to which paragraph 87(1) applies (company reconstructions: new shares),

and which (in each case) remain subject to the plan;

"provision for forfeiture" means a provision to the effect that a participant ceases to be beneficially entitled to shares on the occurrence of certain events, and "forfeiture" is to be read accordingly;

"qualifying corporate bond" has the meaning given by section 117 of TCGA 1992;

"redundancy" has the same meaning as in ERA 1996 or ER(NI)O 1996;

"rights arising under a rights issue" means rights conferred in respect of a participant's plan shares to be allotted, on payment, other shares or securities or rights of any description in the same company.

(2) For the purposes of the SIP code references to "shares" include fractions of shares forming part of the share capital of a company registered in a foreign country the law of which recognises such fractions.

(3) For the purposes of the SIP code a company is a member of a consortium owning another company if it is one of a number of companies—

(a) which between them beneficially own not less than 75% of the other company's ordinary share capital, and

(b) each of which beneficially owns not less than 5% of that capital.

**[**[F1906](4) For the purposes of the SIP code—

(a) shares are subject to a "restriction" if there is any contract, agreement, arrangement or condition which makes provision to which any of subsections (2) to (4) of section 423 (restricted securities) would apply if the references in those subsections to the employment-related securities were to the shares, and

(b) the "restriction" is that provision.**]**

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**Textual Amendments**

**F1906** Sch. 2 para. 99(4) inserted (with effect in accordance with Sch. 2 para. 58 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 56**

*Index of defined expressions*

100 In the SIP code the following expressions are defined or otherwise explained by the provisions indicated below:

| | |
|---|---|
| accumulation period | paragraph 51 |
| **F1907** | **F1907** |
| . . . | . . . |
| articles of association | paragraph 99(1) |
| associated company | paragraph 94 (and see paragraph 29(3)) |
| award of shares | paragraph 5(1) |
| **F1908** | . . . |
| . . . | |
| building society | **[**F1909section 989 of ITA 2007**]** |
| ceasing to be in relevant employment (in relation to a participant) | paragraph 95 |
| ceasing to be subject to plan (in relation to shares) | paragraph 97 |
| child | **[**F1910section 721(6)**]** |
| close company | **[**F1911section 989 of ITA 2007**]** |
| | **F1912** |
| | ... |
| company | paragraph 99(1) |
| the company (in relation to a SIP) | paragraph 2(2) |
| company reconstruction (in Part 11 of this Schedule) | paragraph 86(1) |
| connected person | section 718 |
| consortium (member of) | paragraph 99(3) |
| constituent company | paragraph 4(3) |
| control | section 719 (and see paragraphs 29(5), 37(6) and 94(3)) |
| distribution | **[**F1913section 989 of ITA 2007**]** |
| dividend shares | paragraph 62(3)(b) |
| earnings | section 62 and see section 721(7) |

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| | |
|---|---|
| eligible shares (in Part 4 of this Schedule) | paragraph 25(2) |
| employee, employed, employer and employment | section 4 |
| the employment requirement | paragraph 15(3) |
| forfeiture, provision for | paragraph 99(1) |
| free shares | paragraph 2(1)(a) |
| group company | paragraph 99(1) |
| group of companies | paragraph 99(1) |
| group plan | paragraph 4(2) |
| holding period | paragraph 36 (and see paragraph 67) |
| **F1908** | |
| . . . | |
| market value (of shares) | paragraph 92 |
| matching shares | paragraph 3(1) |
| notice (except in paragraph 54 or 55) | **[**F1914section 989 of ITA 2007**]** |
| ordinary share capital | **[**F1915section 989 of ITA 2007**]** |
| parent company | paragraph 4(1) |
| participant (in relation to a SIP) | paragraph 5(4) |
| participant's plan shares | paragraph 99(1) (and see paragraph 87(1)) |
| participation in an award of shares | paragraph 5(3) |
| partnership share agreement | paragraph 44 |
| partnership share money | paragraph 45(2) |
| partnership shares | paragraph 2(1)(b) |
| PAYE deduction | section 488(4) |
| PAYE obligations | paragraph 99(1) |
| PAYE regulations | section 684(8) |
| performance allowances | paragraph 34(4) |
| personal representatives | **[**F1916section 989 of ITA 2007**]** |
| plan requirements (in relation to a SIP) | paragraph 2(2) |
| plan shares (in relation to a SIP) | paragraph 99(1) (and see paragraphs 86 to 88) |
| the plan trust | paragraph 71(3) |
| provision for forfeiture | paragraph 99(1) |
| qualifying corporate bond | paragraph 99(1) |

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| | |
|---|---|
| qualifying employee | paragraph 8(6) |
| recognised stock exchange | **[**F1917section 1005 of ITA 2007**]** |
| redundancy | paragraph 99(1) |
| reinvestment | paragraph 62(3)(a) |
| relevant employment | paragraph 95(2) |
| **[**F1918restriction (in relation to shares) | paragraph 99(4)**]** |
| rights arising under a rights issue | paragraph 99(1) |
| salary | paragraph 43(4) |
| share incentive plan ("SIP") | section 488(4) |
| **[**F1919Schedule 2 SIP | paragraph 1 and Part 10 of this Schedule**]** |
| shares | paragraph 99(2) (and in the context of a new holding, paragraph 87(6)) |
| the SIP code | section 488(3) |
| F1920 | F1920 |
| . . . | . . . |
| F1921 | F1921 |
| . . . | . . . |
| tax | **[**F1922section 989 of ITA 2007**]** |
| **[**F1923tribunal | section 989 of ITA 2007**]** |
| tax year | **[**F1924section 4(2) of ITA 2007 (as applied by section 989 of that Act)**]** |
| the trustees | paragraphs 2(2), 71(1) |
| the trust instrument | paragraph 71(3) |
| withdrawal of shares from plan | paragraph 96(1) |

**Textual Amendments**

**F1907** Words in Sch. 2 para. 100 Table omitted (6.4.2014) by virtue of Finance Act 2014 (c. 26), **Sch. 8 paras. 32(a)**, 89 (with Sch. 8 paras. 90-96)

**F1908** Sch. 2 para. 100 entry repealed (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), Sch. 4 para. 121(e), Sch. 5; S.I. 2005/1126, art. 2(2)(h)(i)

**F1909** Words in Sch. 2 para. 100 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 447(3)(a)** (with Sch. 2)

**F1910** Words in Sch. 2 para. 100 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 447(3)(b)** (with Sch. 2)

**F1911** Words in Sch. 2 para. 100 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 447(3)(c)** (with Sch. 2)

**F1912** Words in Sch. 2 para. 100 Table omitted (with effect in accordance with Sch. 2 para. 38 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 37**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F1913** Words in Sch. 2 para. 100 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 447(3)(d)** (with Sch. 2)
**F1914** Words in Sch. 2 para. 100 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 447(3)(e)** (with Sch. 2)
**F1915** Words in Sch. 2 para. 100 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 447(3)(f)** (with Sch. 2)
**F1916** Words in Sch. 2 para. 100 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 447(3)(g)** (with Sch. 2)
**F1917** Words in Sch. 2 para. 100 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 447(3)(h)** (with Sch. 2)
**F1918** Words in Sch. 2 para. 100 Table inserted (with effect in accordance with Sch. 2 para. 58 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 57**
**F1919** Words in Sch. 2 para. 100 Table inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 32(b)**, 89 (with Sch. 8 paras. 90-96)
**F1920** Words in Sch. 2 para. 100 Table omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 343(2)**
**F1921** Words in Sch. 2 para. 100 Table omitted (17.7.2013) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 6** (with Sch. 2 para. 17)
**F1922** Words in Sch. 2 para. 100 substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 396(8)** (with Sch. 2)
**F1923** Words in Sch. 2 para. 100 Table inserted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 343(3)**
**F1924** Words in Sch. 2 para. 100 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 447(3)(j)** (with Sch. 2)

# SCHEDULE 3

Section 516

## F1925... SAYE OPTION SCHEMES

**Textual Amendments**
**F1925** Word in Sch. 3 title omitted (6.4.2014) by virtue of Finance Act 2014 (c. 26), **Sch. 8 paras. 103**, 146 (with Sch. 8 paras. 147-157)

## PART 1

### INTRODUCTION

### *[F1926Introduction to Schedule 3] SAYE option schemes*

**Textual Amendments**
**F1926** Words in Sch. 3 para. 1 cross-heading substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 104**, 146 (with Sch. 8 paras. 147-157)

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**[**F1927(A1) For the purposes of the SAYE code an SAYE option scheme is a Schedule 3 SAYE option scheme if the requirements of Parts 2 to 7 of this Schedule are met in relation to the scheme.**]**

(3) The requirements consist of general requirements (see Part 2) and requirements as to—

the eligibility of individuals to participate in a scheme (see Part 3),

the shares to which schemes can apply (see Part 4),

the existence of a linked **[**F1928savings arrangement**]** (see Part 5),

the share options that may be granted under the scheme (see Part 6), and

the exchange of share options (see Part 7).

**[**F1929(4) Sub-paragraph (A1) is subject to Part 8 of this Schedule which—

(a) requires notice of a scheme to be given to Her Majesty's Revenue and Customs ("HMRC") in order for the scheme to be a Schedule 3 SAYE option scheme (see paragraph 40A(1)),

(b) provides for a scheme in relation to which such notice is given to be a Schedule 3 SAYE option scheme (see paragraph 40A(4)), and

(c) gives power to HMRC to enquire into a scheme and to decide that the scheme should not be a Schedule 3 SAYE option scheme (see paragraphs 40F to 40I).**]**

**Textual Amendments**

**F1927** Sch. 3 para. 1(A1) substituted for Sch. 3 para. 1(1)(2) (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 105(2)**, 146 (with Sch. 8 paras. 147-157)

**F1928** Words in Sch. 3 para. 1(3) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 618(2)** (with Sch. 2)

**F1929** Sch. 3 para. 1(4) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 105(3)**, 146 (with Sch. 8 paras. 147-157)

*SAYE option schemes*

2 (1) In the SAYE code an "SAYE option scheme" means (in accordance with section 516(4)) a scheme established by a company which provides—

(a) for share options to be granted to employees and directors, and

(b) for the shares acquired by the exercise of the share options to be paid for in the way mentioned in paragraph 24 (payments for shares to be linked to approved **[**F1930savings arrangements**]**).

(2) In the SAYE code, in relation to an SAYE option scheme—

"participant" means an individual who has been granted (but has not yet exercised) share options under the scheme ("the options");

"participate" means obtain and exercise share options under the scheme;

"the scheme organiser" means the company which has established the scheme.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F1930** Words in Sch. 3 para. 2(1)(b) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 618(3)** (with Sch. 2)

*Group schemes*

3 (1) An SAYE option scheme established by a company that controls one or more other companies (a "parent scheme company") may extend to all or any of those other companies.

(2) In the SAYE code an SAYE option scheme established by a parent scheme company which so extends is called a "group scheme".

(3) In relation to a group scheme a "constituent company" means—

(a) the parent scheme company, or

(b) any other company to which for the time being the scheme is expressed to extend.

(4) Paragraph 46 deals with jointly owned companies and companies controlled by them.

## PART 2

GENERAL REQUIREMENTS ...

*General requirements ...: introduction*

4 An SAYE option scheme must meet the requirements of—

paragraph 5 (general restriction on contents of scheme),

paragraph 6 (all-employee nature of scheme),

paragraph 7 (participation on similar terms), and

paragraph 8 (no preferential treatment for directors and senior employees).

*General restriction on contents of scheme*

**[**F1931 5 (1) The purpose of the scheme must be to provide, in accordance with this Schedule, benefits for employees and directors in the form of share options.

(2) The scheme must not provide benefits to employees or directors otherwise than in accordance with this Schedule.

(3) For example, the scheme must not provide cash as an alternative to share options or shares which might otherwise be acquired by the exercise of share options.**]**

**Textual Amendments**

**F1931** Sch. 3 para. 5 substituted (6.4.2014) by Finance Act 2014 (c. 26), Sch. 8 paras. 108, **146** (with Sch. 8 paras. 147-157)

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*All-employee nature of scheme*

6 (1) The scheme must provide that every person who meets the conditions in sub-paragraph (2) is eligible to participate in the scheme.

(2) A person ("E") meets the conditions in this sub-paragraph if—

(a) E is an employee or a full-time director of the scheme organiser or (in the case of a group scheme) of a constituent company,

(b) E has been such an employee or director at all times during a qualifying period of not more than 5 years,

**[**F1932(c) E's earnings from the office or employment within paragraph (a) are (or would be if there were any) general earnings to which section 15 applies (earnings for year when employee UK resident), **[**F1933and**]**

F1934(ca) . . . . . .**]**

(d) E is not ineligible under paragraph 11 (the "no material interest" requirement).

(3) The scheme must not contain any feature which has or is likely to have the effect of discouraging any description of persons who—

(a) meet the conditions in sub-paragraph (2), or

(b) met those conditions before ceasing to be persons within sub-paragraph (2)(a),

from actually participating in the scheme.

(4) Sub-paragraph (3) does not apply to any provision required or authorised by a provision of this Schedule.

**Textual Amendments**

**F1932** Sch. 3 para. 6(2)(c)(ca) substituted for Sch. 3 para. 6(2)(c) (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 42**

**F1933** Word in Sch. 3 para. 6(2)(c) inserted (with effect in accordance with Sch. 46 para. 72 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 46 para. 41(1)(a)** (with Sch. 46 para. 41(2))

**F1934** Sch. 3 para. 6(2)(ca) omitted (with effect in accordance with Sch. 46 para. 72 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 46 para. 41(1)(b)** (with Sch. 46 para. 41(2))

*Participation on similar terms*

7 (1) The requirements of this paragraph are—

(a) that every person who meets the conditions in paragraph 6(2) (all-employee nature of scheme) must be eligible to participate in the scheme on similar terms, and

(b) that every person who participates in the scheme must actually do so on similar terms.

(2) The requirements of this paragraph are not infringed by the fact that the rights of those participating in the scheme to obtain and exercise share options vary according to—

(a) the levels of their remuneration,

(b) the length of their service, or

(c) any similar factors.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*No preferential treatment for directors and senior employees*

8 (1) The requirement of this paragraph is that, if the scheme organiser is a member of a group of companies, the scheme does not and is not likely to have the effect of conferring benefits wholly or mainly—

(a) on directors of companies in the group, or

(b) on employees of companies in the group who receive the higher or highest levels of remuneration.

(2) "A group of companies" means a company and any other companies of which it has control.

## PART 3

ELIGIBILITY OF INDIVIDUALS TO PARTICIPATE IN SCHEME

*Requirements relating to the eligibility of individuals: introduction*

9 An SAYE option scheme must meet the requirements of—

paragraph 10 (the employment requirement),

F1935 ...

**Textual Amendments**

**F1935** Words in Sch. 3 para. 9 omitted (with effect in accordance with Sch. 2 para. 43 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 40**

*The employment requirement*

10 (1) The scheme must ensure that an individual is not eligible to participate in the scheme at a particular time unless the individual is then a director or employee of—

(a) the scheme organiser, or

(b) in the case of a group scheme, a constituent company.

(2) The requirement of this paragraph is not infringed by a provision of the scheme required or authorised by a provision of this Schedule.

*The "no material interest" requirement*

F1936 11 . . . . . .

**Textual Amendments**

**F1936** Sch. 3 paras. 11-16 omitted (with effect in accordance with Sch. 2 para. 43 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 41**

*Meaning of "material interest"*

F1936 12 . . . . . .

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F1936** Sch. 3 paras. 11-16 omitted (with effect in accordance with Sch. 2 para. 43 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 41**

*Material interest: options and interests in SIPs*

F1936 13 . . . . . .

**Textual Amendments**

**F1936** Sch. 3 paras. 11-16 omitted (with effect in accordance with Sch. 2 para. 43 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 41**

*Meaning of "associate"*

F1936 14 . . . . . .

**Textual Amendments**

**F1936** Sch. 3 paras. 11-16 omitted (with effect in accordance with Sch. 2 para. 43 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 41**

*Meaning of "associate": trustees of employee benefit trust*

F1936 15 . . . . . .

**Textual Amendments**

**F1936** Sch. 3 paras. 11-16 omitted (with effect in accordance with Sch. 2 para. 43 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 41**

*Meaning of "associate": trustees of discretionary trust*

F1936 16 . . . . . .

**Textual Amendments**

**F1936** Sch. 3 paras. 11-16 omitted (with effect in accordance with Sch. 2 para. 43 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 41**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## PART 4

### SHARES TO WHICH SCHEMES CAN APPLY

*Requirements relating to shares that may be subject to share options: introduction*

17 (1) An SAYE option scheme must meet the requirements of—

paragraph 18 (shares must be ordinary shares of certain companies),

paragraph 19 (requirements as to listing),

paragraph 20 (shares must be fully paid up and not redeemable), **[**F1937and**]** F1938...

paragraph 22 (requirements as to other shareholdings).

**[**F1939(1A) Sub-paragraph (1) and the other paragraphs of this Part are subject to paragraph 37(6B).**]**

(2) In this Part "eligible shares" means shares which may be acquired by the exercise of share options under the scheme.

**Textual Amendments**

**F1937** Word in Sch. 3 para. 17(1) inserted (with effect in accordance with Sch. 2 para. 67 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 60(a)**

**F1938** Words in Sch. 3 para. 17(1) omitted (with effect in accordance with Sch. 2 para. 67 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 60(b)**

**F1939** Sch. 3 para. 17(1A) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 109**, 146 (with Sch. 8 paras. 147-157)

*Shares must be ordinary shares of certain companies*

18 Eligible shares must form part of the ordinary share capital of—

(a) the scheme organiser,

(b) a company which has control of the scheme organiser, or

(c) a company which either is, or has control of, a company which is a member of a consortium owning either the scheme organiser or a company having control of the scheme organiser.

*Requirements as to listing*

19 (1) Eligible shares must be—

(a) shares of a class listed on a recognised stock exchange,

(b) shares in a company which is not under the control of another company, F1940...

**[**F1941(ba) shares in a company which is subject to an employee-ownership trust (within the meaning of paragraph 27(4) to (6) of Schedule 2), or**]**

(c) shares in a company which is under the control of a listed company.

(2) A "listed company" is a company whose shares are listed on a recognised stock exchange, other than—

(a) a close company, or

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(b) a company that would be a close company if resident in the United Kingdom.

[F1942(3) But a company is not a close company for the purposes of sub-paragraph (2) if it is subject to an employee-ownership trust (within the meaning of paragraph 27(4) to (6) of Schedule 2).]

**Textual Amendments**

**F1940** Word in Sch. 3 para. 19(1)(b) omitted (1.10.2014) by virtue of Finance Act 2014 (c. 26), **Sch. 37 para. 20(2)**(4)

**F1941** Sch. 3 para. 19(1)(ba) inserted (1.10.2014) by Finance Act 2014 (c. 26), **Sch. 37 para. 20(2)**(4)

**F1942** Sch. 3 para. 19(3) inserted (1.10.2014) by Finance Act 2014 (c. 26), **Sch. 37 para. 20(3)**(4)

*Shares must be fully paid up and not redeemable*

20 Eligible shares must be—

(a) fully paid up, and

(b) not redeemable.

*Only certain kinds of restriction allowed*

F1943 21 . . . . . .

**Textual Amendments**

**F1943** Sch. 3 para. 21 omitted (with effect in accordance with Sch. 2 para. 67 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 61**

*Requirements as to other shareholdings*

22 (1) The majority of the issued shares of the same class as the eligible shares must be—

(a) employee-control shares, or

(b) open market shares,

unless the eligible shares are shares in a company whose ordinary share capital consists of shares of one class only.

(2) Shares in a company are "employee-control shares" if—

(a) the persons holding the shares are, by virtue of their holding, together able to control the company, and

(b) those persons are or have been employees or directors of the company or of another company which is under the control of the company.

(3) Shares in a company are "open market shares" if the persons holding the shares are not—

(a) persons who acquired their shares as a result of a right conferred on them or an opportunity afforded to them as a director or employee of the scheme organiser or any other company, and not as a result of an offer to the public, or

(b) trustees holding shares on behalf of persons who acquired their beneficial interests in the shares as mentioned in paragraph (a), or

(c) in the case of shares which—

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(i) are not of a class listed on a recognised stock exchange, and

(ii) are in a company which is under the control of a listed company (as defined by paragraph 19(2)),

companies which have control of the company whose shares are in question or of which that company is an associated company.

## PART 5

### REQUIREMENT FOR LINKED SAVINGS [F1944 ARRANGEMENT]

**Textual Amendments**

**F1944** Word in Sch. 3 Pt. 5 heading substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 618(5)(a)** (with Sch. 2)

*Requirements as to linked savings [F1945 arrangement] : introduction*

**Textual Amendments**

**F1945** Word in Sch. 3 para. 23 heading substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 618(5)(a)** (with Sch. 2)

23 An SAYE option scheme must meet the requirements of—

paragraph 24 (payments for shares to be linked to approved [F1946 savings arrangements]), and

paragraph 25 (requirements as to contributions to [F1946 savings arrangements]).

**Textual Amendments**

**F1946** Words in Sch. 3 para. 23 substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 618(5)(b)** (with Sch. 2)

*Payments for shares to be linked to approved savings [F1947 arrangements]*

**Textual Amendments**

**F1947** Word in Sch. 3 para. 24 heading substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 618(6)(a)** (with Sch. 2)

24 (1) The scheme must provide for shares acquired by the exercise of share options granted under the scheme to be paid for with money not exceeding the amount of repayments made and any interest paid under a [F1948 certified SAYE savings arrangement] which has been approved by [F154 an officer of Revenue and Customs] for the purposes of this Schedule [F1949 ("the approved savings arrangement")].

F1950 (2) . . . . . .

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F1948** Words in Sch. 3 para. 24(1) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 618(6)(b)** (with Sch. 2)

**F1949** Words in Sch. 3 para. 24(1) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 618(6)(c)** (with Sch. 2)

**F1950** Sch. 3 para. 24(2) repealed (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), Sch. 1 para. 618(7), **Sch. 3** (with Sch. 2)

*Requirements as to contributions to savings* ***[****F1951****arrangements****]***

**Textual Amendments**

**F1951** Word in Sch. 3 para. 25 heading substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 618(8)(a)** (with Sch. 2)

25 (1) The scheme must provide for a person's contributions under the **[**F1952the approved savings arrangement**]** to be of an amount that will secure, as nearly as possible, repayment of an amount equal to the option price.

(2) The "option price" means the amount payable, on exercising share options granted under the scheme, in order to acquire the maximum number of shares that may be acquired under them (see paragraph 28).

(3) The scheme must neither—

(a) permit the aggregate amount of a person's contributions under **[**F1953certified SAYE savings arrangements linked to **[**F1954Schedule 3**]**SAYE option schemes**]** to exceed **[**F1955£500**]** per month, nor

(b) impose a minimum on the amount of a person's contributions which exceeds £10 per month.

(4) The Treasury may by order amend sub-paragraph (3) by substituting for any amount for the time being specified there an amount specified in the order.

**Textual Amendments**

**F1952** Words in Sch. 3 para. 25(1) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 618(8)(b)** (with Sch. 2)

**F1953** Words in Sch. 3 para. 25(3)(a) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 618(8)(c)** (with Sch. 2)

**F1954** Words in Sch. 3 para. 25(3)(a) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 110**, 146 (with Sch. 8 paras. 147-157)

**F1955** Sum in Sch. 3 para. 25(3)(a) substituted (with effect in accordance with art. 1(2) of the amending S.I.) by The Income Tax (Earnings and Pensions) Act 2003 (Amendment to SAYE Option Schemes Contributions Limit) Order 2014 (S.I. 2014/402), arts. 1(1), **2(2)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Repayments under a savings **[**F1956arrangement**]** : whether bonuses included*

**Textual Amendments**

**F1956** Word in Sch. 3 para. 26 heading substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 618(9)(a)** (with Sch. 2)

26 (1) For the purposes of this Schedule repayments under a **[**F1957certified SAYE savings arrangement**]** may be taken as including, or as not including, a bonus.

(2) The bonus may either be the maximum bonus under that **[**F1958arrangement**]** or a lesser bonus.

(3) An SAYE option scheme must require the question whether repayments are to be taken as including bonuses to be determined at the time when share options are granted.

**Textual Amendments**

**F1957** Words in Sch. 3 para. 26(1) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 618(9)(b)** (with Sch. 2)

**F1958** Word in Sch. 3 para. 26(2) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 618(9)(c)** (with Sch. 2)

## PART 6

REQUIREMENTS ETC. RELATING TO SHARE OPTIONS

*Requirements etc. relating to share options: introduction*

27 (1) An SAYE option scheme must meet the requirements of—

paragraph 28 (requirements as to price for acquisition of shares),

paragraph 29 (share options must not be transferable),

paragraph 30 (time for exercising options: general),

F1959 ...

paragraph 32 (exercise of options: death), **[**F1960and**]**

F1961 ...

paragraph 34 (exercise of options: scheme-related employment ends).

(2) An SAYE option scheme may make any provision authorised by—

paragraph 36 (exercise of options: employment in associated company at bonus date), and

paragraph 37 (exercise of options: company events).

**Textual Amendments**

**F1959** Words in Sch. 3 para. 27(1) omitted (17.7.2013) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 8(a)** (with Sch. 2 paras. 16, 17)

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F1960** Word in Sch. 3 para. 27(1) inserted (17.7.2013) by Finance Act 2013 (c. 29), **Sch. 2 para. 8(b)** (with Sch. 2 paras. 16, 17)

**F1961** Words in Sch. 3 para. 27(1) omitted (17.7.2013) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 8(c)** (with Sch. 2 paras. 16, 17)

*Requirements as to price for acquisition of shares*

28 (1) The price at which shares may be acquired by the exercise of a share option granted under the scheme—

(a) must be stated at the time when the option is granted, and

(b) must not be manifestly less than 80% of the market value of shares of the same class**[**F1962—

(i) at that time, or

(ii) at such earlier time as may be determined in accordance with guidance issued by the Commissioners for Her Majesty's Revenue and Customs.**]**

This is subject to **[**F1963sub-paragraph (3)**]**.

F1964(2) . . . . . .

(3) The scheme may provide for one or more of the following—

(a) the price at which shares may be acquired by the exercise of a share option granted under the scheme,

(b) the number of shares which may be so acquired, or

(c) the description of shares which may be so acquired,

to be varied so far as necessary to take account of a variation in the share capital of which the shares form part.

**[**F1965(3A) If the scheme makes provision under sub-paragraph (3), the variation or variations made under that provision to take account of a variation in any share capital must (in particular) secure—

(a) that the total market value of the shares which may be acquired by the exercise of the share option is immediately after the variation or variations substantially the same as what it was immediately before the variation or variations, and

(b) that the total price at which those shares may be acquired is immediately after the variation or variations substantially the same as what it was immediately before the variation or variations.

(3B) Sub-paragraph (3) does not authorise any variation which would result in the requirements of the other paragraphs of this Schedule not being met in relation to the share option.**]**

F1966(4) . . . . . .

**[**F1967(5) At the time a share option is granted—

(a) it must be stated whether or not the shares which may be acquired by the exercise of the option may be subject to any restriction, and

(b) if so, the details of the restriction must also be stated.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) For the purposes of this paragraph the market value of shares subject to a restriction is to be determined as if they were not subject to the restriction.**]**

**Textual Amendments**

**F1962** Words in Sch. 3 para. 28(1)(b) substituted (15.9.2016) by Finance Act 2016 (c. 24), **Sch. 3 para. 6(2)(a)**

**F1963** Words in Sch. 3 para. 28(1) substituted (15.9.2016) by Finance Act 2016 (c. 24), **Sch. 3 para. 6(2)(b)**

**F1964** Sch. 3 para. 28(2) omitted (15.9.2016) by virtue of Finance Act 2016 (c. 24), **Sch. 3 para. 6(3)**

**F1965** Sch. 3 para. 28(3A)(3B) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 111(2)**, 146 (with Sch. 8 paras. 147-157)

**F1966** Sch. 3 para. 28(4) omitted (6.4.2014) by virtue of Finance Act 2014 (c. 26), **Sch. 8 paras. 111(3)**, 146 (with Sch. 8 paras. 147-157)

**F1967** Sch. 3 para. 28(5)(6) inserted (with effect in accordance with Sch. 2 para. 67 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 62**

*Share options must not be transferable*

29 (1) The scheme must ensure that share options granted to a participant are not capable of being transferred by the participant.

(2) Paragraph 32 provides for the exercise of the options where the participant has died.

*Time for exercising options: general*

30 (1) The scheme must ensure that share options granted under it must not be capable of being exercised—

(a) before the bonus date, or

(b) later than 6 months after that date.

(2) However, in sub-paragraph (1)—

(a) paragraph (a) is subject to paragraphs **[**F1968 32,**]** 34 and 37 (exercise of options in the event of death, F1969 ... scheme-related employment ending or certain events occurring in relation to the company), and

(b) paragraph (b) is subject to paragraph 32.

(3) In the SAYE code "the bonus date" means the date on which repayments under **[**F1970 the approved savings arrangement**]** are due.

(4) For this purpose repayments are to be regarded as due as follows—

(a) if the repayments are to be taken as including the maximum bonus (see paragraph 26(2)), on the earliest date on which that bonus is payable, and

(b) in any other case, on the earliest date on which a bonus is payable.

**Textual Amendments**

**F1968** Word in Sch. 3 para. 30(2)(a) substituted (17.7.2013) by Finance Act 2013 (c. 29), **Sch. 2 para. 9(a)** (with Sch. 2 paras. 16, 17)

**F1969** Words in Sch. 3 para. 30(2)(a) omitted (17.7.2013) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 9(b)** (with Sch. 2 paras. 16, 17)

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F1970** Words in Sch. 3 para. 30(3) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 618(10)** (with Sch. 2)

*Requirement to have a "specified age"*

F1971 31 . . . . . .

**Textual Amendments**

**F1971** Sch. 3 para. 31 omitted (17.7.2013) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 10** (with Sch. 2 paras. 16, 17)

*Exercise of options: death*

32 The scheme must provide that, if a participant dies before exercising the options, they may be exercised **[**F1972 at any time**]** on or after the date of death but not later than—

(a) 12 months after the date of death, in a case where the participant dies before the bonus date, or

(b) 12 months after the bonus date, in a case where the participant dies on or within 6 months after that date.

**Textual Amendments**

**F1972** Words in Sch. 3 para. 32 inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 112**, 146 (with Sch. 8 paras. 147-157)

*Exercise of options: reaching specified age without retiring*

F1973 33 . . . . . .

**Textual Amendments**

**F1973** Sch. 3 para. 33 omitted (17.7.2013) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 11** (with Sch. 2 para. 17)

*Exercise of options: scheme-related employment ends*

34 (1) The scheme must provide that, if a participant ("P") no longer holds scheme-related employment (see paragraph 35), the options are exercisable as set out in sub-paragraphs (2) to (4).

(2) In a case where P ceases to hold the scheme-related employment because of—

(a) injury or disability or redundancy within the meaning of ERA 1996 **[**F1974 or ER(NI)O 1996 **]**, F1975...

(b) retirement F1976...,

**[**F1977 (c) a relevant transfer within the meaning of the Transfer of Undertakings (Protection of Employment) Regulations 2006, or

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(d) if P holds office or is employed in a company which is an associated company (as defined in paragraph 35(4)) of the scheme organiser, that company ceasing to be an associated company of the scheme organiser by reason of a change of control (as determined in accordance with sections 450 and 451 of CTA 2010),**]**

the options may only be exercised within 6 months after the termination date.

(3) In a case where P ceases to hold the scheme-related employment for any other reason, share options granted more than 3 years before the termination date either—

(a) may not be exercised, or

(b) may only be exercised within 6 months after the termination date,

according to which of these alternatives is specified in the scheme.

(4) Subject to any provision made under sub-paragraph (5), in a case where P ceases to hold the scheme-related employment for any reason other than one within sub-paragraph (2)(a) **[**F1978to (d)**]**, share options granted 3 years or less before the termination date may not be exercised at all.

(5) The scheme may **[**F1979make provision about the time when the options may be exercised**]** in a case where P ceases to hold the scheme-related employment only because—

F1980(a) . . . . . .

(b) it relates to a business or part of a business which is transferred to a person who is not an associated company of the scheme organiser **[**F1981where the transfer is not a relevant transfer within the meaning of the Transfer of Undertakings (Protection of Employment) Regulations 2006**]**.

F1982...

**[**F1983(5A) If the scheme makes provision by virtue of sub-paragraph (5), the provision must be either—

(a) that the options may be exercised within 6 months after the termination date, or

(b) that the options may be exercised within 6 months after the date (if any) when P ceases to hold the employment which (before the termination date) was the scheme-related employment for a reason within sub-paragraph (2)(a) **[**F1984to (d)**]**.**]**

(6) This paragraph has effect subject to paragraph 30(1)(b) (options must not be capable of being exercised later than 6 months after bonus date).

(7) In this paragraph—

"scheme-related employment" means the office or employment by reference to which the person satisfies the condition in paragraph 10(1) ("the employment requirement");

"the termination date" means the date when P ceases to hold the scheme-related employment (see paragraph 35).

**Textual Amendments**

**F1974** Words in Sch. 3 para. 34(2)(a) inserted (10.7.2003) by Finance Act 2003 (c. 14), **Sch. 21 para. 11(2)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F1975** Word in Sch. 3 para. 34(2) omitted (17.7.2013) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 23(2)(a)** (with Sch. 2 para. 23(4))
**F1976** Words in Sch. 3 para. 34(2)(b) omitted (17.7.2013) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 12** (with Sch. 2 para. 17)
**F1977** Sch. 3 para. 34(2)(c)(d) inserted (17.7.2013) by Finance Act 2013 (c. 29), **Sch. 2 para. 23(2)(b)** (with Sch. 2 para. 23(4))
**F1978** Words in Sch. 3 para. 34(4) substituted (17.7.2013) by Finance Act 2013 (c. 29), **Sch. 2 para. 23(3)** (with Sch. 2 para. 23(4))
**F1979** Words in Sch. 3 para. 34(5) substituted (10.7.2003) by Finance Act 2003 (c. 14), **Sch. 21 para. 11(3)(a)**
**F1980** Sch. 3 para. 34(5)(a) and word omitted (6.4.2014) by virtue of Finance Act 2014 (c. 26), **Sch. 8 paras. 113(a)**, 146 (with Sch. 8 paras. 147-157)
**F1981** Words in Sch. 3 para. 34(5)(b) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 113(b)**, 146 (with Sch. 8 paras. 147-157)
**F1982** Words in Sch. 3 para. 34(5) repealed (10.7.2003) by Finance Act 2003 (c. 14), Sch. 21 para. 11(3)(b), **Sch. 43 Pt. 3(3)**
**F1983** Sch. 3 para. 34(5A) inserted (10.7.2003) by Finance Act 2003 (c. 14), **Sch. 21 para. 11(4)**
**F1984** Words in Sch. 3 para. 34(5A)(b) substituted (17.7.2013) by Finance Act 2013 (c. 29), **Sch. 2 para. 23(3)** (with Sch. 2 para. 23(4))

*Time when scheme-related employment ends*

35 (1) This paragraph applies for the purposes of paragraph 34 (exercise of options: scheme-related employment ends).

(2) Unless sub-paragraph (3) applies, a participant ("P") is to be regarded as ceasing to hold scheme-related employment on the date when the office or employment in question terminates.

(3) If—

(a) P's scheme-related employment terminates, but

(b) P continues to hold an office or employment in the scheme organiser or any associated company,

P is to be regarded as ceasing to hold the scheme-related employment on the date when P no longer holds any office or employment within paragraph (b), and not at any earlier time.

(4) For the purposes of sub-paragraph (3) one company is an "associated company" of another company if—

(a) one has control of the other, or

(b) both are under the control of the same person or persons;

and for this purpose the question of whether a person controls a company is to be determined in accordance with **[**[F1985]sections 450 and 451 of CTA 2010**]** ("control" in the context of close companies).

(5) Nothing in paragraph 34 or this paragraph applies where a person's scheme-related employment terminates on that person's death (see instead paragraph 32).

(6) In this paragraph "scheme-related employment" has the same meaning as in paragraph 34.

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**Textual Amendments**

**F1985** Words in Sch. 3 para. 35(4) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 397(4)** (with Sch. 2)

*Exercise of options: employment in associated company at bonus date*

36 The scheme may provide that if at the bonus date a participant holds an office or employment in a company which is—

(a) an associated company of the scheme organiser, but

(b) not a constituent company,

the options may be exercised within 6 months after that date.

*Exercise of options: company events*

37 (1) The scheme may provide that share options relating to shares in a company may be exercised within 6 months after the relevant date for the purposes of sub-paragraph (2), (4) **[**F1986, (4ZA)**][**F1987, (4A)**]** or (5).

(2) The relevant date for the purposes of this sub-paragraph is the date when—

(a) a person has obtained control of the company as a result of making an offer falling within sub-paragraph (3), and

(b) any condition subject to which the offer is made has been satisfied.

(3) An offer falls within this sub-paragraph if it is—

(a) a general offer to acquire the whole of the issued ordinary share capital of the company, which is made on a condition such that, if it is met, the person making the offer will have control of the company, or

(b) a general offer to acquire all the shares in the company which are of the same class as the shares in question obtained under the scheme.

**[**F1988(3A) In sub-paragraph (3)(a) the reference to the issued ordinary share capital of the company does not include any capital already held by the person making the offer or a person connected with that person and in sub-paragraph (3)(b) the reference to the shares in the company does not include any shares already held by the person making the offer or a person connected with that person.

(3B) For the purposes of sub-paragraph (3)(a) and (b) it does not matter if the general offer is made to different shareholders by different means.**]**

(4) The relevant date for the purposes of this sub-paragraph is the date when the court sanctions under **[**F1989section 899 of the Companies Act 2006 (court sanction for compromise or arrangement)**]** a compromise or arrangement **[**F1990applicable to or affecting—

(a) all the ordinary share capital of the company or all the shares of the same class as the shares to which the option relates, or

(b) all the shares, or all the shares of that same class, which are held by a class of shareholders identified otherwise than by reference to their employment or directorships or their participation in **[**F1991a Schedule 3**]**SAYE option scheme.**]**

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**[**F1992(4ZA) The relevant date for the purposes of this sub-paragraph is the date when the court sanctions under section 901F of the Companies Act 2006 (court sanction for compromise or arrangement) a compromise or arrangement applicable to or affecting—

(a) all the ordinary share capital of the company or all the shares of the same class as the shares to which the option relates, or

(b) all the shares, or all the shares of that same class, which are held by a class of shareholders identified otherwise than by reference to their employment or directorships or their participation in a Schedule 3 SAYE option scheme.**]**

**[**F1993(4A) The relevant date for the purposes of this sub-paragraph is the date on which a non-UK company reorganisation arrangement applicable to or affecting—

(a) all the ordinary share capital of the company or all the shares of the same class as the shares to which the option relates, or

(b) all the shares, or all the shares of that same class, which are held by a class of shareholders identified otherwise than by reference to their employments or directorships or their participation in a Schedule 3 SAYE option scheme,

becomes binding on the shareholders covered by it.**]**

(5) The relevant date for the purposes of this sub-paragraph is the date when the company passes a resolution for voluntary winding up.

(6) The scheme may provide that share options relating to shares in a company may be exercised at any time when any person is bound or entitled to acquire shares in the company under **[**F1994sections 979 to 982 **[**F1995or 983 to 985**]** of the Companies Act 2006 (takeover offers: right of offeror to buy out minority shareholder **[**F1996etc**])]**.

**[**F1997(6A) Sub-paragraphs (6B) to (6F) apply if the scheme makes provision under sub-paragraph (1) or (6).

(6B) The scheme may provide that if, in consequence of a relevant event, shares in the company to which a share option relates no longer meet the requirements of Part 4 of this Schedule, the share option may be exercised under the provision made under sub-paragraph (1) or (6) (as the case may be) no later than 20 days after the day on which the relevant event occurs, notwithstanding that the shares no longer meet the requirements of Part 4 of this Schedule.

(6C) In sub-paragraph (6B) "relevant event" means—

(a) a person obtaining control of the company as mentioned in sub-paragraph (2)(a);

(b) a person obtaining control of the company as a result of a compromise or arrangement sanctioned by the court as mentioned in sub-paragraph (4) **[**F1998or (4ZA)**]**;

(c) a person obtaining control of the company as a result of a non-UK company reorganisation arrangement which has become binding on the shareholders covered by it as mentioned in sub-paragraph (4A);

(d) a person who is bound or entitled to acquire shares in the company as mentioned in sub-paragraph (6) obtaining control of the company.

(6D) Provision made under sub-paragraph (6B) may not authorise the exercise of a share option, as the case may be—

(a) at a time outside the 6 month period mentioned in sub-paragraph (1), or

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(b) at a time not covered by sub-paragraph (6).

(6E) The scheme may provide that a share option relating to shares in a company which is exercised during the period of 20 days ending with—

(a) the relevant date for the purposes of sub-paragraph (2), (4) **[**F1999, (4ZA)**]** or (4A), or

(b) the date on which any person becomes bound or entitled to acquire shares in the company as mentioned in sub-paragraph (6),

is to be treated as if it had been exercised in accordance with the provision made under sub-paragraph (1) or (6) (as the case may be).

(6F) If the scheme makes provision under sub-paragraph (6E) it must also provide that if—

(a) a share option is exercised in reliance on that provision in anticipation of—

(i) an event mentioned in sub-paragraph (2), (4) **[**F2000, (4ZA)**]** or (4A) occurring, or

(ii) a person becoming bound or entitled to acquire shares in the company as mentioned in sub-paragraph (6), but

(b) as the case may be—

(i) the relevant date for the purposes of sub-paragraph (2), (4) **[**F2001, (4ZA)**]** or (4A) does not fall during the period of 20 days beginning with the date on which the share option is exercised, or

(ii) the person does not become bound or entitled to acquire shares in the company by the end of the period of 20 days beginning with the date on which the share option is exercised,

the exercise of the share option is to be treated as having had no effect.**]**

(7) For the purposes of this paragraph—

(a) "share options" means share options granted under the scheme; and

(b) a person is to be treated as obtaining control of a company if that person and others acting in concert together obtain control of it.

(8) This paragraph has effect subject to paragraph 30(1)(b) (options must not be capable of being exercised later than 6 months after bonus date).

**Textual Amendments**

**F1986** Word in Sch. 3 para. 37(1) inserted (26.6.2020) by Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), **Sch. 9 para. 24(2)(a)** (with ss. 2(2), 5(2))

**F1987** Words in Sch. 3 para. 37(1) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 114(2)**, 146 (with Sch. 8 paras. 147-157)

**F1988** Sch. 3 para. 37(3A)(3B) inserted (17.7.2013) by Finance Act 2013 (c. 29), **Sch. 2 para. 24(2)** (with Sch. 2 para. 24(3))

**F1989** Words in Sch. 3 para. 37(4) substituted for Sch. 3 para. 37(4)(a)(b) (6.4.2008) by The Companies Act 2006 (Consequential Amendments) (Taxes and National Insurance) Order 2008 (S.I. 2008/954), arts. 1(1), **32(2)** (with art. 4)

**F1990** Words in Sch. 3 para. 37(4) substituted (17.7.2013) by Finance Act 2013 (c. 29), **Sch. 2 para. 24(4)** (with Sch. 2 para. 24(5))

**F1991** Words in Sch. 3 para. 37(4)(b) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 114(3)**, 146 (with Sch. 8 paras. 147-157)

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**F1992** Sch. 3 para. 37(4ZA) inserted (26.6.2020) by Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), **Sch. 9 para. 24(2)(b)** (with ss. 2(2), 5(2))

**F1993** Sch. 3 para. 37(4A) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 114(4)**, 146 (with Sch. 8 paras. 147-157)

**F1994** Words in Sch. 3 para. 37(6) substituted for Sch. 3 para. 37(6)(a)(b) (6.4.2007) by The Companies Act 2006 (Commencement No. 2, Consequential Amendments, Transitional Provisions and Savings) Order 2007 (S.I. 2007/1093), **Sch. 3 para. 3** (with art. 11(1))

**F1995** Words in Sch. 3 para. 37(6) inserted (17.7.2013) by Finance Act 2013 (c. 29), **Sch. 2 para. 24(6)(a)** (with Sch. 2 para. 24(7))

**F1996** Word in Sch. 3 para. 37(6) inserted (17.7.2013) by Finance Act 2013 (c. 29), **Sch. 2 para. 24(6)(b)** (with Sch. 2 para. 24(7))

**F1997** Sch. 3 para. 37(6A)-(6F) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 114(5)**, 146 (with Sch. 8 paras. 147-157)

**F1998** Words in Sch. 3 para. 37(6C)(b) inserted (26.6.2020) by Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), **Sch. 9 para. 24(2)(c)** (with ss. 2(2), 5(2))

**F1999** Word in Sch. 3 para. 37(6E)(a) inserted (26.6.2020) by Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), **Sch. 9 para. 24(2)(d)** (with ss. 2(2), 5(2))

**F2000** Word in Sch. 3 para. 37(6F)(a)(i) inserted (26.6.2020) by Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), **Sch. 9 para. 24(2)(e)** (with ss. 2(2), 5(2))

**F2001** Word in Sch. 3 para. 37(6F)(b)(i) inserted (26.6.2020) by Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), **Sch. 9 para. 24(2)(e)** (with ss. 2(2), 5(2))

## PART 7

### EXCHANGE OF SHARE OPTIONS

*Exchange of options on company reorganisation*

38 (1) An SAYE option scheme may provide that if—

(a) there is a company reorganisation affecting a scheme company (that is, a company whose shares may be acquired by the exercise of share options obtained under the scheme: see paragraph 18), and

(b) a participant has obtained share options under the scheme which are to acquire shares of the scheme company ("the old options"),

the participant may agree with the acquiring company to release the old options in consideration of the participant being granted new share options.

(2) For the purposes of this paragraph there is a company reorganisation affecting a scheme company if another company ("the acquiring company")—

(a) obtains control of the scheme company—

(i) as a result of making a general offer to acquire the whole of the issued ordinary share capital of the scheme company which is made on a condition such that, if it is met, the person making the offer will have control of that company, or

(ii) as a result of making a general offer to acquire all the shares in the scheme company which are of the same class as those subject to the old options;

**[**F2002(b) obtains control of the scheme company as a result of a compromise or arrangement sanctioned by the court under section 899 **[**F2003or 901F**]** of the Companies Act 2006 (court sanction for compromise or arrangement); F2004...

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**[**F2005(ba) obtains control of the scheme company as a result of a non-UK company reorganisation arrangement which has become binding on the shareholders covered by it; or**]**

(c) becomes bound or entitled to acquire shares in the scheme company under sections 979 to 982 **[**F2006or 983 to 985**]** of that Act (takeover offers: right of offeror to buy out minority shareholder **[**F2007etc**]** ).**]**

**[**F2008(2A) In sub-paragraph (2)(a)(i) the reference to the issued ordinary share capital of the scheme company does not include any capital already held by the person making the offer or a person connected with that person and in sub-paragraph (2)(a)(ii) the reference to the shares in the scheme company does not include any shares already held by the person making the offer or a person connected with that person.

(2B) For the purposes of sub-paragraph (2)(a)(i) and (ii) it does not matter if the general offer is made to different shareholders by different means.**]**

(3) A scheme that makes provision under sub-paragraph (1) must require the agreement referred to in that sub-paragraph to be made—

(a) where control is obtained in the way set out in sub-paragraph (2)(a)(i) or (ii), within the period of 6 months beginning with the time when the acquiring company obtains control and any condition subject to which the offer is made is met,

(b) where control is obtained in the way set out in sub-paragraph (2)(b), within the period of 6 months beginning with the time when the court sanctions the compromise or arrangement, F2009...

**[**F2010(ba) where control is obtained in the way set out in sub-paragraph (2)(ba), within the period of 6 months beginning with the date on which the non-UK company reorganisation arrangement becomes binding on the shareholders covered by it, and**]**

(c) where sub-paragraph (2)(c) applies, within the period during which the acquiring company remains bound or entitled as mentioned in that provision.

**Textual Amendments**

**F2002** Sch. 3 para. 38(2)(b)(c) substituted (6.4.2008) by The Companies Act 2006 (Consequential Amendments) (Taxes and National Insurance) Order 2008 (S.I. 2008/954), arts. 1(1), **32(3)** (with art. 4)

**F2003** Words in Sch. 3 para. 38(2)(b) inserted (26.6.2020) by Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), **Sch. 9 para. 24(3)** (with ss. 2(2), 5(2))

**F2004** Word in Sch. 3 para. 38(2) omitted (6.4.2014) by virtue of Finance Act 2014 (c. 26), **Sch. 8 paras. 115(2)**, 146 (with Sch. 8 paras. 147-157)

**F2005** Sch. 3 para. 38(2)(ba) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 115(2)**, 146 (with Sch. 8 paras. 147-157)

**F2006** Words in Sch. 3 para. 38(2)(c) inserted (17.7.2013) by Finance Act 2013 (c. 29), **Sch. 2 para. 25(2)(a)** (with Sch. 2 para. 25(4))

**F2007** Word in Sch. 3 para. 38(2)(c) inserted (17.7.2013) by Finance Act 2013 (c. 29), **Sch. 2 para. 25(2)(b)** (with Sch. 2 para. 25(4))

**F2008** Sch. 3 para. 38(2A)(2B) inserted (17.7.2013) by Finance Act 2013 (c. 29), **Sch. 2 para. 25(3)** (with Sch. 2 para. 25(4))

**F2009** Word in Sch. 3 para. 38(3) omitted (6.4.2014) by virtue of Finance Act 2014 (c. 26), **Sch. 8 paras. 115(3)**, 146 (with Sch. 8 paras. 147-157)

**F2010** Sch. 3 para. 38(3)(ba) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 115(3)**, 146 (with Sch. 8 paras. 147-157)

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Requirements about share options granted in exchange*

39 (1) This paragraph applies to a scheme that makes provision under paragraph 38 (exchange of options on company reorganisation).

(2) The scheme must require the new share options to relate to shares in a company which—

(a) is different from the company whose shares are subject to the old options, and

(b) is either the acquiring company itself or some other company within sub-paragraph (b) or (c) of paragraph 18 (shares must be ordinary shares of certain companies), namely—

(i) a company which has control of the scheme organiser, or

(ii) a company which is, or has control of a company which is, a member of a consortium owning either the scheme organiser or a company having control of the scheme organiser.

For this purpose the control in question may be through the medium of the acquiring company.

(3) The scheme must also require the new share options to be equivalent to the old options.

(4) For the new options to be regarded as equivalent to the old options—

(a) the shares to which they relate must meet the conditions in paragraphs 18 to 22 (types of share that may be used),

(b) they must be exercisable in the same manner as the old options and subject to the provisions of the scheme as it had effect immediately before the release of the old options,

(c) the total market value of the shares subject to the old options immediately before the release of those options by the participant must **[**F2011be substantially the same as**]** the total market value, immediately after the grant of the new options to the participant, of the shares subject to those options, and

(d) the total amount payable by the participant for the acquisition of shares under the new options must be **[**F2012substantially the same as**]** the total amount that would have been so payable under the old options.

(5) For the purposes of the SAYE code, new share options granted under the terms of a provision included in a scheme under paragraph 38 are to be treated as having been granted at the time when the corresponding old options were granted.

(6) This also applies for the purposes of the provisions of the scheme in their operation, after the grant of the new options, by virtue of a condition complying with sub-paragraph (4)(b).

**[**F2013(7) For the purposes of this paragraph the market value of shares subject to a restriction is to be determined as if they were not subject to the restriction.**]**

**[**F2014(8) For the purposes of this paragraph the market value of any shares is to be determined using a methodology agreed by Her Majesty's Revenue and Customs.**]**

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**Textual Amendments**

**F2011** Words in Sch. 3 para. 39(4)(c) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 116(2)(a)**, 146 (with Sch. 8 paras. 147-157)

**F2012** Words in Sch. 3 para. 39(4)(d) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 116(2)(b)**, 146 (with Sch. 8 paras. 147-157)

**F2013** Sch. 3 para. 39(7) inserted (with effect in accordance with Sch. 2 para. 67 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 63**

**F2014** Sch. 3 para. 39(8) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 116(3)**, 146 (with Sch. 8 paras. 147-157)

## [F2015PART 8

NOTIFICATION OF SCHEMES, ANNUAL RETURNS AND ENQUIRIES

**Textual Amendments**

**F2015** Sch. 3 Pt. 8 substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 117**, 146 (with Sch. 8 paras. 147-157)

*Notice of scheme to be given to HMRC*

40A (1) For an SAYE option scheme to be a Schedule 3 SAYE option scheme, notice of the scheme must be given to Her Majesty's Revenue and Customs ("HMRC").

(2) The notice must—

(a) be given by the scheme organiser,

(b) contain, or be accompanied by, such information as HMRC may require, and

(c) contain a declaration within sub-paragraph (3) made by such persons as HMRC may require.

(3) A declaration within this sub-paragraph is a declaration—

(a) that the requirements of Parts 2 to 7 of this Schedule are met in relation to the scheme, and

(b) if the declaration is made after the first date on which share options are granted under the scheme ("the first grant date"), that those requirements—

(i) were met in relation to those grants of share options, and

(ii) have otherwise been met in relation to the scheme at all times on or after the first grant date when share options granted under the scheme are outstanding.

(4) If notice is given under this paragraph in relation to an SAYE option scheme, for the purposes of the SAYE code the scheme is to be a Schedule 3 SAYE option scheme at all times on and after the relevant date (but not before that date).

(5) But if the notice is given after the initial notification deadline, the scheme is to be a Schedule 3 SAYE option scheme only from the beginning of the relevant tax year.

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**[**F2016(5A) Sub-paragraph (5) does not apply if the scheme organiser satisfies HMRC (or, on an appeal under paragraph 40K, the tribunal) that there is a reasonable excuse for the failure to give notice on or before the initial notification deadline.

(5B) Paragraph 40C(9) (what constitutes a reasonable excuse) applies for the purposes of sub-paragraph (5A).

(5C) Where HMRC are required under sub-paragraph (5A) to consider whether there was a reasonable excuse, HMRC must notify the scheme organiser of their decision within the period of 45 days beginning with the day on which HMRC received the scheme organiser's request to consider the excuse.

(5D) Where HMRC are required to notify the scheme organiser as specified in sub-paragraph (5C) but do not do so—

(a) HMRC are to be treated as having decided that there was no reasonable excuse, and

(b) HMRC must notify the scheme organiser of the decision which they are treated as having made.**]**

(6) For the purposes of this Part—

"the initial notification deadline" is 6 July in the tax year following that in which the first grant date falls,

"outstanding", in relation to a share option, means that the option—

(a) has not been exercised, but

(b) is capable of being exercised in accordance with the scheme (whether on the meeting of any condition or otherwise),

"the relevant date" is—

(a) the date on which the declaration within sub-paragraph (3) is made, or

(b) if that declaration is made after the first grant date, the first grant date, and

"the relevant tax year" is—

(a) the tax year in which the notice under this paragraph is given, or

(b) if that notice is given on or before 6 July in that tax year, the preceding tax year.

(7) Sub-paragraph (4) is subject to the following paragraphs of this Part.

**Textual Amendments**

**F2016** Sch. 3 para. 40A(5A)-(5D) inserted (with effect in accordance with Sch. 3 para. 4(4) of the amending Act) by Finance Act 2016 (c. 24), **Sch. 3 para. 4(2)**

*Annual returns*

40B (1) This paragraph applies if notice is given in relation to an SAYE option scheme under paragraph 40A.

(2) The scheme organiser must give to HMRC a return for the tax year in which the relevant date falls and for each subsequent tax year (subject to sub-paragraph (9)).

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(3) If paragraph 40A(5) applies in relation to the scheme, in sub-paragraph (2) the reference to the tax year in which the relevant date falls is to be read as a reference to the relevant tax year.

(4) A return for a tax year must—

(a) contain, or be accompanied by, such information as HMRC may require, and

(b) be given on or before 6 July in the following tax year.

(5) The information which may be required under sub-paragraph (4)(a) includes (in particular) information to enable HMRC to determine the liability to tax, including capital gains tax, of—

(a) any person who has participated in the scheme, or

(b) any other person whose liability to tax the operation of the scheme is relevant to.

(6) If during a tax year—

(a) an alteration is made in a key feature of the scheme, or

(b) variations are made under a provision made under paragraph 28(3) to take account of a variation in any share capital,

the return for the tax year must contain a declaration within sub-paragraph (7) made by such persons as HMRC may require.

(7) A declaration within this sub-paragraph is a declaration, as the case may be—

(a) that the alteration has, or

(b) that the variations have,

not caused the requirements of Parts 2 to 7 of this Schedule not to be met in relation to the scheme.

(8) For the purposes of sub-paragraph (6)(a) a "key feature" of a scheme is a provision of the scheme which is necessary in order for the requirements of Parts 2 to 7 of this Schedule to be met in relation to the scheme.

(9) A return is not required for any tax year following that in which the termination condition is met in relation to the scheme.

(10) For the purposes of this Part "the termination condition" is met in relation to a scheme when—

(a) all share options granted under the scheme—

(i) have been exercised, or

(ii) are no longer capable of being exercised in accordance with the scheme (because, for example, they have lapsed or been cancelled), and

(b) no more share options will be granted under the scheme.

(11) If the scheme organiser becomes aware that—

(a) anything which should have been included in, or should have accompanied, a return for a tax year was not included in, or did not accompany, the return,

(b) anything which should not have been included in, or should not have accompanied, a return for a tax year was included in, or accompanied, the return, or

(c) any other error or inaccuracy has occurred in relation to a return for a tax year,

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the scheme organiser must give an amended return correcting the position to HMRC without delay.

40C (1) This paragraph applies if the scheme organiser fails to give a return for a tax year (containing, or accompanied by, all required information and declarations) on or before the date mentioned in paragraph 40B(4)(b) ("the date for delivery").

(2) The scheme organiser is liable for a penalty of £100.

(3) If the scheme organiser's failure continues after the end of the period of 3 months beginning with the date for delivery, the scheme organiser is liable for a further penalty of £300.

(4) If the scheme organiser's failure continues after the end of the period of 6 months beginning with the date for delivery, the scheme organiser is liable for a further penalty of £300.

(5) The scheme organiser is liable for a further penalty under this sub-paragraph if—

(a) the scheme organiser's failure continues after the end of the period of 9 months beginning with the date for delivery,

(b) HMRC decide that such a penalty should be payable, and

(c) HMRC give notice to the scheme organiser specifying the period in respect of which the penalty is payable.

(The scheme organiser may be liable for more than one penalty under this sub-paragraph.)

(6) The penalty under sub-paragraph (5) is £10 for each day that the failure continues during the period specified in the notice under sub-paragraph (5)(c).

(7) The period specified in the notice under sub-paragraph (5)(c)—

(a) may begin earlier than the date on which the notice is given, but

(b) may not begin until after the end of the period mentioned in sub-paragraph (5)(a) or, if relevant, the end of any period specified in any previous notice under sub-paragraph (5)(c) given in relation to the failure.

(8) Liability for a penalty under this paragraph does not arise if the scheme organiser satisfies HMRC (or, on an appeal under paragraph 40K, the tribunal) that there is a reasonable excuse for its failure.

(9) For the purposes of sub-paragraph (8)—

(a) an insufficiency of funds is not a reasonable excuse, unless attributable to events outside the scheme organiser's control,

(b) where the scheme organiser relies on any other person to do anything, that is not a reasonable excuse unless the scheme organiser took reasonable care to avoid the failure, and

(c) where the scheme organiser had a reasonable excuse for the failure but the excuse ceased, the scheme organiser is to be treated as having continued to have the excuse if the failure is remedied without unreasonable delay after the excuse ceased.

*Notices and returns to be given electronically etc*

40D (1) A notice under paragraph 40A, and any information accompanying the notice, must be given electronically.

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(2) A return under paragraph 40B, and any information accompanying the return, must be given electronically.

(3) But, if HMRC consider it appropriate to do so, HMRC may allow the scheme organiser to give a notice or return or any accompanying information in another way; and, if HMRC do so, the notice, return or information must be given in that other way.

(4) The Commissioners for Her Majesty's Revenue and Customs—

(a) must prescribe how notices, returns and accompanying information are to be given electronically;

(b) may make different provision for different cases or circumstances.

40E (1) This paragraph applies if a return under paragraph 40B, or any information accompanying such a return—

(a) is given otherwise than in accordance with paragraph 40D, or

(b) contains a material inaccuracy—

(i) which is careless or deliberate, or

(ii) which is not corrected as required by paragraph 40B(11).

(2) The scheme organiser is liable for a penalty of an amount decided by HMRC.

(3) The penalty must not exceed £5,000.

(4) For the purposes of sub-paragraph (1)(b)(i) an inaccuracy is careless if it is due to a failure by the scheme organiser to take reasonable care.

*Enquiries*

40F (1) This paragraph applies if notice is given in relation to an SAYE option scheme under paragraph 40A.

(2) HMRC may enquire into the scheme if HMRC give notice to the scheme organiser of HMRC's intention to do so no later than—

(a) 6 July in the tax year following the tax year in which the initial notification deadline falls, or

(b) if the notice under paragraph 40A is given after the initial notification deadline, 6 July in the second tax year following the relevant tax year.

(3) HMRC may enquire into the scheme if HMRC give notice to the scheme organiser of HMRC's intention to do so no later than 12 months after the date on which a declaration within paragraph 40B(7) is given to HMRC.

(4) Sub-paragraph (5) applies if (at any time) HMRC have reasonable grounds for believing that requirements of Parts 2 to 7 of this Schedule—

(a) are not met in relation to the scheme, or

(b) have not been met in relation to the scheme.

(5) HMRC may enquire into the scheme if HMRC give notice to the scheme organiser of HMRC's intention to do so.

(6) Notice may be given, and an enquiry may be conducted, under sub-paragraph (2), (3) or (5) even though the termination condition is met in relation to the scheme.

40G (1) An enquiry under paragraph 40F(2), (3) or (5) is completed when HMRC give the scheme organiser a notice (a "closure notice") stating—

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(a) that HMRC have completed the enquiry, and

(b) that—

(i) paragraph 40H is to apply,

(ii) paragraph 40I is to apply, or

(iii) neither paragraph 40H nor paragraph 40I is to apply.

(2) If the scheme organiser receives notice under paragraph 40F(2), (3) or (5), the scheme organiser may make an application to the tribunal for a direction requiring a closure notice for the enquiry to be given within a specified period.

(3) The application is to be subject to the relevant provisions of Part 5 of TMA 1970 (see, in particular, section 48(2)(b) of that Act).

(4) The tribunal must give a direction unless satisfied that HMRC have reasonable grounds for not giving the closure notice within the specified period.

40H (1) This paragraph applies if HMRC decide—

(a) that requirements of Parts 2 to 7 of this Schedule—

(i) are not met in relation to the scheme, or

(ii) have not been met in relation to the scheme, and

(b) that the situation is, or was, so serious that this paragraph should apply.

(2) If this paragraph applies—

(a) the scheme is not to be a Schedule 3 SAYE option scheme with effect from—

(i) such relevant time as is specified in the closure notice, or

(ii) if no relevant time is specified, the time of the giving of the closure notice, and

(b) the scheme organiser is liable for a penalty of an amount decided by HMRC.

(3) Sub-paragraph (4) applies in relation to a share option granted under the scheme if the option—

(a) is granted at a time before that mentioned in sub-paragraph (2)(a)(i) or (ii) (as the case may be) when the scheme is a Schedule 3 SAYE option scheme, but

(b) is exercised at or after the time mentioned in sub-paragraph (2)(a)(i) or (ii) (as the case may be).

(4) For the purposes of section 519 (exemption in respect of exercise of share option) in its application to the option, the scheme is to be taken still to be a Schedule 3 SAYE option scheme at the time of the exercise of the option.

(5) The penalty under sub-paragraph (2)(b) must not exceed an amount equal to twice HMRC's reasonable estimate of—

(a) the total income tax for which persons who have been granted share options under the scheme have not been liable, or will not be liable in the future, and

(b) the total contributions under Part 1 of SSCBA 1992 or SSCB(NI)A 1992 for which any persons have not been liable, or will not be liable in the future,

in consequence of the scheme having been a Schedule 3 SAYE option scheme at any relevant time before the time mentioned in sub-paragraph (2)(a)(i) or (ii) (as the case may be).

(6) The liabilities covered by sub-paragraph (5) include liabilities for income tax or contributions which a person has not had, or will not have, in consequence of sub-paragraph (4).

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(7) In this paragraph "relevant time" means any time before the giving of the closure notice when requirements of Parts 2 to 7 of this Schedule were not met in relation to the scheme.

40I (1) This paragraph applies if HMRC decide—

(a) that requirements of Parts 2 to 7 of this Schedule—

(i) are not met in relation to the scheme, or

(ii) have not been met in relation to the scheme, but

(b) that the situation is not, or was not, so serious that paragraph 40H should apply.

(2) If this paragraph applies, the scheme organiser—

(a) is liable for a penalty of an amount decided by HMRC, and

(b) must, no later than 90 days after the relevant day, secure that the requirements of Parts 2 to 7 of this Schedule are met in relation to the scheme.

(3) The penalty under sub-paragraph (2)(a) must not exceed £5,000.

(4) In sub-paragraph (2)(b) "the relevant day" means—

(a) the last day of the period in which notice of an appeal under paragraph 40K(2)(b) may be given, or

(b) if notice of such an appeal is given, the day on which the appeal is determined or withdrawn.

(5) Sub-paragraph (2)(b) does not apply if the termination condition was met in relation to the scheme before the closure notice was given or is met before the end of the 90 day period mentioned in sub-paragraph (2)(b).

(6) If the scheme organiser fails to comply with sub-paragraph (2)(b), HMRC may give the scheme organiser a notice stating that that is the case (a "default notice").

(7) If the scheme organiser is given a default notice—

(a) the scheme is not to be a Schedule 3 SAYE option scheme with effect from—

(i) such relevant time as is specified in the default notice, or

(ii) if no relevant time is specified, the time of the giving of the default notice, and

(b) the scheme organiser is liable for a further penalty of an amount decided by HMRC.

(8) Sub-paragraph (9) applies in relation to a share option granted under the scheme if the option—

(a) is granted at a time before that mentioned in sub-paragraph (7)(a)(i) or (ii) (as the case may be) when the scheme is a Schedule 3 SAYE option scheme, but

(b) is exercised at or after the time mentioned in sub-paragraph (7)(a)(i) or (ii) (as the case may be).

(9) For the purposes of section 519 (exemption in respect of exercise of share option) in its application to the option, the scheme is to be taken still to be a Schedule 3 SAYE option scheme at the time of the exercise of the option.

(10) The penalty under sub-paragraph (7)(b) must not exceed an amount equal to twice HMRC's reasonable estimate of—

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(a) the total income tax for which persons who have been granted share options under the scheme have not been liable, or will not be liable in the future, and

(b) the total contributions under Part 1 of SSCBA 1992 or SSCB(NI)A 1992 for which any persons have not been liable, or will not be liable in the future,

in consequence of the scheme having been a Schedule 3 SAYE option scheme at any relevant time before the time mentioned in sub-paragraph (7)(a)(i) or (ii) (as the case may be).

(11) The liabilities covered by sub-paragraph (10) include liabilities for income tax or contributions which a person has not had, or will not have, in consequence of sub-paragraph (9).

(12) In this paragraph "relevant time" means any time before the giving of the default notice when requirements of Parts 2 to 7 of this Schedule were not met in relation to the scheme.

*Assessment of penalties*

40J (1) This paragraph applies if the scheme organiser is liable for a penalty under this Part.

(2) HMRC must assess the penalty and notify the scheme organiser of the assessment.

(3) Subject to sub-paragraphs (4) and (5), the assessment must be made no later than 12 months after the date on which the scheme organiser becomes liable for the penalty.

(4) In the case of a penalty under paragraph 40E(1)(b), the assessment must be made no later than—

(a) 12 months after the date on which HMRC become aware of the inaccuracy, and

(b) 6 years after the date on which the scheme organiser becomes liable for the penalty.

(5) In the case of a penalty under paragraph 40H(2)(b) or 40I(2)(a) or (7)(b) where notice of appeal is given under paragraph 40K(2) or (3), the assessment must be made no later than 12 months after the date on which the appeal is determined or withdrawn.

(6) A penalty payable under this Part must be paid—

(a) no later than 30 days after the date on which the notice under sub-paragraph (2) is given to the scheme organiser, or

(b) if notice of appeal is given against the penalty under paragraph 40K(1) or (4), no later than 30 days after the date on which the appeal is determined or withdrawn.

(7) The penalty may be enforced as if it were corporation tax or, if the scheme organiser is not within the charge to corporation tax, income tax charged in an assessment and due and payable.

(8) Sections 100 to 103 of TMA 1970 do not apply to a penalty under this Part.

*Appeals*

**F107** 40K (A1) The scheme organiser may appeal against a decision of HMRC under paragraph 40A(5A) that there was no reasonable excuse for the failure to give notice on or before the initial notification deadline.**]**

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(1) The scheme organiser may appeal against a decision of HMRC that the scheme organiser is liable for a penalty under paragraph 40C or 40E.

(2) The scheme organiser may appeal against—

(a) a decision of HMRC mentioned in paragraph 40H(1) or a decision of HMRC to specify, or not to specify, a relevant time in the closure notice;

(b) a decision of HMRC mentioned in paragraph 40I(1).

(3) The scheme organiser may appeal against a decision of HMRC—

(a) to give the scheme organiser a default notice under paragraph 40I;

(b) to specify, or not to specify, a relevant time in the default notice.

(4) The scheme organiser may appeal against a decision of HMRC as to the amount of a penalty payable by the scheme organiser under this Part.

(5) Notice of appeal must be given to HMRC no later than 30 days after the date on which—

**[**F2018(za) in the case of an appeal under sub-paragraph (A1), notice of HMRC's decision is given to the scheme organiser;**]**

(a) in the case of an appeal under sub-paragraph (1) or (4), the notice under paragraph 40J(2) is given to the scheme organiser;

(b) in the case of an appeal under sub-paragraph (2), the closure notice is given;

(c) in the case of an appeal under sub-paragraph (3), the default notice is given.

(6) On an appeal under sub-paragraph **[**F2019(A1),**]** (1) or (3)(a) which is notified to the tribunal, the tribunal may affirm or cancel the decision.

(7) On an appeal under sub-paragraph (2) or (3)(b) which is notified to the tribunal, the tribunal may—

(a) affirm or cancel the decision, or

(b) substitute for the decision another decision which HMRC had power to make.

(8) On an appeal under sub-paragraph (4) which is notified to the tribunal, the tribunal may—

(a) affirm the amount of the penalty decided, or

(b) substitute another amount for that amount.

(9) Subject to this paragraph and paragraph 40J, the provisions of Part 5 of TMA 1970 relating to appeals have effect in relation to an appeal under this paragraph as they have effect in relation to an appeal against an assessment to corporation tax or, if the scheme organiser is not within the charge to corporation tax, income tax.**]**

**Textual Amendments**

**F2017** Sch. 3 para. 40K(A1) inserted (with effect in accordance with Sch. 3 para. 4(4) of the amending Act) by Finance Act 2016 (c. 24), **Sch. 3 para. 4(3)(a)**

**F2018** Sch. 3 para. 40K(5)(za) inserted (with effect in accordance with Sch. 3 para. 4(4) of the amending Act) by Finance Act 2016 (c. 24), **Sch. 3 para. 4(3)(b)**

**F2019** Word in Sch. 3 para. 40K(6) inserted (with effect in accordance with Sch. 3 para. 4(4) of the amending Act) by Finance Act 2016 (c. 24), **Sch. 3 para. 4(3)(c)**

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## PART 9

SUPPLEMENTARY PROVISIONS

*Power to require information*

45 **[**F2020(1) An officer of Revenue and Customs may by notice require a person to provide the officer with any information—

(a) which the officer reasonably requires for the performance of any functions of Her Majesty's Revenue and Customs or an officer of Revenue and Customs under the SAYE code, and

(b) which the person to whom the notice is addressed has or can reasonably obtain.

(2) The power conferred by this paragraph extends, in particular, to—

(a) information to enable **[**F154an officer of Revenue and Customs**]** —

**[**F2021(i) to check anything contained in a notice under paragraph 40A or a return under paragraph 40B or to check any information accompanying such a notice or return, or", and**]**

(ii) to determine the liability to tax, including capital gains tax, of any person who has participated in a scheme **[**F2022or any other person whose liability to tax the operation of a scheme is relevant to**]**, and

(b) information about the administration of a scheme and any alteration of the terms of a scheme.

(3) The notice must require the information to be provided within a specified time, which must not end earlier than 3 months after the date when the notice is given.**]**

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F2020** Sch. 3 para. 45(1) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 118(2)**, 146 (with Sch. 8 paras. 147-157)

**F2021** Sch. 3 para. 45(2)(a)(i) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 118(3)(a)**, 146 (with Sch. 8 paras. 147-157)

**F2022** Words in Sch. 3 para. 45(2)(a)(ii) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 118(3)(b)**, 146 (with Sch. 8 paras. 147-157)

*Jointly owned companies*

46 (1) This paragraph applies for the purposes of the provisions of the SAYE code relating to group schemes.

(2) Each joint owner of a jointly owned company is to be treated as controlling every company within sub-paragraph (3).

(3) The companies within this sub-paragraph are—

(a) the jointly owned company, and

(b) any company controlled by that company.

(4) However, no company within sub-paragraph (3) may be—

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) a constituent company in more than one group scheme, or

(b) a constituent company in a particular group scheme if another company within that sub-paragraph is a constituent company in a different group scheme.

(5) In this paragraph a "jointly owned company" means a company which (apart from sub-paragraph (2)) is not controlled by any one person and—

(a) of which 50% of the issued share capital is owned by one person and 50% by another, or

(b) which is otherwise controlled by two persons taken together.

(6) In this paragraph "joint owner" means one of the persons mentioned in sub-paragraph (5)(a) or (b).

*Meaning of "associated company"*

47 (1) For the purposes of the SAYE code, except in paragraph 35(3) (time when "scheme-related employment" ends), one company is an "associated company" of another company at a given time if, at that time or at any other time within one year previously—

(a) one has control of the other, or

(b) both are under the control of the same person or persons.

(2) For the purposes of sub-paragraph (1) the question whether a person controls a company is to be determined in accordance with **[**F2023sections 450 and 451 of CTA 2010**]**.

**Textual Amendments**

**F2023** Words in Sch. 3 para. 47(2) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 397(5)** (with Sch. 2)

***[**F2024*Non-UK company reorganisation arrangements*

**Textual Amendments**

**F2024** Sch. 3 para. 47A and cross-heading inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 119**, 146 (with Sch. 8 paras. 147-157)

47A (1) For the purposes of the SAYE code a "non-UK company reorganisation arrangement" is an arrangement made in relation to a company under the law of a territory outside the United Kingdom—

(a) which gives effect to a reorganisation of the company's share capital by the consolidation of shares of different classes, or by the division of shares into shares of different classes, or by both of those methods, and

(b) which is approved by a resolution of members of the company.

(2) A resolution does not count for the purposes of sub-paragraph (1)(b) unless the members who vote in favour of approving the arrangement represent more than 50% of the total voting rights of all the members having the right to vote on the issue.**]**

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*Minor definitions*

48 (1) In the SAYE code—

"**[**F2025certified SAYE savings arrangement**]**" has the meaning given in **[**F2026section 703(1) of ITTOIA 2005**]**;

"company" means a body corporate;

"market value" has the same meaning as it has for the purposes of TCGA 1992 by virtue of Part 8 of that Act.

(2) For the purposes of the SAYE code a company is a member of a consortium owning another company if it is one of a number of companies—

(a) which between them beneficially own not less than 75% of the other company's ordinary share capital, and

(b) each of which beneficially owns not less than 5% of that capital.

**[**F2027(3) For the purposes of the SAYE code—

(a) shares are subject to a "restriction" if there is any contract, agreement, arrangement or condition which makes provision to which any of subsections (2) to (4) of section 423 (restricted securities) would apply if the references in those subsections to the employment-related securities were to the shares, and

(b) the "restriction" is that provision.**]**

**Textual Amendments**

**F2025** Words in Sch. 3 para. 48(1) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 618(11)(a)** (with Sch. 2)

**F2026** Words in Sch. 3 para. 48(1) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 618(11)(b)** (with Sch. 2)

**F2027** Sch. 3 para. 48(3) inserted (with effect in accordance with Sch. 2 para. 67 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 65**

*Index of defined expressions*

49 In the SAYE code the following expressions are defined or otherwise explained by the provisions indicated below:

| **F2028** | **F2028** |
|---|---|
| . . . | . . . |
| associated company | paragraph 47(1) |
| the bonus date | paragraph 30(3) |
| **[**F2029certified SAYE savings arrangement**]** | paragraph 48(1) |
| child | **[**F2030section 721(6)**]** |
| close company | **[**F2031section 989 of ITA 2007**]** |
| **F2032** | |
| ... | |

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

| | |
|---|---|
| company | paragraph 48(1) |
| connected person | section 718 |
| constituent company | paragraph 3(3) |
| control | section 719 (and see paragraphs 35(4) and 47(2)) |
| distribution | **[**F2033section 989 of ITA 2007**]** |
| earnings | section 62 and see section 721(7) |
| eligible shares (in Part 4 of this Schedule) | paragraph 17(2) |
| employee and employment | section 4 |
| group scheme | paragraph 3(2) (and see paragraph 46) |
| F2034 | F2034 |
| . . . | . . . |
| F2035 | F2035 |
| . . . | . . . |
| market value | paragraph 48(1) |
| member of a consortium | paragraph 48(2) |
| **[**F2036non-UK company reorganisation arrangement | paragraph 47A **]** |
| notice | **[**F2037section 989 of ITA 2007**]** |
| the options (in relation to a participant) | paragraph 2(2) |
| ordinary share capital | **[**F2038section 989 of ITA 2007**]** |
| participant | paragraph 2(2) |
| participate | paragraph 2(2) |
| personal representatives | **[**F2039section 989 of ITA 2007**]** |
| recognised stock exchange | **[**F2040section 1005 of ITA 2007**]** |
| **[**F2041restriction (in relation to shares) | paragraph 48(3)**]** |
| the SAYE code | section 516(3) |
| SAYE option scheme | section 516(4) |
| **[**F2036Schedule 3 SAYE option scheme | paragraph 1 and Part 8 of this Schedule**]** |
| the scheme organiser | paragraph 2(2) |
| share option | section 516(4) |
| shares | section 516(4) |
| F2042 | F2042 |
| . . . | . . . |
| F2043 | paragraph 31 |

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

| | |
|---|---|
| . . . | |
| tax | [F2044section 989 of ITA 2007] |
| [F2045tribunal | section 989 of ITA 2007] |
| F2046 | F2046 |
| . . . | . . . |

**Textual Amendments**

**F2028** Words in Sch. 3 para. 49 Table omitted (6.4.2014) by virtue of Finance Act 2014 (c. 26), **Sch. 8 paras. 120(a)**, 146 (with Sch. 8 paras. 147-157)

**F2029** Words in Sch. 3 para. 49 substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 618(12)** (with Sch. 2)

**F2030** Words in Sch. 3 para. 49 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 448(a)** (with Sch. 2)

**F2031** Words in Sch. 3 para. 49 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 448(b)** (with Sch. 2)

**F2032** Words in Sch. 3 para. 49 Table omitted (with effect in accordance with Sch. 2 para. 43 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 42**

**F2033** Words in Sch. 3 para. 49 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 448(c)** (with Sch. 2)

**F2034** Sch. 3 para. 49 entry repealed (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), Sch. 4 para. 122(f), **Sch. 5**; S.I. 2005/1126, art. 2(2)(h)(i)

**F2035** Sch. 3 para. 49 Table entry repealed (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 448(d), **Sch. 3 Pt. 1** (with Sch. 2)

**F2036** Words in Sch. 3 para. 49 Table inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 120(b)**, 146 (with Sch. 8 paras. 147-157)

**F2037** Words in Sch. 3 para. 49 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 448(e)** (with Sch. 2)

**F2038** Words in Sch. 3 para. 49 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 448(f)** (with Sch. 2)

**F2039** Words in Sch. 3 para. 49 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 448(g)** (with Sch. 2)

**F2040** Words in Sch. 3 para. 49 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 448(h)** (with Sch. 2)

**F2041** Words in Sch. 3 para. 49 Table inserted (with effect in accordance with Sch. 2 para. 67 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 66**

**F2042** Words in Sch. 3 para. 49 Table omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 347(2)**

**F2043** Words in Sch. 3 para. 49 Table omitted (17.7.2013) by virtue of Finance Act 2013 (c. 29), **Sch. 2 para. 13** (with Sch. 2 paras. 16, 17)

**F2044** Words in Sch. 3 para. 49 Table substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 397(6)** (with Sch. 2)

**F2045** Words in Sch. 3 para. 49 Table inserted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 347(3)**

**F2046** Sch. 3 para. 49 Table entry repealed (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 448(j), **Sch. 3 Pt. 1** (with Sch. 2)

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# SCHEDULE 4

Section 521

## ... CSOP SCHEMES

## PART 1

## INTRODUCTION

### *[F2047 Introduction to Schedule 4] CSOP schemes*

**Textual Amendments**

**F2047** Words in Sch. 4 para. 1 cross-heading substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 165**, 204 (with Sch. 8 paras. 205-215)

**[**F2048(A1) For the purposes of the CSOP code a CSOP scheme is a Schedule 4 CSOP scheme if the requirements of Parts 2 to 6 of this Schedule are met in relation to the scheme.**]**

(3) The requirements consist of general requirements (see Part 2) and requirements as to—

the eligibility of individuals to participate in a scheme (see Part 3),

the shares to which a scheme can apply (see Part 4),

the share options which may be granted under a scheme (see Part 5), and

the exchange of share options (see Part 6).

**[**F2049(4) Sub-paragraph (A1) is subject to Part 7 of this Schedule which—

(a) requires notice of a scheme to be given to Her Majesty's Revenue and Customs ("HMRC") in order for the scheme to be a Schedule 4 CSOP scheme (see paragraph 28A(1)),

(b) provides for a scheme in relation to which such notice is given to be a Schedule 4 CSOP scheme (see paragraph 28A(4)), and

(c) gives power to HMRC to enquire into a scheme and to decide that the scheme should not be a Schedule 4 CSOP scheme (see paragraphs 28F to 28I).**]**

**Textual Amendments**

**F2048** Sch. 4 para. 1(A1) substituted for Sch. 4 para. 1(1)(2) (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 166(2)**, 204 (with Sch. 8 paras. 205-215)

**F2049** Sch. 4 para. 1(4) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 166(3)**, 204 (with Sch. 8 paras. 205-215)

### *CSOP schemes*

2 (1) In the CSOP code a "CSOP scheme" means (in accordance with section 521(4)) a scheme which—

(a) is established by a company,

(b) provides for share options to be granted to employees and directors, and

(c) is not an SAYE option scheme (within the meaning of the SAYE code: see section 516(4)).

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(2) In the CSOP code, in relation to a CSOP scheme—

"participant" means an individual who has been granted (but has not yet exercised) share options under the scheme ("the options");

"participate" means obtain and exercise share options under the scheme;

"the scheme organiser" means the company which has established the scheme.

*Group schemes*

3 (1) A CSOP scheme established by a company that controls one or more other companies (a "parent scheme company") may extend to all or any of those other companies.

(2) In the CSOP code a CSOP scheme established by a parent scheme company which so extends is called a "group scheme".

(3) In relation to a group scheme a "constituent company" means—

(a) the parent scheme company, or

(b) any other company to which for the time being the scheme is expressed to extend.

(4) Paragraph 34 deals with jointly owned companies and companies controlled by them.

## PART 2

GENERAL REQUIREMENTS ...

*General requirements ...: introduction*

4 A CSOP scheme must meet the requirements of—

paragraph 5 (general restriction on contents of scheme), and

paragraph 6 (limit on value of shares subject to options).

*General restriction on contents of scheme*

**[**F2050 5 (1) The purpose of the scheme must be to provide, in accordance with this Schedule, benefits for employees and directors in the form of share options.

(2) The scheme must not provide benefits to employees or directors otherwise than in accordance with this Schedule.

(3) For example, the scheme must not provide cash as an alternative to share options or shares which might otherwise be acquired by the exercise of share options.**]**

**Textual Amendments**

**F2050** Sch. 4 para. 5 substituted (6.4.2014) by Finance Act 2014 (c. 26), Sch. 8 paras. 169, **204** (with Sch. 8 paras. 205-215)

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*Limit on value of shares subject to options*

6 (1) The scheme must provide that an individual may not be granted share options under it which would at the time when they are granted cause the aggregate market value of the shares which the individual may acquire by exercising share options granted under—

(a) the scheme, or

(b) any other **[**[F2051]Schedule 4**]** CSOP scheme established by the scheme organiser or an associated company of the scheme organiser,

to exceed or further exceed **[**[F2052]£60,000**]**.

(2) For the purposes of sub-paragraph (1) share options that have already been exercised are to be left out of account.

(3) For the purposes of sub-paragraph (1) the market value of shares is to be calculated as at—

(a) the time when the options relating to them were granted, or

(b) if an agreement relating to them has been made under paragraph 22 (requirements as to price for acquisition of shares) the earlier time or times stated in the agreement.

**[**[F2053](4) For the purposes of this paragraph the market value of shares subject to a restriction is to be determined as if they were not subject to the restriction.**]**

**[**[F2054](5) The Treasury may by regulations amend sub-paragraph (1) by substituting a different sum of money for the sum for the time being specified there.**]**

**Textual Amendments**

**F2051** Words in Sch. 4 para. 6(1)(b) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 170**, 204 (with Sch. 8 paras. 205-215)

**F2052** Sum in Sch. 4 para. 6(1) substituted (with effect in accordance with s. 16(6) of the amending Act) by Finance (No. 2) Act 2023 (c. 30), **s. 16(2)(a)** (with s. 16(9)(10))

**F2053** Sch. 4 para. 6(4) inserted (with effect in accordance with Sch. 2 para. 77 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 68**

**F2054** Sch. 4 para. 6(5) inserted (with effect in accordance with s. 16(6) of the amending Act) by Finance (No. 2) Act 2023 (c. 30), **s. 16(2)(b)** (with s. 16(9)(10))

## PART 3

ELIGIBILITY OF INDIVIDUALS TO PARTICIPATE IN SCHEME

*Requirements relating to the eligibility of individuals: introduction*

7 A CSOP scheme must meet the requirements of—

paragraph 8 (the employment requirement), and

paragraph 9 (the "no material interest" requirement).

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*The employment requirement*

8 (1) The scheme must ensure that an individual is not eligible to be granted share options under the scheme at a particular time unless the individual is then a full-time director or a qualifying employee of—

(a) the scheme organiser, or

(b) in the case of a group scheme, a constituent company.

(2) A "qualifying employee", in relation to a company, means an employee of the company other than one who is a director of—

(a) the company, or

(b) in the case of a group scheme, a constituent company.

*The "no material interest" requirement*

9 (1) The scheme must ensure that an individual is not eligible to participate in the scheme on any date if the individual has on that date, or has had within the 12 months preceding that date, a material interest in a close company—

(a) whose shares may be acquired as a result of exercising share options granted under the scheme, or

(b) which has control of a company whose shares may be acquired as a result of exercising share options granted under the scheme, or

(c) which is a member of a consortium which owns a company within paragraph (b).

(2) For the purposes of this paragraph an individual is to be regarded as having a material interest in a company if—

(a) the individual, or

(b) the individual together with one or more of the individual's associates, or

(c) any such associate, with or without any other such associates,

has a material interest in the company.

(3) This paragraph is supplemented—

(a) as regards the meaning of "material interest", by paragraphs 10 and 11, and

(b) as regards the meaning of "associate", by paragraph 12 (read with paragraphs 13 and 14).

(4) In this paragraph and paragraph 10 "close company" includes a company that would be a close company but for—

(a) **[**F2055section 442(a) of CTA 2010**]** (exclusion of companies not resident in the United Kingdom), or

(b) **[**F2056sections 446 and 447 of CTA 2010**]** (exclusion of certain quoted companies).

**Textual Amendments**

**F2055** Words in Sch. 4 para. 9(4)(a) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 398(2)(a)** (with Sch. 2)

**F2056** Words in Sch. 4 para. 9(4)(b) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 398(2)(b)** (with Sch. 2)

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*Meaning of "material interest"*

10 (1) In paragraph 9 (the "no material interest" requirement) references to a "material interes" in a company are to—

(a) a material interest in the share capital of the company, or

(b) a material interest in its assets.

(2) A material interest in the share capital of a company means—

(a) beneficial ownership of, or

(b) the ability to control (directly or through the medium of other companies or by any other indirect means),

more than **[**F2057 30%**]** of the ordinary share capital of the company.

(3) A material interest in the assets of a company means—

(a) possession of, or

(b) an entitlement to acquire,

such rights as would, in the event of the winding up of the company or in any other circumstances, give an entitlement to receive more than **[**F2057 30%**]** of the assets that would then be available for distribution among the participators.

(4) In this paragraph "participator" has the meaning given by **[**F2058 section 454 of CTA 2010**]**.

(5) This paragraph is supplemented by paragraph 11 (material interest: options etc.).

**Textual Amendments**

**F2057** Word in Sch. 4 para. 10(2)(3) substituted (with effect in accordance with Sch. 2 para. 44(2)(3) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 44(1)**

**F2058** Words in Sch. 4 para. 10(4) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 398(3)** (with Sch. 2)

*Material interest: options and interests in SIPs*

11 (1) For the purposes of paragraph 10 (meaning of "material interest") a right to acquire shares (however arising) is to be treated as a right to control them.

(2) Sub-paragraph (3) also applies for the purposes of paragraph 10 in a case where—

(a) the shares to be attributed to an individual consist of or include shares which the individual or another person has a right to acquire, and

(b) the circumstances are such that, if that right were to be exercised, the shares acquired would be shares which were previously unissued and which the company would be contractually bound to issue in the event of the exercise of the right.

(3) In determining at any time prior to the exercise of the right whether the number of shares to be attributed to the individual exceeds **[**F2059 30%**]** of the ordinary share capital of the company, that ordinary share capital is to be treated as increased by the number of unissued shares referred to in sub-paragraph (2)(b).

(4) The references in sub-paragraphs (2) and (3) to the shares to be attributed to an individual are to the shares which—

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(a) for the purposes of paragraph 10(2) (material interest in share capital), and

(b) in accordance with paragraph 9(2) (material interest can consist of or include that of individual's associates),

fall to be brought into account in the individual's case so that it can be determined whether their number exceeds **[**F2059**]** 30% of the company's ordinary share capital.

(5) In applying paragraph 10 the following are to be disregarded—

(a) the interest of the trustees of any **[**F2060**]** Schedule 2 SIP (within the meaning of the SIP code: see section 488(4)) in any shares which are held by them in accordance with the plan but which have not been appropriated to, or acquired on behalf of, an individual, and

(b) any rights exercisable by the trustees as a result of that interest.

**Textual Amendments**

**F2059** Word in Sch. 4 para. 11(3)(4) substituted (with effect in accordance with Sch. 2 para. 44(2)(3) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 44(1)**

**F2060** Words in Sch. 4 para. 11(5)(a) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 50**, 89 (with Sch. 8 paras. 90-96)

*Meaning of "associate"*

12 (1) In paragraph 9(2) (the "no material interest" requirement) "associate", in relation to an individual, means—

(a) any relative or partner of that individual,

(b) the trustee or trustees of any settlement in relation to which that individual, or any of the individual's relatives (living or dead), is or was a settlor, or

(c) where that individual is interested in any shares or obligations of the company mentioned in paragraph 9(2) which are subject to any trust or are part of the estate of a deceased person—

(i) the trustee or trustees of the settlement concerned, or

(ii) the personal representatives of the deceased,

as the case may be.

(2) Sub-paragraph (1)(c) needs to be read with paragraphs 13 and 14 (which relate to employee benefit trusts and discretionary trusts).

(3) In this paragraph—

"relative" means—

(a) spouse **[**F2061**]** or civil partner**]**,

(b) parent, child or remoter relation in the direct line, or

(c) brother or sister;

"settlor" and "settlement" have the same meaning as in **[**F2062**]** Chapter 5 of Part 5 of ITTOIA 2005 (see section 620 of that Act)**]**.

**Textual Amendments**

**F2061** Words in Sch. 4 para. 12(3) inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **172**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F2062** Words in Sch. 4 para. 12(3) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 619** (with Sch. 2)

*Meaning of "associate": trustees of employee benefit trust*

13 (1) This paragraph applies for the purposes of paragraph 12(1)(c) (meaning of "associate": trustees of settlement) where the individual is interested as a beneficiary of an employee benefit trust in shares or obligations of the company mentioned in paragraph 9(2).

(2) The trustees of the employee benefit trust are not to be regarded as associates of the individual as a result only of the individual's being so interested if neither—

(a) the individual, nor

(b) the individual together with one or more of the individual's associates, nor

(c) any such associate, with or without any other such associates,

has at any time after 13th March 1989 been the beneficial owner of, or been able (directly or through the medium of other companies or by any other indirect means) to control, more than **[**F2063 30%**]** of the ordinary share capital of the company.

(3) In sub-paragraph (2)(b) and (c) "associate" has the meaning given by paragraph 12(1), but does not include the trustees of an employee benefit trust as a result only of the individual's having an interest in shares or obligations of the trust.

(4) Chapter 11 of Part 7 of this Act (which deals with the attribution of interests in companies to beneficiaries of employee benefit trusts) applies for the purposes of sub-paragraph (2).

(5) In this paragraph "employee benefit trust" has the same meaning as in that Chapter (see sections 550 and 551).

**Textual Amendments**

**F2063** Word in Sch. 4 para. 13(2) substituted (with effect in accordance with Sch. 2 para. 44(2)(3) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 44(1)**

*Meaning of "associate": trustees of discretionary trust*

14 (1) This paragraph applies for the purposes of paragraph 12(1)(c) (meaning of "associate": trustees of settlement) where—

(a) the individual ("the beneficiary") is one of the objects of a discretionary trust,

(b) the property subject to the trust has at any time consisted of, or included, shares or obligations of the company mentioned in paragraph 9(2),

(c) the beneficiary has ceased to be eligible to benefit under the trust as a result of—

(i) an irrevocable disclaimer or release executed by the beneficiary, or

(ii) the irrevocable exercise by the trustees of a power to exclude the beneficiary from the objects of the trust,

(d) immediately after the beneficiary ceased to be so eligible, no associate of the beneficiary was interested in the shares or obligations of the company that were subject to the trust, and

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(e) during the period of 12 months ending with the date on which the beneficiary ceased to be so eligible, neither the beneficiary nor any associate of the beneficiary received any benefit under the trust.

(2) The beneficiary is not, as a result only of the matters referred to in sub-paragraph (1)(a) and (b), to be regarded as having been interested in the shares or obligations of the company at any time during that period of 12 months.

(3) In sub-paragraph (1) "associate" has the meaning given by paragraph 12(1) but with the omission of paragraph (c).

## PART 4

### SHARES TO WHICH SCHEMES CAN APPLY

*Requirements relating to shares that may be subject to share options: introduction*

15 (1) A CSOP scheme must meet the requirements of—

paragraph 16 (shares must be ordinary shares of certain companies),

paragraph 17 (requirements as to listing) **[**F2064, and**]**

paragraph 18 (shares must be fully paid up and not redeemable) ...

...

...

**[**F2065(1A) Sub-paragraph (1) and the other paragraphs of this Part are subject to paragraph 25A(7B).**]**

(2) In this Part "eligible shares" means shares which may be acquired by the exercise of share options under the scheme.

**Textual Amendments**

**F2064** Word in Sch. 4 para. 15(1) inserted (with effect in accordance with s. 16(7) of the amending Act) by Finance (No. 2) Act 2023 (c. 30), **s. 16(3)(a)** (with s. 16(9)(10))

**F2065** Sch. 4 para. 15(1A) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 171**, 204 (with Sch. 8 paras. 205-215)

*Shares must be ordinary shares of certain companies*

16 Eligible shares must form part of the ordinary share capital of—

(a) the scheme organiser,

(b) a company which has control of the scheme organiser, or

(c) a company which either is, or has control of, a company which is a member of a consortium owning either the scheme organiser or a company having control of the scheme organiser.

*Requirements as to listing*

17 (1) Eligible shares must be —

(a) shares of a class listed on a recognised stock exchange, ...

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(b) shares in a company which is not under the control of another company, ...**[**F2066, or

(ba) shares in a company which is subject to an employee-ownership trust (within the meaning of paragraph 27(4) to (6) of Schedule 2).**]**

(c) . . . . . .

(2) . . . . . .

**Textual Amendments**

**F2066** Sch. 4 para. 17(1)(ba) and word inserted (1.10.2014) by Finance Act 2014 (c. 26), **Sch. 37 para. 21(1)**(2)

*Shares must be fully paid up and not redeemable*

18 Eligible shares must be—

(a) fully paid up, and

(b) not redeemable.

*Only certain kinds of restriction allowed*

19 . . . . . .

*Requirements as to other shareholdings*

20 . . . . . .

## PART 5

REQUIREMENTS ETC. RELATING TO SHARE OPTIONS

*Requirements etc. relating to share options: introduction*

21 (1) A CSOP scheme must meet the requirements of—

**[**F2067paragraph 21A (general requirements as to terms of option),**]**

paragraph 22 (requirements as to price for acquisition of shares), and

paragraph 23 (share options may not be transferred).

(2) A CSOP scheme may make any provision authorised by—

paragraph 24 (exercise of options: ceasing to be director or employee), ...

paragraph 25 (exercise of options: death) **[**F2068, or

paragraph 25A (exercise of options: company events)**]**

**Textual Amendments**

**F2067** Words in Sch. 4 para. 21(1) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 172**, 204 (with Sch. 8 paras. 205-215)

**F2068** Words in Sch. 4 para. 21(2) inserted (17.7.2013) by Finance Act 2013 (c. 29), **Sch. 2 para. 28(b)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### *[F2069 General requirements as to terms of option*

**Textual Amendments**

**F2069** Sch. 4 para. 21A and cross-heading inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 173**, 204 (with Sch. 8 paras. 205-215)

21A (1) The following terms of a share option which is granted under the scheme must be stated at the time the option is granted—

(a) the price at which shares may be acquired by the exercise of the option,

(b) the number and description of the shares which may be acquired by the exercise of the option,

(c) the restrictions to which those shares may be subject,

(d) the times at which the option may be exercised (in whole or in part), and

(e) the circumstances under which the option will lapse or be cancelled (in whole or in part), including any conditions to which the exercise of the option is subject (in whole or in part).

(2) Terms stated as required by sub-paragraph (1) may be varied after the grant of the option, but—

(a) in the case of the price, only as provided for in paragraph 22,

(b) in the case of the number or description of shares, only as provided for in paragraph 22 or by way of a mechanism which is stated at the time the option is granted, and

(c) in any other case, only by way of a mechanism which is stated at the time the option is granted.

(3) Any mechanism stated for the purposes of sub-paragraph (2)(b) or (c) must be applied in a way that is fair and reasonable.

(4) Terms stated as required by sub-paragraph (1), and any mechanism stated for the purposes of sub-paragraph (2)(b) or (c), must be notified to the participant as soon as practicable after the grant of the option.**]**

### *Requirements as to price for acquisition of shares*

22 (1) The price at which shares may be acquired by the exercise of a share option granted under the scheme—

(a) . . . . . .

(b) must not be manifestly less than the market value of shares of the same class **[**F2070—

(i) at the time when the option is granted, or

(ii) at such earlier time as may be determined in accordance with guidance issued by the Commissioners for Her Majesty's Revenue and Customs.**]**

This is subject to **[**F2071sub-paragraph (3)**]**.

(2) . . . . . .

(3) The scheme may provide for one or more of the following—

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(a) the price at which shares may be acquired by the exercise of a share option granted under the scheme,

(b) the number of shares which may be so acquired, or

(c) the description of shares which may be so acquired,

to be varied so far as necessary to take account of a variation in the share capital of which the shares form part.

**[**F2072(3A) If the scheme makes provision under sub-paragraph (3), the variation or variations made under that provision to take account of a variation in any share capital must (in particular) secure—

(a) that the total market value of the shares which may be acquired by the exercise of the share option is immediately after the variation or variations substantially the same as what it was immediately before the variation or variations, and

(b) that the total price at which those shares may be acquired is immediately after the variation or variations substantially the same as what it was immediately before the variation or variations.

(3B) Sub-paragraph (3) does not authorise any variation which would result in the requirements of the other paragraphs of this Schedule not being met in relation to the share option.**]**

(4) . . . . . .

**[**F2073(5) . . . . . .

(6) For the purposes of this paragraph the market value of shares subject to a restriction is to be determined as if they were not subject to the restriction.**]**

**Textual Amendments**

**F2070** Words in Sch. 4 para. 22(1)(b) substituted (15.9.2016) by Finance Act 2016 (c. 24), **Sch. 3 para. 7(2)(a)**

**F2071** Words in Sch. 4 para. 22(1)(b) substituted (15.9.2016) by Finance Act 2016 (c. 24), **Sch. 3 para. 7(2)(b)**

**F2072** Sch. 4 para. 22(3A)(3B) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 174(3)**, 204 (with Sch. 8 paras. 205-215)

**F2073** Sch. 4 para. 22(5)(6) inserted (with effect in accordance with Sch. 2 para. 77 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 72**

*Share options must not be transferable*

23 (1) The scheme must ensure that share options granted to a participant are not capable of being transferred by the participant.

(2) Paragraph 25 provides for the exercise of the options where the participant has died.

*Exercise of options: ceasing to be director or employee*

24 (1) The scheme may provide that an individual may exercise share options under it after ceasing to be a full-time director or qualifying employee.

(2) "Qualifying employee" has the same meaning as in paragraph 8 (the employment requirement).

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Exercise of options: death*

2 **[**F2074(1)**]** The scheme may provide that, if a participant dies before exercising the options, they may be exercised on or after the date of death ....

**[**F2075(2) Provision made under sub-paragraph (1) must permit the exercise of the options at any time on or after the date of death but not later than 12 months after that date.**]**

**Textual Amendments**

**F2074** Sch. 4 para. 25 renumbered as Sch. 4 para. 25(1) (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 175(2)**, 204 (with Sch. 8 paras. 205-215)

**F2075** Sch. 4 para. 25(2) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 175(4)**, 204 (with Sch. 8 paras. 205-215)

*[*F2076 *Exercise of options: company events*

**Textual Amendments**

**F2076** Sch. 4 para. 25A and cross-heading inserted (17.7.2013) by Finance Act 2013 (c. 29), **Sch. 2 para. 29**

25A (1) The scheme may provide that share options relating to shares in a company may be exercised within 6 months after the relevant date for the purposes of sub-paragraph (2)**[**F2077, (6) **[**F2078, (6ZA)**]** or (6A)**]**.

(2) The relevant date for the purposes of this sub-paragraph is the date when—

(a) a person has obtained control of the company as a result of making an offer falling within sub-paragraph (3), and

(b) any condition subject to which the offer is made has been satisfied.

(3) An offer falls within this sub-paragraph if it is—

(a) a general offer to acquire the whole of the issued ordinary share capital of the company which is made on a condition such that, if it is met, the person making the offer will have control of the company, or

(b) a general offer to acquire all the shares in the company which are of the same class as the shares to which the option relates.

(4) In sub-paragraph (3)(a) the reference to the issued ordinary share capital of the company does not include any capital already held by the person making the offer or a person connected with that person and in sub-paragraph (3)(b) the reference to the shares in the company does not include any shares already held by the person making the offer or a person connected with that person.

(5) For the purposes of sub-paragraph (3)(a) and (b) it does not matter if the general offer is made to different shareholders by different means.

(6) The relevant date for the purposes of this sub-paragraph is the date when the court sanctions under section 899 of the Companies Act 2006 (court sanction for compromise or arrangement) a compromise or arrangement applicable to or affecting—

(a) all the ordinary share capital of the company or all the shares of the same class as the shares to which the option relates, or

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(b) all the shares, or all the shares of that same class, which are held by a class of shareholders identified otherwise than by reference to their employment or directorships or their participation in **[**F2079a Schedule 4**]**CSOP scheme.

**[** F2080(6ZA) The relevant date for the purposes of this sub-paragraph is the date when the court sanctions under section 901F of the Companies Act 2006 (court sanction for compromise or arrangement) a compromise or arrangement applicable to or affecting—

(a) all the ordinary share capital of the company or all the shares of the same class as the shares to which the option relates, or

(b) all the shares, or all the shares of that same class, which are held by a class of shareholders identified otherwise than by reference to their employment or directorships or their participation in a Schedule 4 CSOP scheme.**]**

**[** F2081(6A) The relevant date for the purposes of this sub-paragraph is the date on which a non-UK company reorganisation arrangement applicable to or affecting—

(a) all the ordinary share capital of the company or all the shares of the same class as the shares to which the option relates, or

(b) all the shares, or all the shares of that same class, which are held by a class of shareholders identified otherwise than by reference to their employments or directorships or their participation in a Schedule 4 CSOP scheme,

becomes binding on the shareholders covered by it.**]**

(7) The scheme may provide that share options relating to shares in a company may be exercised at any time when any person is bound or entitled to acquire shares in the company under sections 979 to 982 or 983 to 985 of the Companies Act 2006 (takeover offers: right of offeror to buy out minority shareholder etc).

**[** F2082(7A) Sub-paragraphs (7B) to (7F) apply if the scheme makes provision under sub-paragraph (1) or (7).

(7B) The scheme may provide that if, in consequence of a relevant event, shares in the company to which a share option relates no longer meet the requirements of Part 4 of this Schedule, the share option may be exercised under the provision made under sub-paragraph (1) or (7) (as the case may be) no later than 20 days after the day on which the relevant event occurs, notwithstanding that the shares no longer meet the requirements of Part 4 of this Schedule.

(7C) In sub-paragraph (7B) "relevant event" means—

(a) a person obtaining control of the company as mentioned in sub-paragraph (2)(a);

(b) a person obtaining control of the company as a result of a compromise or arrangement sanctioned by the court as mentioned in sub-paragraph (6) **[**F2083or (6ZA)**]**;

(c) a person obtaining control of the company as a result of a non-UK company reorganisation arrangement which has become binding on the shareholders covered by it as mentioned in sub-paragraph (6A);

(d) a person who is bound or entitled to acquire shares in the company as mentioned in sub-paragraph (7) obtaining control of the company.

(7D) Provision made under sub-paragraph (7B) may not authorise the exercise of a share option, as the case may be—

(a) at a time outside the 6 month period mentioned in sub-paragraph (1), or

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(b) at a time not covered by sub-paragraph (7).

(7E) The scheme may provide that a share option relating to shares in a company which is exercised during the period of 20 days ending with—

(a) the relevant date for the purposes of sub-paragraph (2), (6) **[**F2084, (6ZA)**]** or (6A), or

(b) the date on which any person becomes bound or entitled to acquire shares in the company as mentioned in sub-paragraph (7),

is to be treated as if it had been exercised in accordance with the provision made under sub-paragraph (1) or (7) (as the case may be).

(7F) If the scheme makes provision under sub-paragraph (7E) it must also provide that if—

(a) a share option is exercised in reliance on that provision in anticipation of—

(i) an event mentioned in sub-paragraph (2), (6) **[**F2085, (6ZA)**]** or (6A) occurring, or

(ii) a person becoming bound or entitled to acquire shares in the company as mentioned in sub-paragraph (7), but

(b) as the case may be—

(i) the relevant date for the purposes of sub-paragraph (2), (6) **[**F2086, (6ZA)**]** or (6A) does not fall during the period of 20 days beginning with the date on which the share option is exercised, or

(ii) the person does not become bound or entitled to acquire shares in the company by the end of the period of 20 days beginning with the date on which the share option is exercised,

the exercise of the share option is to be treated as having had no effect.**]**

(8) For the purposes of this paragraph a person is to be treated as obtaining control of a company if that person and others acting in concert together obtain control of it.**]**

**Textual Amendments**

**F2077** Words in Sch. 4 para. 25A(1) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 176(2)**, 204 (with Sch. 8 paras. 205-215)

**F2078** Word in Sch. 4 para. 25A(1) inserted (26.6.2020) by Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), **Sch. 9 para. 25(2)(a)** (with ss. 2(2), 5(2))

**F2079** Words in Sch. 4 para. 25A(6)(b) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 176(3)**, 204 (with Sch. 8 paras. 205-215)

**F2080** Sch. 4 para. 25A(6ZA) inserted (26.6.2020) by Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), **Sch. 9 para. 25(2)(b)** (with ss. 2(2), 5(2))

**F2081** Sch. 4 para. 25A(6A) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 176(4)**, 204 (with Sch. 8 paras. 205-215)

**F2082** Sch. 4 paras. 25A(7A)-(7F) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 176(5)**, 204 (with Sch. 8 paras. 205-215)

**F2083** Words in Sch. 4 para. 25A(7C)(b) inserted (26.6.2020) by Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), **Sch. 9 para. 25(2)(c)** (with ss. 2(2), 5(2))

**F2084** Word in Sch. 4 para. 25A(7E)(a) inserted (26.6.2020) by Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), **Sch. 9 para. 25(2)(d)** (with ss. 2(2), 5(2))

**F2085** Word in Sch. 4 para. 25A(7F)(a)(i) inserted (26.6.2020) by Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), **Sch. 9 para. 25(2)(e)** (with ss. 2(2), 5(2))

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**F2086** Word in Sch. 4 para. 25A(7F)(b)(i) inserted (26.6.2020) by Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), **Sch. 9 para. 25(2)(e)** (with ss. 2(2), 5(2))

## PART 6

### EXCHANGE OF SHARE OPTIONS

*Exchange of options on company reorganisation*

26 (1) A CSOP scheme may provide that if—

(a) there is a company reorganisation affecting a scheme company (that is, a company whose shares may be acquired by the exercise of share options obtained under the scheme: see paragraph 16), and

(b) a participant has obtained share options under the scheme which are to acquire shares of the scheme company ("the old options"),

the participant may agree with the acquiring company to release the old options in consideration of the participant being granted new share options.

(2) For the purposes of this paragraph there is a company reorganisation affecting a scheme company if another company ("the acquiring company")—

(a) obtains control of the scheme company—

(i) as a result of making a general offer to acquire the whole of the issued ordinary share capital of the scheme company which is made on a condition such that, if it is met, the person making the offer will have control of that company, or

(ii) as a result of making a general offer to acquire all the shares in the scheme company which are of the same class as those subject to the old options;

**[**F2087(b) obtains control of the scheme company as a result of a compromise or arrangement sanctioned by the court under section 899 **[**F2088or 901F**]** of the Companies Act 2006 (court sanction for compromise or arrangement);**]**

**[**F2089(ba) obtains control of the scheme company as a result of a non-UK company reorganisation arrangement which has become binding on the shareholders covered by it; or**]**

**[**F2090(c) becomes bound or entitled to acquire shares in the scheme company under sections 979 to 982 **[**F2091or 983 to 985**]** of the Companies Act 2006 (takeover offers: right of offeror to buy out minority shareholder **[**F2092etc**]**).**]**

**[**F2093(2A) In sub-paragraph (2)(a)(i) the reference to the issued ordinary share capital of the scheme company does not include any capital already held by the person making the offer or a person connected with that person and in sub-paragraph (2)(a)(ii) the reference to the shares in the scheme company does not include any shares already held by the person making the offer or a person connected with that person.

(2B) For the purposes of sub-paragraph (2)(a)(i) and (ii) it does not matter if the general offer is made to different shareholders by different means.**]**

(3) A scheme that makes provision under sub-paragraph (1) must require the agreement referred to in that sub-paragraph to be made—

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(a) where control is obtained in the way set out in sub-paragraph (2)(a)(i) or (ii), within the period of 6 months beginning with the time when the acquiring company obtains control and any condition subject to which the offer is made is met,

(b) where control is obtained in the way set out in sub-paragraph (2)(b), within the period of 6 months beginning with the time when the court sanctions the compromise or arrangement, ...

**[**[F2094](ba) where control is obtained in the way set out in sub-paragraph (2)(ba), within the period of 6 months beginning with the date on which the non-UK company reorganisation arrangement becomes binding on the shareholders covered by it, and**]**

(c) where sub-paragraph (2)(c) applies, within the period during which the acquiring company remains bound or entitled as mentioned in that provision.

**Textual Amendments**

**F2087** Sch. 4 para. 26(2)(b) substituted (6.4.2008) by The Companies Act 2006 (Consequential Amendments) (Taxes and National Insurance) Order 2008 (S.I. 2008/954), arts. 1(1), **33** (with art. 4)

**F2088** Words in Sch. 4 para. 26(2)(b) inserted (26.6.2020) by Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), **Sch. 9 para. 25(3)** (with ss. 2(2), 5(2))

**F2089** Sch. 4 para. 26(2)(ba) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 177(2)**, 204 (with Sch. 8 paras. 205-215)

**F2090** Sch. 4 para. 26(2)(c) substituted (1.10.2007) by The Companies Act 2006 (Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings) Order 2007 (S.I. 2007/2194), **Sch. 4 para. 100** (with art. 12)

**F2091** Words in Sch. 4 para. 26(2)(c) inserted (17.7.2013) by Finance Act 2013 (c. 29), **Sch. 2 para. 30(2)(a)** (with Sch. 2 para. 30(4))

**F2092** Word in Sch. 4 para. 26(2)(c) inserted (17.7.2013) by Finance Act 2013 (c. 29), **Sch. 2 para. 30(2)(b)** (with Sch. 2 para. 30(4))

**F2093** Sch. 4 para. 26(2A)(2B) inserted (17.7.2013) by Finance Act 2013 (c. 29), **Sch. 2 para. 30(3)** (with Sch. 2 para. 30(4))

**F2094** Sch. 4 para. 26(3)(ba) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 177(3)**, 204 (with Sch. 8 paras. 205-215)

*Requirements about share options granted in exchange*

27 (1) This paragraph applies to a scheme that makes provision under paragraph 26 (exchange of options on company reorganisation).

(2) The scheme must require the new share options to relate to shares in a company which—

(a) is different from the company whose shares are subject to the old options, and

(b) is either the acquiring company itself or some other company within sub-paragraph (b) or (c) of paragraph 16 (shares must be ordinary shares of certain companies), namely—

(i) a company which has control of the scheme organiser, or

(ii) a company which is, or has control of a company which is, a member of a consortium owning either the scheme organiser or a company having control of the scheme organiser.

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For this purpose the control in question may be through the medium of the acquiring company.

(3) The scheme must also require the new share options to be equivalent to the old options.

(4) For the new options to be regarded as equivalent to the old options—

(a) the shares to which they relate must meet the conditions in paragraphs 16 to **[**F2095 18**]** (types of share that may be used),

(b) they must be exercisable in the same manner as the old options and subject to the provisions of the scheme as it had effect immediately before the release of the old options,

(c) the total market value of the shares subject to the old options immediately before the release of those options by the participant must **[**F2096 be substantially the same as**]** the total market value, immediately after the grant of the new options to the participant, of the shares subject to those options, and

(d) the total amount payable by the participant for the acquisition of shares under the new options must be **[**F2097 substantially the same as**]** the total amount that would have been so payable under the old options.

(5) For the purposes of the CSOP code, new share options granted under the terms of a provision included in a scheme under paragraph 26 are to be treated as having been granted at the time when the corresponding old options were granted.

(6) This also applies for the purposes of the provisions of the scheme in their operation, after the grant of the new options, by virtue of a condition complying with sub-paragraph (4)(b).

**[**F2098 (7) For the purposes of this paragraph the market value of shares subject to a restriction is to be determined as if they were not subject to the restriction.**]**

**[**F2099 (8) For the purposes of this paragraph the market value of any shares is to be determined using a methodology agreed by Her Majesty's Revenue and Customs.**]**

**Textual Amendments**

**F2095** Word in Sch. 4 para. 27(4)(a) substituted (with effect in accordance with s. 16(8) of the amending Act) by Finance (No. 2) Act 2023 (c. 30), **s. 16(5)** (with s. 16(9)(10))

**F2096** Words in Sch. 4 para. 27(4)(c) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 178(2)(a)**, 204 (with Sch. 8 paras. 205-215)

**F2097** Words in Sch. 4 para. 27(4)(d) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 178(2)(b)**, 204 (with Sch. 8 paras. 205-215)

**F2098** Sch. 4 para. 27(7) inserted (with effect in accordance with Sch. 2 para. 77 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 73**

**F2099** Sch. 4 para. 27(8) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 178(3)**, 204 (with Sch. 8 paras. 205-215)

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## [F2100PART 7

NOTIFICATION OF SCHEMES, ANNUAL RETURNS AND ENQUIRIES

**Textual Amendments**

**F2100** Sch. 4 Pt. 7 substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 179**, 204 (with Sch. 8 paras. 205-215)

*Notice of scheme to be given to HMRC*

28A (1) For a CSOP scheme to be a Schedule 4 CSOP scheme, notice of the scheme must be given to Her Majesty's Revenue and Customs ("HMRC").

(2) The notice must—

(a) be given by the scheme organiser,

(b) contain, or be accompanied by, such information as HMRC may require, and

(c) contain a declaration within sub-paragraph (3) made by such persons as HMRC may require.

(3) A declaration within this sub-paragraph is a declaration—

(a) that the requirements of Parts 2 to 6 of this Schedule are met in relation to the scheme, and

(b) if the declaration is made after the first date on which share options are granted under the scheme ("the first grant date"), that those requirements—

(i) were met in relation to those grants of share options, and

(ii) have otherwise been met in relation to the scheme at all times on or after the first grant date when share options granted under the scheme are outstanding.

(4) If notice is given under this paragraph in relation to a CSOP scheme, for the purposes of the CSOP code the scheme is to be a Schedule 4 CSOP scheme at all times on and after the relevant date (but not before that date).

(5) But if the notice is given after the initial notification deadline, the scheme is to be a Schedule 4 CSOP scheme only from the beginning of the relevant tax year.

[F2101(5A) Sub-paragraph (5) does not apply if the scheme organiser satisfies HMRC (or, on an appeal under paragraph 28K, the tribunal) that there is a reasonable excuse for the failure to give notice on or before the initial notification deadline.

(5B) Paragraph 28C(9) (what constitutes a reasonable excuse) applies for the purposes of sub-paragraph (5A).

(5C) Where HMRC are required under sub-paragraph (5A) to consider whether there was a reasonable excuse, HMRC must notify the scheme organiser of their decision within the period of 45 days beginning with the day on which HMRC received the scheme organiser's request to consider the excuse.

(5D) Where HMRC are required to notify the scheme organiser as specified in sub-paragraph (5C) but do not do so—

(a) HMRC are to be treated as having decided that there was no reasonable excuse, and

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(b) HMRC must notify the scheme organiser of the decision which they are treated as having made.**]**

(6) For the purposes of this Part—

"the initial notification deadline" is 6 July in the tax year following that in which the first grant date falls,

"outstanding", in relation to a share option, means that the option—

(a) has not been exercised, but

(b) is capable of being exercised in accordance with the scheme (whether on the meeting of any condition or otherwise),

"the relevant date" is—

(a) the date on which the declaration within sub-paragraph (3) is made, or

(b) if that declaration is made after the first grant date, the first grant date, and

"the relevant tax year" is—

(a) the tax year in which the notice under this paragraph is given, or

(b) if that notice is given on or before 6 July in that tax year, the preceding tax year.

(7) Sub-paragraph (4) is subject to the following paragraphs of this Part.

**Textual Amendments**

**F2101** Sch. 4 para. 28A(5A)-(5D) inserted (with effect in accordance with Sch. 3 para. 5(4) of the amending Act) by Finance Act 2016 (c. 24), **Sch. 3 para. 5(2)**

*Annual returns*

28B (1) This paragraph applies if notice is given in relation to a CSOP scheme under paragraph 28A.

(2) The scheme organiser must give to HMRC a return for the tax year in which the relevant date falls and for each subsequent tax year (subject to sub-paragraph (9)).

(3) If paragraph 28A(5) applies in relation to the scheme, in sub-paragraph (2) the reference to the tax year in which the relevant date falls is to be read as a reference to the relevant tax year.

(4) A return for a tax year must—

(a) contain, or be accompanied by, such information as HMRC may require, and

(b) be given on or before 6 July in the following tax year.

(5) The information which may be required under sub-paragraph (4)(a) includes (in particular) information to enable HMRC to determine the liability to tax, including capital gains tax, of—

(a) any person who has participated in the scheme, or

(b) any other person whose liability to tax the operation of the scheme is relevant to.

(6) If during a tax year—

(a) an alteration is made in a key feature of the scheme, or

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(b) variations are made under a provision made under paragraph 22(3) to take account of a variation in any share capital,

the return for the tax year must contain a declaration within sub-paragraph (7) made by such persons as HMRC may require.

(7) A declaration within this sub-paragraph is a declaration, as the case may be—

(a) that the alteration has, or

(b) that the variations have,

not caused the requirements of Parts 2 to 6 of this Schedule not to be met in relation to the scheme.

(8) For the purposes of sub-paragraph (6)(a) a "key feature" of a scheme is a provision of the scheme which is necessary in order for the requirements of Parts 2 to 6 of this Schedule to be met in relation to the scheme.

(9) A return is not required for any tax year following that in which the termination condition is met in relation to the scheme.

(10) For the purposes of this Part "the termination condition" is met in relation to a scheme when—

(a) all share options granted under the scheme—

(i) have been exercised, or

(ii) are no longer capable of being exercised in accordance with the scheme (because, for example, they have lapsed or been cancelled), and

(b) no more share options will be granted under the scheme.

(11) If the scheme organiser becomes aware that—

(a) anything which should have been included in, or should have accompanied, a return for a tax year was not included in, or did not accompany, the return,

(b) anything which should not have been included in, or should not have accompanied, a return for a tax year was included in, or accompanied, the return, or

(c) any other error or inaccuracy has occurred in relation to a return for a tax year,

the scheme organiser must give an amended return correcting the position to HMRC without delay.

28C (1) This paragraph applies if the scheme organiser fails to give a return for a tax year (containing, or accompanied by, all required information and declarations) on or before the date mentioned in paragraph 28B(4)(b) ("the date for delivery").

(2) The scheme organiser is liable for a penalty of £100.

(3) If the scheme organiser's failure continues after the end of the period of 3 months beginning with the date for delivery, the scheme organiser is liable for a further penalty of £300.

(4) If the scheme organiser's failure continues after the end of the period of 6 months beginning with the date for delivery, the scheme organiser is liable for a further penalty of £300.

(5) The scheme organiser is liable for a further penalty under this sub-paragraph if—

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(a) the scheme organiser's failure continues after the end of the period of 9 months beginning with the date for delivery,

(b) HMRC decide that such a penalty should be payable, and

(c) HMRC give notice to the scheme organiser specifying the period in respect of which the penalty is payable.

(The scheme organiser may be liable for more than one penalty under this sub-paragraph.)

(6) The penalty under sub-paragraph (5) is £10 for each day that the failure continues during the period specified in the notice under sub-paragraph (5)(c).

(7) The period specified in the notice under sub-paragraph (5)(c)—

(a) may begin earlier than the date on which the notice is given, but

(b) may not begin until after the end of the period mentioned in sub-paragraph (5)(a) or, if relevant, the end of any period specified in any previous notice under sub-paragraph (5)(c) given in relation to the failure.

(8) Liability for a penalty under this paragraph does not arise if the scheme organiser satisfies HMRC (or, on an appeal under paragraph 28K, the tribunal) that there is a reasonable excuse for its failure.

(9) For the purposes of sub-paragraph (8)—

(a) an insufficiency of funds is not a reasonable excuse, unless attributable to events outside the scheme organiser's control,

(b) where the scheme organiser relies on any other person to do anything, that is not a reasonable excuse unless the scheme organiser took reasonable care to avoid the failure, and

(c) where the scheme organiser had a reasonable excuse for the failure but the excuse ceased, the scheme organiser is to be treated as having continued to have the excuse if the failure is remedied without unreasonable delay after the excuse ceased.

*Notices and returns to be given electronically etc*

28D (1) A notice under paragraph 28A, and any information accompanying the notice, must be given electronically.

(2) A return under paragraph 28B, and any information accompanying the return, must be given electronically.

(3) But, if HMRC consider it appropriate to do so, HMRC may allow the scheme organiser to give a notice or return or any accompanying information in another way; and, if HMRC do so, the notice, return or information must be given in that other way.

(4) The Commissioners for Her Majesty's Revenue and Customs—

(a) must prescribe how notices, returns and accompanying information are to be given electronically;

(b) may make different provision for different cases or circumstances.

28E (1) This paragraph applies if a return under paragraph 28B, or any information accompanying such a return—

(a) is given otherwise than in accordance with paragraph 28D, or

(b) contains a material inaccuracy—

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(i) which is careless or deliberate, or

(ii) which is not corrected as required by paragraph 28B(11).

(2) The scheme organiser is liable for a penalty of an amount decided by HMRC.

(3) The penalty must not exceed £5,000.

(4) For the purposes of sub-paragraph (1)(b)(i) an inaccuracy is careless if it is due to a failure by the scheme organiser to take reasonable care.

*Enquiries*

28F (1) This paragraph applies if notice is given in relation to a CSOP scheme under paragraph 28A.

(2) HMRC may enquire into the scheme if HMRC give notice to the scheme organiser of HMRC's intention to do so no later than—

(a) 6 July in the tax year following that in which the initial notification deadline falls, or

(b) if the notice under paragraph 28A is given after the initial notification deadline, 6 July in the second tax year following the relevant tax year.

(3) HMRC may enquire into the scheme if HMRC give notice to the scheme organiser of HMRC's intention to do so no later than 12 months after the date on which a declaration within paragraph 28B(7) is given to HMRC.

(4) Sub-paragraph (5) applies if (at any time) HMRC have reasonable grounds for believing that requirements of Parts 2 to 6 of this Schedule—

(a) are not met in relation to the scheme, or

(b) have not been met in relation to the scheme.

(5) HMRC may enquire into the scheme if HMRC give notice to the scheme organiser of HMRC's intention to do so.

(6) Notice may be given, and an enquiry may be conducted, under sub-paragraph (2), (3) or (5) even though the termination condition is met in relation to the scheme.

28G (1) An enquiry under paragraph 28F(2), (3) or (5) is completed when HMRC give the scheme organiser a notice (a "closure notice") stating—

(a) that HMRC have completed the enquiry, and

(b) that—

(i) paragraph 28H is to apply,

(ii) paragraph 28I is to apply, or

(iii) neither paragraph 28H nor paragraph 28I is to apply.

(2) If the scheme organiser receives notice under paragraph 28F(2), (3) or (5), the scheme organiser may make an application to the tribunal for a direction requiring a closure notice for the enquiry to be given within a specified period.

(3) The application is to be subject to the relevant provisions of Part 5 of TMA 1970 (see, in particular, section 48(2)(b) of that Act).

(4) The tribunal must give a direction unless satisfied that HMRC have reasonable grounds for not giving the closure notice within the specified period.

28H (1) This paragraph applies if HMRC decide—

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(a) that requirements of Parts 2 to 6 of this Schedule—

(i) are not met in relation to the scheme, or

(ii) have not been met in relation to the scheme, and

(b) that the situation is, or was, so serious that this paragraph should apply.

(2) If this paragraph applies—

(a) the scheme is not to be a Schedule 4 CSOP scheme with effect from—

(i) such relevant time as is specified in the closure notice, or

(ii) if no relevant time is specified, the time of the giving of the closure notice, and

(b) the scheme organiser is liable for a penalty of an amount decided by HMRC.

(3) The penalty under sub-paragraph (2)(b) must not exceed an amount equal to twice HMRC's reasonable estimate of—

(a) the total income tax for which persons who have been granted share options under the scheme have not been liable, or will not be liable in the future, and

(b) the total contributions under Part 1 of SSCBA 1992 or SSCB(NI)A 1992 for which any persons have not been liable, or will not be liable in the future,

in consequence of the scheme having been a Schedule 4 CSOP scheme at any relevant time before the time mentioned in sub-paragraph (2)(a)(i) or (ii) (as the case may be).

(4) In this paragraph "relevant time" means any time before the giving of the closure notice when requirements of Parts 2 to 6 of this Schedule were not met in relation to the scheme.

28I (1) This paragraph applies if HMRC decide—

(a) that requirements of Parts 2 to 6 of this Schedule—

(i) are not met in relation to the scheme, or

(ii) have not been met in relation to the scheme, but

(b) that the situation is not, or was not, so serious that paragraph 28H should apply.

(2) If this paragraph applies, the scheme organiser—

(a) is liable for a penalty of an amount decided by HMRC, and

(b) must, no later than 90 days after the relevant day, secure that the requirements of Parts 2 to 6 of this Schedule are met in relation to the scheme.

(3) The penalty under sub-paragraph (2)(a) must not exceed £5,000.

(4) In sub-paragraph (2)(b) "the relevant day" means—

(a) the last day of the period in which notice of an appeal under paragraph 28K(2)(b) may be given, or

(b) if notice of such an appeal is given, the day on which the appeal is determined or withdrawn.

(5) Sub-paragraph (2)(b) does not apply if the termination condition was met in relation to the scheme before the closure notice was given or is met before the end of the 90 day period mentioned in sub-paragraph (2)(b).

(6) If the scheme organiser fails to comply with sub-paragraph (2)(b), HMRC may give the scheme organiser a notice stating that that is the case (a "default notice").

(7) If the scheme organiser is given a default notice—

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(a) the scheme is not to be a Schedule 4 CSOP scheme with effect from—

(i) such relevant time as is specified in the default notice, or

(ii) if no relevant time is specified, the time of the giving of the default notice, and

(b) the scheme organiser is liable for a further penalty of an amount decided by HMRC.

(8) The penalty under sub-paragraph (7)(b) must not exceed an amount equal to twice HMRC's reasonable estimate of—

(a) the total income tax for which persons who have been granted share options under the scheme have not been liable, or will not be liable in the future, and

(b) the total contributions under Part 1 of SSCBA 1992 or SSCB(NI)A 1992 for which any persons have not been liable, or will not be liable in the future,

in consequence of the scheme having been a Schedule 4 CSOP scheme at any relevant time before the time mentioned in sub-paragraph (7)(a)(i) or (ii) (as the case may be).

(9) In this paragraph "relevant time" means any time before the giving of the default notice when requirements of Parts 2 to 6 of this Schedule were not met in relation to the scheme.

*Assessment of penalties*

28J (1) This paragraph applies if the scheme organiser is liable for a penalty under this Part.

(2) HMRC must assess the penalty and notify the scheme organiser of the assessment.

(3) Subject to sub-paragraphs (4) and (5), the assessment must be made no later than 12 months after the date on which the scheme organiser becomes liable for the penalty.

(4) In the case of a penalty under paragraph 28E(1)(b), the assessment must be made no later than—

(a) 12 months after the date on which HMRC become aware of the inaccuracy, and

(b) 6 years after the date on which the scheme organiser becomes liable for the penalty.

(5) In the case of a penalty under paragraph 28H(2)(b) or 28I(2)(a) or (7)(b) where notice of appeal is given under paragraph 28K(2) or (3), the assessment must be made no later than 12 months after the date on which the appeal is determined or withdrawn.

(6) A penalty payable under this Part must be paid—

(a) no later than 30 days after the date on which the notice under sub-paragraph (2) is given to the scheme organiser, or

(b) if notice of appeal is given against the penalty under paragraph 28K(1) or (4), no later than 30 days after the date on which the appeal is determined or withdrawn.

(7) The penalty may be enforced as if it were corporation tax or, if the scheme organiser is not within the charge to corporation tax, income tax charged in an assessment and due and payable.

(8) Sections 100 to 103 of TMA 1970 do not apply to a penalty under this Part.

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*Appeals*

**[**[F2102]28K(A1) The scheme organiser may appeal against a decision of HMRC under paragraph 28A(5A) that there was no reasonable excuse for the failure to give notice on or before the initial notification deadline.**]**

(1) The scheme organiser may appeal against a decision of HMRC that the scheme organiser is liable for a penalty under paragraph 28C or 28E.

(2) The scheme organiser may appeal against—

(a) a decision of HMRC mentioned in paragraph 28H(1) or a decision of HMRC to specify, or not to specify, a relevant time in the closure notice;

(b) a decision of HMRC mentioned in paragraph 28I(1).

(3) The scheme organiser may appeal against a decision of HMRC—

(a) to give the scheme organiser a default notice under paragraph 28I;

(b) to specify, or not to specify, a relevant time in the default notice.

(4) The scheme organiser may appeal against a decision of HMRC as to the amount of a penalty payable by the scheme organiser under this Part.

(5) Notice of appeal must be given to HMRC no later than 30 days after the date on which—

**[**[F2103](za) in the case of an appeal under sub-paragraph (A1), notice of HMRC's decision is given to the scheme organiser;**]**

(a) in the case of an appeal under sub-paragraph (1) or (4), the notice under paragraph 28J(2) is given to the scheme organiser;

(b) in the case of an appeal under sub-paragraph (2), the closure notice is given;

(c) in the case of an appeal under sub-paragraph (3), the default notice is given.

(6) On an appeal under sub-paragraph **[**[F2104](A1),**]** (1) or (3)(a) which is notified to the tribunal, the tribunal may affirm or cancel the decision.

(7) On an appeal under sub-paragraph (2) or (3)(b) which is notified to the tribunal, the tribunal may—

(a) affirm or cancel the decision, or

(b) substitute for the decision another decision which HMRC had power to make.

(8) On an appeal under sub-paragraph (4) which is notified to the tribunal, the tribunal may—

(a) affirm the amount of the penalty decided, or

(b) substitute another amount for that amount.

(9) Subject to this paragraph and paragraph 28J, the provisions of Part 5 of TMA 1970 relating to appeals have effect in relation to an appeal under this paragraph as they have effect in relation to an appeal against an assessment to corporation tax or, if the scheme organiser is not within the charge to corporation tax, income tax.**]**

**Textual Amendments**

**F2102** Sch. 4 para. 28K(A1) inserted (with effect in accordance with Sch. 3 para. 5(4) of the amending Act) by Finance Act 2016 (c. 24), **Sch. 3 para. 5(3)(a)**

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**F2103** Sch. 4 para. 28K(5)(za) inserted (with effect in accordance with Sch. 3 para. 5(4) of the amending Act) by Finance Act 2016 (c. 24), **Sch. 3 para. 5(3)(b)**

**F2104** Word in Sch. 4 para. 28K(6) inserted (with effect in accordance with Sch. 3 para. 5(4) of the amending Act) by Finance Act 2016 (c. 24), **Sch. 3 para. 5(3)(c)**

## PART 8

### SUPPLEMENTARY PROVISIONS

*Power to require information*

33 **[**F2105(1) An officer of Revenue and Customs may by notice require a person to provide the officer with any information—

(a) which the officer reasonably requires for the performance of any functions of Her Majesty's Revenue and Customs or an officer of Revenue and Customs under the CSOP code, and

(b) which the person to whom the notice is addressed has or can reasonably obtain.**]**

(2) The power conferred by this paragraph extends, in particular, to—

(a) information to enable **[**F154an officer of Revenue and Customs**]**—

**[**F2106(i) to check anything contained in a notice under paragraph 28A or a return under paragraph 28B or to check any information accompanying such a notice or return, or", and**]**

(ii) to determine the liability to tax, including capital gains tax, of any person who has participated in a scheme **[**F2107or any other person whose liability to tax the operation of a scheme is relevant to**]**, and

(b) information about the administration of a scheme and any alteration of the terms of a scheme.

(3) The notice must require the information to be provided within a specified time, which must not end earlier than 3 months after the date when the notice is given.

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F2105** Sch. 4 para. 33(1) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 180(2)**, 204 (with Sch. 8 paras. 205-215)

**F2106** Sch. 4 para. 33(2)(a)(i) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 180(3)(a)**, 204 (with Sch. 8 paras. 205-215)

**F2107** Words in Sch. 4 para. 33(2)(a)(ii) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 180(3)(b)**, 204 (with Sch. 8 paras. 205-215)

*Jointly owned companies*

34 (1) This paragraph applies for the purposes of the provisions of the CSOP code relating to group schemes.

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(2) Each joint owner of a jointly owned company is to be treated as controlling every company within sub-paragraph (3).

(3) The companies within this sub-paragraph are—

(a) the jointly owned company, and

(b) any company controlled by that company.

(4) However, no company within sub-paragraph (3) may be—

(a) a constituent company in more than one group scheme, or

(b) a constituent company in a particular group scheme if another company within that sub-paragraph is a constituent company in a different group scheme.

(5) In this paragraph a "jointly owned company" means a company which (apart from sub-paragraph (2)) is not controlled by any one person and—

(a) of which 50% of the issued share capital is owned by one person and 50% by another, or

(b) which is otherwise controlled by two persons taken together.

(6) In this paragraph "joint owner" means one of the persons mentioned in sub-paragraph (5)(a) or (b).

*Meaning of "associated company"*

35 (1) For the purposes of the CSOP code one company is an "associated company" of another company at a given time if, at that time or at any other time within one year previously—

(a) one has control of the other, or

(b) both are under the control of the same person or persons.

(2) For the purposes of sub-paragraph (1) the question whether a person controls a company is to be determined in accordance with **[**[F2108]sections 450 and 451 of CTA 2010**]**.

**Textual Amendments**

**F2108** Words in Sch. 4 para. 35(2) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 398(4)** (with Sch. 2)

***[**[F2109]Non-UK company reorganisation arrangements***

**Textual Amendments**

**F2109** Sch. 4 para. 35ZA and cross-heading inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 181**, 204 (with Sch. 8 paras. 205-215)

35ZA (1) For the purposes of the CSOP code a "non-UK company reorganisation arrangement" is an arrangement made in relation to a company under the law of a territory outside the United Kingdom—

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) which gives effect to a reorganisation of the company's share capital by the consolidation of shares of different classes, or by the division of shares into shares of different classes, or by both of those methods, and

(b) which is approved by a resolution of members of the company.

(2) A resolution does not count for the purposes of sub-paragraph (1)(b) unless the members who vote in favour of approving the arrangement represent more than 50% of the total voting rights of all the members having the right to vote on the issue.**]**

### *[F2110 Retirement age]*

**Textual Amendments**

**F2110** Sch. 4 para. 35A and cross-heading inserted (10.7.2003) by Finance Act 2003 (c. 14), **Sch. 21 para. 15(2)**

35A . . . . . .

### *Minor definitions*

36 (1) In the CSOP code—

"company" means a body corporate;

"market value" has the same meaning as it has for the purposes of TCGA 1992 by virtue of Part 8 of that Act.

(2) For the purposes of the CSOP code a company is a member of a consortium owning another company if it is one of a number of companies—

(a) which between them beneficially own not less than 75% of the other company's ordinary share capital, and

(b) each of which beneficially owns not less than 5% of that capital.

**[**F2111(3) For the purposes of the CSOP code—

(a) shares are subject to a "restriction" if there is any contract, agreement, arrangement or condition which makes provision to which any of subsections (2) to (4) of section 423 (restricted securities) would apply if the references in those subsections to the employment-related securities were to the shares, and

(b) the "restriction" is that provision.**]**

**Textual Amendments**

**F2111** Sch. 4 para. 36(3) inserted (with effect in accordance with Sch. 2 para. 77 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 75**

### *Index of defined expressions*

37 In the CSOP code the following expressions are defined or otherwise explained by the provisions indicated below:

| | |
|---|---|
| **F2112** | **F2112** |
| . . . | . . . |

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

| | |
|---|---|
| associated company | paragraph 35(1) |
| child | **[**F2113section 721(6)**]** |
| close company | **[**F2114section 989 of ITA 2007**]**, (and see paragraph 9(4)) |
| company | paragraph 36(1) |
| connected person | section 718 |
| constituent company | paragraph 3(3) |
| control | section 719 (and see paragraph 35(2)) |
| the CSOP code | section 521(3) |
| CSOP scheme | section 521(4) |
| distribution | **[**F2115section 989 of ITA 2007**]** |
| eligible shares (in Part 4 of this Schedule) | paragraph 15(2) |
| employee and employment | section 4 |
| group scheme | paragraph 3(2) (and see paragraph 34) |
| F2116 | F2116 |
| . . . | . . . |
| market value | paragraph 36(1) |
| member of a consortium | paragraph 36(2) |
| **[**F2117non-UK company reorganisation arrangement | paragraph 35ZA**]** |
| notice | **[**F2118section 989 of ITA 2007**]** |
| the options (in relation to a participant) | paragraph 2(2) |
| ordinary share capital | **[**F2119section 989 of ITA 2007**]** |
| participant | paragraph 2(2) |
| participate | paragraph 2(2) |
| personal representatives | **[**F2120section 989 of ITA 2007**]** |
| recognised stock exchange | **[**F2121section 1005 of ITA 2007**]** |
| **[**F2122restriction (in relation to shares) | paragraph 36(3)**]** |
| **[**F2117Schedule 4 CSOP scheme | paragraph 1 and Part 7 of this Schedule**]** |
| the scheme organiser | paragraph 2(2) |
| share option | section 521(4) |
| shares | section 521(4) |
| **[**F2123tribunal | section 989 of ITA 2007**]** |
| F2124 | F2124 |

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| | |
|---|---|
| . . . | . . . |
| **F2125** | **F2125** |
| . . . | . . . |

**Textual Amendments**

**F2112** Words in Sch. 4 para. 37 omitted (6.4.2014) by virtue of Finance Act 2014 (c. 26), **Sch. 8 paras. 182(a)**, 204 (with Sch. 8 paras. 205-215)

**F2113** Words in Sch. 4 para. 37 substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 449(a)** (with Sch. 2)

**F2114** Words in Sch. 4 para. 37 substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 449(b)** (with Sch. 2)

**F2115** Words in Sch. 4 para. 37 substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 449(c)** (with Sch. 2)

**F2116** Words in Sch. 4 para. 37 repealed (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), Sch. 4 para. 123(f), **Sch. 5**; S.I. 2005/1126, art. 2(2)(h)(i)

**F2117** Words in Sch. 4 para. 37 inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 182(b)**, 204 (with Sch. 8 paras. 205-215)

**F2118** Words in Sch. 4 para. 37 substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 449(d)** (with Sch. 2)

**F2119** Words in Sch. 4 para. 37 substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 449(e)** (with Sch. 2)

**F2120** Words in Sch. 4 para. 37 substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 449(f)** (with Sch. 2)

**F2121** Words in Sch. 4 para. 37 substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 449(g)** (with Sch. 2)

**F2122** Words in Sch. 4 para. 37 inserted (with effect in accordance with Sch. 2 para. 77 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 2 para. 76**

**F2123** Words in Sch. 4 para. 37 inserted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 351(3)**

**F2124** Words in Sch. 4 para. 37 omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 351(2)**

**F2125** Words in Sch. 4 para. 37 repealed (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 449(h), **Sch. 3 Pt. 1** (with Sch. 2)

## SCHEDULE 5 Section 527

## ENTERPRISE MANAGEMENT INCENTIVES

**Modifications etc. (not altering text)**

**C66** Sch. 5 modified (18.3.2026) by Finance Act 2026 (c. 11), **s. 16**

**C67** Sch. 5 modified (6.4.2026) by Finance Act 2026 (c. 11), **s. 13(10)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## PART 1

### INTRODUCTION

*Enterprise management incentives: qualifying options*

1 (1) This Schedule makes provision for establishing what is a qualifying option for the purposes of the EMI code.

(2) In the EMI code a "qualifying option" means (in accordance with section 527(4)) a share option—

(a) in relation to which the requirements of this Schedule are met at the time when the option is granted, and

(b) which is notified to **[**F154an officer of Revenue and Customs**]** in accordance with Part 7.

(3) The requirements of this Schedule are—

(a) the general requirements in Part 2,

(b) that the company whose shares are the subject of the option ("the relevant company") is a qualifying company (see Part 3),

(c) that the individual to whom it is granted is an eligible employee in relation to that company (see Part 4),

(d) that the option is granted to the employee by reason of the employee's employment—

(i) with that company, or

(ii) if that company is a parent company, with that company or another member of the group, and

(e) the requirements of Part 5 as to the terms of the option, the types of shares that may be subject to it, and other matters.

(4) In the EMI code, as it applies to a share option, "the appropriate time" means the time when the option is granted.

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

*Meaning of "the relevant company" and "the employer company"*

2 In the EMI code, in relation to a share option—

"the relevant company" means (in accordance with paragraph 1(3)(b)) the company whose shares are subject to the option;

"the employer company" means the company by reference to which the requirement in paragraph 1(3)(d) (the employment requirement) is met.

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## PART 2

### GENERAL REQUIREMENTS

*General requirements: introduction*

3 A share option is not a qualifying option unless the requirements of this Part of this Schedule as to the following are met at the appropriate time—

the purpose for which the option is granted (see paragraph 4),

the maximum entitlement of an employee (see paragraphs 5 and 6),

the maximum value of the relevant company's shares in respect of which unexercised options can exist (see paragraph 7).

*Purpose of granting the option*

4 To be a qualifying option a share option must be granted for commercial reasons in order to recruit or retain an employee in a company, and not as part of a scheme or arrangement the main purpose (or one of the main purposes) of which is the avoidance of tax.

*Maximum entitlement of employee: financial limit on unexercised options*

5 (1) An employee may not hold unexercised qualifying options which—

(a) are in respect of shares with a total value of more than **[**F2126£250,000**]** , and

(b) were granted by reason of the employee's employment—

(i) with one company, or

(ii) with two or more companies which are members of the same group of companies.

(2) A share option cannot be a qualifying option if the limit in sub-paragraph (1) is already exceeded at the time when it is granted.

(3) If the grant of a share option causes that limit to be exceeded, the option cannot be a qualifying option so far as it relates to the excess.

(4) Where, at the time when a share option is granted to an employee ("E"), E holds unexercised CSOP options granted by reason of E's employment—

(a) with the employer company, or

(b) if it is a member of a group of companies, with any member of that group,

those options are to be treated for the purposes of this paragraph as if they were unexercised qualifying options.

(5) A "CSOP option" is an option to acquire shares under a scheme **[**F2127which is a Schedule 4 CSOP scheme (see Schedule 4)**]**.

(6) For the purposes of this paragraph—

(a) "the value" of shares in respect of which a particular share option is or has been granted means the market value, at the time when the option is or was granted, of issued shares of the same class as those that may be acquired by exercise of the option; and

(b) a share option is to be treated as granted in respect of the maximum number of shares that may be acquired under it.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**[**F2128(7) For the purposes of this paragraph the market value of restricted shares is to be determined as if they were not.

(8) Shares are "restricted shares" if there is any contract, agreement, arrangement or condition which makes provision to which any of subsections (2) to (4) of section 423 (restricted securities) would apply if the references in those subsections to the employment-related securities were to the shares.**]**

**Textual Amendments**

**F2126** Word in Sch. 5 para. 5(1)(a) substituted (16.6.2012) by The Income Tax (Limits for Enterprise Management Incentives) Order 2012 (S.I. 2012/1360), arts. 1, **2(2)(a)**

**F2127** Words in Sch. 5 para. 5(5) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 203**, 204 (with Sch. 8 paras. 205-215)

**F2128** Sch. 5 para. 5(7)(8) substituted (1.9.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 45(2)(4)**; S.I. 2003/1997, art. 2

*Maximum entitlement of employee: further limit of 3 years*

6 (1) Sub-paragraph (2) applies if an employee ("E") has already been granted, by reason of E's employment with one company, qualifying options in respect of shares with a total value of **[**F2129£250,000**]** .

(2) Any further option granted by reason of E's employment—

(a) with that company, or

(b) if it is a member of a group of companies, with any member of that group,

within the 3-year restriction period cannot be a qualifying option.

(3) Sub-paragraph (4) applies if an employee ("E") has already been granted, by reason of E's employment with two or more companies which are members of the same group of companies, qualifying options in respect of shares with a total value of **[**F2130£250,000**]** .

(4) Any further option granted, by reason of E's employment with any member of that group, within the 3-year restriction period cannot be a qualifying option.

(5) Sub-paragraph (2) or (4) applies whether or not the qualifying options already granted have been exercised or released.

(6) In those sub-paragraphs "the 3-year restriction period" means the period of three years after the date of the grant of the last qualifying option.

(7) Paragraph 5(6) to (8) (determination of value of shares) apply for the purposes of this paragraph as they apply for the purposes of paragraph 5.

**Textual Amendments**

**F2129** Word in Sch. 5 para. 6(1) substituted (16.6.2012) by The Income Tax (Limits for Enterprise Management Incentives) Order 2012 (S.I. 2012/1360), arts. 1, **2(2)(b)**

**F2130** Word in Sch. 5 para. 6(3) substituted (16.6.2012) by The Income Tax (Limits for Enterprise Management Incentives) Order 2012 (S.I. 2012/1360), arts. 1, **2(2)(b)**

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*Maximum value of options in respect of relevant company's shares*

7 (1) The total value of shares in the relevant company in respect of which unexercised qualifying options exist must not exceed—

**[**[F2131](a) £6 million, or

(b) where the employer company is a specified Northern Ireland company,**]** £3 million.

(2) A share option cannot be a qualifying option if the **[**[F2132]applicable**]** limit in sub-paragraph (1) is already exceeded at the time when it is granted.

(3) If the grant of a share option causes that limit to be exceeded, the option cannot be a qualifying option so far as it relates to the excess.

(4) If the grant of two or more options at the same time causes that limit to be exceeded, sub-paragraph (5) applies **[**[F2133](but see sub-paragraph (5A))**]**.

(5) For the purpose of determining which part of each option relates to the excess, the amount of the excess is to be divided pro rata among the options according to the value of the shares in respect of which each option was granted.

**[**[F2134](5A) If—

(a) the grant of two or more share options at the same time causes only the limit in paragraph 7(1)(b) to be exceeded, and

(b) the employer company in respect of some of the share options is not a specified Northern Ireland company,

the share options in respect of which the employer company is a specified Northern Ireland company are, for the purposes of this paragraph, to be treated as having been granted before the other share options.**]**

(6) Paragraph 5(6) to (8) (determination of value of shares) apply for the purposes of this paragraph as they apply for the purposes of paragraph 5.

**Textual Amendments**

**F2131** Sch. 5 para. 7(1)(a)(b) inserted (6.4.2026) by Finance Act 2026 (c. 11), **s. 13(3)(a)**(9)

**F2132** Word in Sch. 5 para. 7(2) inserted (6.4.2026) by Finance Act 2026 (c. 11), **s. 13(3)(b)**(9)

**F2133** Words in Sch. 5 para. 7(4) inserted (6.4.2026) by Finance Act 2026 (c. 11), **s. 13(3)(c)**(9)

**F2134** Sch. 5 para. 7(5A) inserted (6.4.2026) by Finance Act 2026 (c. 11), **s. 13(3)(d)**(9)

## PART 3

### QUALIFYING COMPANIES

*Qualifying companies: introduction*

8 A "qualifying company" is a company in relation to which the requirements of this Part of this Schedule as to the following are met at the appropriate time—

independence (see paragraph 9),

having only qualifying subsidiaries (see paragraphs 10 and 11),

**[**[F2135]property managing subsidiaries (see paragraphs 11A and 11B),**]**

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gross assets (see paragraph 12), [F2136]...
**[**[F2137]number of employees (see paragraph 12A), [F2138]...**]**
trading activities (see paragraphs 13 and 14, read with paragraphs 15 to 23)**[**[F2139], and
UK permanent establishment (see paragraph 14A).**]**

**Textual Amendments**

**F2135** Words in Sch. 5 para. 8 inserted (with effect in accordance with s. 96(6) of the amending Act) by Finance Act 2004 (c. 12), **s. 96(2)**

**F2136** Word in Sch. 5 para. 8 omitted (with effect in accordance with s. 33(6) of the amending Act) by virtue of Finance Act 2008 (c. 9), **s. 33(2)**

**F2137** Words in Sch. 5 para. 8 inserted (with effect in accordance with s. 33(6) of the amending Act) by Finance Act 2008 (c. 9), **s. 33(2)**

**F2138** Word in Sch. 5 para. 8 omitted (with effect in accordance with s. 6(5) of the amending Act) by virtue of Finance (No. 3) Act 2010 (c. 33), **s. 6(2)**

**F2139** Words in Sch. 5 para. 8 inserted (with effect in accordance with s. 6(5) of the amending Act) by Finance (No. 3) Act 2010 (c. 33), **s. 6(2)**

*The independence requirement*

9 (1) The independence requirement consists of two conditions.

(2) The first condition is that the company is not—

(a) a 51% subsidiary of another company, or

(b) a company which is under the control of—

(i) another company, or

(ii) another company and any other person connected with that other company,

without being a 51% subsidiary of that other company.

(3) The second condition is that no arrangements are in existence by virtue of which the company could become such a subsidiary or fall under such control.

(4) Arrangements with a view to a qualifying exchange of shares (see paragraph 40) do not count for the purposes of the second condition.

**[**[F2140](5) But the independence requirement is treated as met if the company is subject to an employee-ownership trust (within the meaning of paragraph 27(4) to (6) of Schedule 2).**]**

**Textual Amendments**

**F2140** Sch. 5 para. 9(5) inserted (1.10.2014) by Finance Act 2014 (c. 26), **Sch. 37 para. 22(1)**(2); S.I. 2014/2461, art. 2

*The qualifying subsidiaries requirement*

10 (1) A company that has one or more subsidiaries is not a qualifying company unless every subsidiary of the company is a qualifying subsidiary (see paragraph 11).

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**[**F2141(2) In this paragraph "subsidiary" means any company which the company controls, either on its own or together with any person connected with it.

(3) For the purpose of sub-paragraph (2), the question whether a person controls a company is to be determined in accordance with **[**F2142sections 450 and 451 of CTA 2010**]** ("control" in the context of close companies).**]**

**Textual Amendments**

**F2141** Sch. 5 para. 10(2)(3) substituted for Sch. 5 para. 10(2) (with effect in accordance with s. 96(6) of the amending Act) by Finance Act 2004 (c. 12), **s. 96(3)**

**F2142** Words in Sch. 5 para. 10(3) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 399(2)** (with Sch. 2)

*Meaning of "qualifying subsidiary"*

11 (1) A company ("the subsidiary") is a qualifying subsidiary of a company ("the holding company") if the following conditions are met.

(2) The conditions are—

F2143(a) . . . . . .

F2143(b) . . . . . .

F2143(c) . . . . . .

**[**F2144(ca) that the subsidiary is a 51% subsidiary of the holding company;**]**

(d) that no person other than the holding company **[**F2145or another of its subsidiaries**]** has control of the subsidiary; and

(e) that no arrangements are in existence by virtue of which **[**F2146either of the conditions in paragraphs (ca) and**]** (d) would cease to be met.

F2147(3) . . . . . .

(4) Sub-paragraph (5) applies at a time when the subsidiary or another company is being wound up.

(5) The subsidiary is not to be regarded as having ceased, on account of the winding up, to be a company in relation to which the conditions in sub-paragraph (2) are met if—

(a) the conditions in that sub-paragraph would be met apart from the winding up, and

(b) the winding up is for commercial reasons and is not part of a scheme or arrangement the main purpose (or one of the main purposes) of which is the avoidance of tax.

(6) Sub-paragraph (7) applies at a time when arrangements are in existence for the disposal by—

(a) the holding company, or

(b) another subsidiary of the holding company,

of all of its interest in the subsidiary.

(7) The subsidiary is not to be regarded as having ceased, on account of those arrangements, to be a company in relation to which the conditions in sub-paragraph (2) are met if the disposal is to be for commercial reasons and is not to

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be part of a scheme or arrangement the main purpose (or one of the main purposes) of which is the avoidance of tax.

**[**F2148(8) Sub-paragraph (9) applies at a time when the subsidiary or another company is in administration or receivership.

(9) The subsidiary is not to be regarded, by reason only of anything done as a consequence of the company concerned being in administration or receivership, as having ceased to be a company in relation to which the conditions in sub-paragraph (2) are met if—

(a) the entry into administration or receivership, and

(b) everything done as a consequence of the company concerned being in administration or receivership,

is for commercial reasons and is not part of a scheme or arrangement the main purpose (or one of the main purposes) of which is the avoidance of tax.

(10) **[**F2149Section 252 of ITA 2007**]** (meaning of being in administration or receivership) applies for the purposes of sub-paragraphs (8) and (9) as it applies for the purposes of **[**F2150Part 5 of ITA 2007**]** (enterprise investment scheme).**]**

**Textual Amendments**

**F2143** Sch. 5 para. 11(2)(a)-(c) repealed (with effect in accordance with s. 96(6) of the amending Act) by Finance Act 2004 (c. 12), s. 96(4)(a), **Sch. 42 Pt. 2(13)**

**F2144** Sch. 5 para. 11(2)(ca) inserted (with effect in accordance with s. 96(6) of the amending Act) by Finance Act 2004 (c. 12), **s. 96(4)(b)**

**F2145** Words in Sch. 5 para. 11(2)(d) inserted (with effect in accordance with s. 96(6) of the amending Act) by Finance Act 2004 (c. 12), **s. 96(4)(c)**

**F2146** Words in Sch. 5 para. 11(2)(e) substituted (with effect in accordance with s. 96(6) of the amending Act) by Finance Act 2004 (c. 12), **s. 96(4)(d)**

**F2147** Sch. 5 para. 11(3) repealed (with effect in accordance with s. 96(6) of the amending Act) by Finance Act 2004 (c. 12), s. 96(4)(e), **Sch. 42 Pt. 2(13)**

**F2148** Sch. 5 para. 11(8)-(10) inserted (with effect in accordance with s. 96(6) of the amending Act) by Finance Act 2004 (c. 12), **s. 96(4)(f)**

**F2149** Words in Sch. 5 para. 11(10) substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 450(2)(a)** (with Sch. 2)

**F2150** Words in Sch. 5 para. 11(10) substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 450(2)(b)** (with Sch. 2)

### *[F2151 The property managing subsidiaries requirement*

**Textual Amendments**

**F2151** Sch. 5 paras. 11A, 11B and cross-headings inserted (with effect in accordance with s. 96(6) of the amending Act) by Finance Act 2004 (c. 12), **s. 96(5)**

11A (1) A company is not a qualifying company if it has a property managing subsidiary which is not a qualifying 90% subsidiary of the company (see paragraph 11B).

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(2) "Property managing subsidiary" means a qualifying subsidiary of a company whose business consists wholly or mainly in the holding or managing of land or any property deriving its value from land.

**[**F2152(3) In sub-paragraph (2) "property deriving its value from land" has the meaning given by section 188(3) of ITA 2007.**]**

**Textual Amendments**

**F2152** Sch. 5 para. 11A(3) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 399(3)** (with Sch. 2)

*Meaning of "qualifying 90% subsidiary"*

11B (1) A company ("the subsidiary") is a qualifying 90% subsidiary of a company ("the holding company") if the following conditions are met.

(2) The conditions are—

(a) that the holding company possesses not less than 90% of the issued share capital of, and not less than 90% of the voting power in, the subsidiary;

(b) that the holding company would—

(i) in the event of a winding up of the subsidiary, or

(ii) in any other circumstances,

be beneficially entitled to not less than 90% of the assets of the subsidiary which would then be available for distribution to the shareholders of the subsidiary;

(c) that the holding company is beneficially entitled to not less than 90% of any profits of the subsidiary which are available for distribution to the shareholders of the subsidiary;

(d) that no person other than the holding company has control of the subsidiary; and

(e) that no arrangements are in existence by virtue of which any of the conditions in paragraphs (a) to (d) would cease to be met.

(3) Sub-paragraphs (4) to (10) of paragraph 11 (but not sub-paragraph (6)(b)) apply in relation to the conditions in sub-paragraph (2) above as they apply in relation to the conditions in sub-paragraph (2) of that paragraph.**]**

*The gross assets requirement*

12 (1) The gross assets requirement in the case of a single company is that the value of the company's gross assets does not exceed—

**[**F2153(a) £120 million, or

(b) where the company is a specified Northern Ireland company,**]** £30 million.

(2) The gross assets requirement in the case of a parent company is that the value of the group assets does not exceed—

**[**F2154(a) £120 million, or

(b) where the employer company is a specified Northern Ireland company,**]** £30 million.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) The "value of the group assets" means the aggregate of the values of the gross assets of each of the members of the group, disregarding any that consist in rights against, or shares in or securities of, another member of the group.

**Textual Amendments**

**F2153** Sch. 5 para. 12(1)(a)(b) inserted (6.4.2026) by Finance Act 2026 (c. 11), **s. 13(4)(a)**(9)

**F2154** Sch. 5 para. 12(2)(a)(b) inserted (6.4.2026) by Finance Act 2026 (c. 11), **s. 13(4)(b)**(9)

### *[F2155 The number of employees requirement*

**Textual Amendments**

**F2155** Sch. 5 para. 12A and cross-heading inserted (with effect in accordance with s. 33(6) of the amending Act) by Finance Act 2008 (c. 9), **s. 33(3)**

12A (1) The number of employees requirement in the case of a single company is that the full-time equivalent employee number for it is less than

**[** F2156(a) 500, or

(b) where the company is a specified Northern Ireland company,**]** 250.

(2) The number of employees requirement in the case of a parent company is that the sum of—

(a) the full-time equivalent employee number for it, and

(b) the full-time equivalent employee numbers for each of its qualifying subsidiaries,

is less than **[**F2157500 or, where the employer company is a specified Northern Ireland company,**]** 250.

(3) The full-time equivalent employee number for a company is calculated as follows—

*Step 1*

Find the number of full-time employees of the company.

*Step 2*

Add, for each employee of the company who is not a full-time employee, such fraction as is just and reasonable.

The result is the full-time equivalent employee number.

(4) In this paragraph references to an employee—

(a) include a director, but

(b) do not include—

(i) an employee on maternity **[**F2158, paternity **[**F2159, shared parental **[**F2160, parental bereavement or neonatal care**]]]** leave, or

(ii) a student on vocational training.**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F2156** Sch. 5 para. 12A(1)(a)(b) inserted (6.4.2026) by Finance Act 2026 (c. 11), **s. 13(5)(a)**(9)

**F2157** Words in Sch. 5 para. 12A(2) inserted (6.4.2026) by Finance Act 2026 (c. 11), **s. 13(5)(b)**(9)

**F2158** Words in Sch. 5 para. 12A(4)(b)(i) substituted (1.12.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 7 para. 63(2)**; S.I. 2014/1640, art. 5(2)(aa)

**F2159** Words in Sch. 5 para. 12A(4)(b)(i) substituted (18.1.2020) by Parental Bereavement (Leave and Pay) Act 2018 (c. 24), s. 2(2), **Sch. para. 61(1)(a)**; S.I. 2020/45, **reg. 2**

**F2160** Words in Sch. 5 para. 12A(4)(b)(i) substituted (17.1.2025) by Neonatal Care (Leave and Pay) Act 2023 (c. 20), s. 3(3), **Sch. para. 48(2)**; S.I. 2025/41, reg. 2

*The trading activities requirement: single company*

13 (1) The trading activities requirement in the case of a single company is that the company—

(a) disregarding any purposes within sub-paragraph (2), exists wholly for the purpose of carrying on one or more qualifying trades, and

(b) is carrying on a qualifying trade or preparing to do so.

(2) The purposes referred to in sub-paragraph (1)(a) are—

(a) the holding and managing of property used by the company for one or more qualifying trades carried on by it, and

(b) any purposes having no significant effect (other than in relation to incidental matters) on the extent of the company's activities.

(3) This paragraph is supplemented by paragraph 15 (meaning of "qualifying trade") read with paragraphs 16 to 23 (excluded activities).

*The trading activities requirement: parent company*

14 (1) The trading activities requirement in the case of a parent company is that—

(a) at least one group company—

(i) disregarding any purposes within sub-paragraph (4), exists wholly for the purpose of carrying on one or more qualifying trades, and

(ii) is carrying on a qualifying trade or preparing to do so, and

(b) the business of the group does not consist (either wholly or as to a substantial part) in the carrying on of non-qualifying activities.

(2) The "business of the group" means what would be the business of the group if the activities of the group companies taken together were regarded as one business.

(3) For the purpose of determining the business of a group, activities of a group company are to be disregarded to the extent that they consist in—

(a) the holding of shares in or securities of, or the making of loans to, another group company,

(b) the holding and managing of property used by a group company for the purposes of one or more qualifying trades carried on by a group company, or

(c) incidental activities of a company which meets the trading activities requirement for a single company (see paragraph 13).

(4) The purposes referred to in sub-paragraph (1)(a)(i) are—

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(a) the carrying on of any activities within sub-paragraph (3), and

(b) any purposes having no significant effect (other than in relation to incidental matters) on the extent of the company's activities.

(5) In this paragraph—

(a) "group company" means any member of the group;

(b) "incidental activities" means activities carried on in pursuance of purposes having no significant effect (other than in relation to incidental matters) on the extent of the company's activities;

(c) "non-qualifying activities" means—

(i) excluded activities, or

(ii) activities carried on otherwise than in the course of a trade.

(6) This paragraph is supplemented by paragraph 15 (meaning of "qualifying trade") read with paragraphs 16 to 23 (excluded activities).

*I[F2161 The UK permanent establishment requirement*

**Textual Amendments**

**F2161** Sch. 5 para. 14A and cross-heading inserted (with effect in accordance with s. 6(5) of the amending Act) by Finance (No. 3) Act 2010 (c. 33), **s. 6(3)**

14A (1) The UK permanent establishment requirement is met if condition A or B is met.

(2) Condition A is that the company has a permanent establishment in the United Kingdom.

(3) Condition B is that—

(a) the company is a parent company, and

(b) any other member of the group—

(i) meets the conditions in paragraph 14(1)(a) (trading activities requirement), and

(ii) has a permanent establishment in the United Kingdom.**]**

*Meaning of "qualifying trade"*

15 (1) A trade is a qualifying trade if—

F2162(a) . . . . . .

(b) it is conducted on a commercial basis and with a view to the realisation of profits, and

(c) it does not consist (either wholly or as to a substantial part) in the carrying on of excluded activities.

(2) The carrying on of activities of research and development from which it is intended that a connected qualifying trade will be derived or benefit counts as the carrying on of a qualifying trade.

(3) But preparing to carry on such activities does not count as preparing to carry on a qualifying trade.

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(4) In sub-paragraph (2) "connected qualifying trade" means a qualifying trade carried on—

(a) by the company carrying on the activities of research and development, or

(b) if that company is a member of a group, by any other member of the group.

**Textual Amendments**

**F2162** Sch. 5 para. 15(1)(a) omitted (with effect in accordance with s. 6(5) of the amending Act) by virtue of Finance (No. 3) Act 2010 (c. 33), **s. 6(4)**

*Excluded activities*

16 The following are excluded activities—

(a) dealing in land, in commodities or futures or in shares, securities or other financial instruments;

(b) dealing in goods otherwise than in the course of an ordinary trade of wholesale or retail distribution (see also paragraph 17);

(c) banking, insurance, money-lending, debt-factoring, hire-purchase financing or other financial activities;

(d) leasing, including letting ships on charter or other assets on hire (see also paragraph 18);

(e) receiving royalties or licence fees (see also paragraph 19);

(f) providing legal or accountancy services;

(g) property development (see also paragraph 20);

(h) farming or market gardening;

(i) holding, managing or occupying woodlands, any other forestry activities or timber production;

**[**[F2163](ia) shipbuilding (see also paragraph 20A);

(ib) producing coal (see also paragraph 20B);

(ic) producing steel (see also paragraph 20C);**]**

(j) operating or managing hotels or comparable establishments, or managing property used as a hotel or comparable establishment (see also paragraph 21);

(k) operating or managing nursing homes or residential care homes, or managing property used as a nursing home or residential care home (see also paragraph 22);

(l) any activities which are excluded activities under paragraph 23.

**Textual Amendments**

**F2163** Sch. 5 para. 16(ia)-(ic) inserted (with effect in accordance with s. 33(6) of the amending Act) by Finance Act 2008 (c. 9), **s. 33(4)**

*Excluded activities: wholesale and retail distribution*

17 (1) This paragraph supplements paragraph 16(b).

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) A trade of wholesale distribution is one in which the goods are offered for sale and sold to persons—

(a) for resale by them, or

(b) for processing and resale by them,

to members of the general public for their use or consumption.

(3) A trade of retail distribution is one in which the goods are offered for sale and sold to members of the general public for their use or consumption.

(4) A trade is not an ordinary trade of wholesale or retail distribution if—

(a) it consists, to a substantial extent—

(i) in dealing in goods of a kind which are collected or held as an investment, or

(ii) in that activity and any other excluded activity taken together, and

(b) a substantial proportion of those goods are held by the company for a period which is significantly longer than the period for which a vendor would reasonably be expected to hold them while endeavouring to dispose of them at their market value.

(5) In determining whether a trade carried on by any person ("P") is an ordinary trade of wholesale or retail distribution, consideration must be given to the extent to which it has the following features—

(a) the goods are bought by P in quantities larger than those in which P sells them;

(b) the goods are bought and sold by P in different markets;

(c) P employs staff and incurs expenses in the trade in addition—

(i) to the cost of the goods, and

(ii) in the case of a trade carried on by a company, to any remuneration paid to any person connected with it;

(d) there are purchases or sales from or to persons who are connected with P;

(e) purchases are matched with forward sales or vice versa;

(f) the goods are held by P for longer than is normal for goods of the kind in question;

(g) the trade is carried on otherwise than at a place or places commonly used for wholesale or retail trade;

(h) P does not take physical possession of the goods.

(6) The features in sub-paragraph (5)(a) to (c) are indications that the trade is such an ordinary trade.

(7) Those in sub-paragraph (5)(d) to (h) are indications to the contrary.

*Excluded activities: leasing of certain ships*

18 (1) This paragraph supplements paragraph 16(d) so far as it relates to the leasing of ships other than **[**[F2164]offshore installations**]** or pleasure craft.

(2) In the following provisions "ship" accordingly means a ship other than an **[**[F2165]offshore installation**]** or a pleasure craft.

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) If the requirements of sub-paragraph (4) are met, a trade is not to be regarded as consisting in the carrying on of excluded activities within paragraph 16(d) as a result only of its consisting in the letting of ships on charter.

(4) The requirements of this sub-paragraph are that—

(a) every ship let on charter by the company carrying on the trade is beneficially owned by the company;

(b) every ship beneficially owned by the company is registered in the United Kingdom;

(c) the company is solely responsible for arranging the marketing of the services of its ships; and

(d) the conditions mentioned in sub-paragraph (5) are satisfied in relation to every letting of a ship on charter by the company.

(5) The conditions are that—

(a) the letting is for a period not exceeding 12 months and no provision is made at any time (in the charterparty or otherwise) for extending it beyond that period otherwise than at the option of the charterer;

(b) during the period of the letting there is no provision in force (as a result of being contained in the charterparty or otherwise) for the grant of a new letting to end, otherwise than at the option of the charterer, more than 12 months after that provision is made;

(c) the letting is by way of a bargain made at arm's length between the company and a person who is not connected with it;

(d) under the terms of the charter the company is responsible as principal—

(i) for taking, throughout the period of the charter, management decisions in relation to the ship, other than those of a kind generally regarded by persons engaged in trade of the kind in question as matters of husbandry, and

(ii) for defraying all expenses in connection with the ship throughout that period, or substantially all such expenses, other than those directly incidental to a particular voyage or to the employment of the ship during that period; and

(e) no arrangements exist as a result of which a person other than the company may be appointed to be responsible for the matters mentioned in paragraph (d) on behalf of the company.

(6) If in the case of a letting by the company carrying on the trade ("the letting company") the charterer is also a company and—

(a) the charterer is a qualifying subsidiary of the letting company, or

(b) the letting company is a qualifying subsidiary of the charterer, or

(c) both companies are qualifying subsidiaries of a third company,

sub-paragraph (5) has effect with the omission of paragraph (c).

(7) Where any of the requirements in sub-paragraph (4) is not met in relation to any lettings, the trade is not, as a result, to be treated as consisting in the carrying on of excluded activities if those lettings and any other excluded activities do not, taken together, amount to a substantial part of the trade.

(8) In this paragraph—

F2166 . . . . . .

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

"pleasure craft" means any ship of a kind primarily used for sport or recreation.

**Textual Amendments**

**F2164** Words in Sch. 5 para. 18(1) substituted (with effect in accordance with Sch. 27 para. 17(6)(7) of the amending Act) by Finance Act 2004 (c. 12), **Sch. 27 para. 17(2)**

**F2165** Words in Sch. 5 para. 18(2) substituted (with effect in accordance with Sch. 27 para. 17(6)(7) of the amending Act) by Finance Act 2004 (c. 12), **Sch. 27 para. 17(3)**

**F2166** Words in Sch. 5 para. 18(8) repealed (with effect in accordance with Sch. 27 para. 17(6)(7) of the amending Act) by Finance Act 2004 (c. 12), Sch. 27 para. 17(4), **Sch. 42 Pt. 2(19)**

*Excluded activities: receipt of royalties or licence fees*

19 (1) This paragraph supplements paragraph 16(e) (receipt of royalties or licence fees).

(2) If the requirement of sub-paragraph (3) is met, a trade is not to be regarded as consisting in the carrying of excluded activities within paragraph 16(e) as a result only of its consisting to a substantial extent in the receiving of royalties or licence fees.

(3) The requirement of this sub-paragraph is that the royalties or licence fees (or all of them except for a part that is not substantial in terms of value) are attributable to the exploitation of relevant intangible assets.

(4) For this purpose a "relevant intangible asset" is an intangible asset the whole or greater part of which (in terms of value) has been created—

**[**F2167(a) by the relevant company, or

(b) by a company which was a qualifying subsidiary of the relevant company throughout a period during which it created the whole or greater part (in terms of value) of the intangible asset.**]**

(5) In the case of an intangible asset which is intellectual property, any reference in sub-paragraph (4) to the creation of the asset by a company is to its creation in circumstances in which the right to exploit it vests in the company (either alone or jointly with others).

(6) In sub-paragraph (5) "intellectual property" means—

(a) any patent, trade mark, registered design, copyright, design right, performer's right or plant breeder's right; or

(b) any rights under the law of a country or territory outside the United Kingdom which correspond or are similar to those falling within paragraph (a).

(7) In this paragraph "intangible asset" means any asset which falls to be treated as an intangible asset in accordance with generally accepted accounting practice.

**[**F2168(8) If—

(a) the relevant company acquired all the shares ("old shares") in another company ("the old company") at a time when the only shares issued in the relevant company were subscriber shares, and

(b) the consideration for the old shares consisted wholly of the issue of shares in the relevant company,

references in sub-paragraph (4) to the relevant company include the old company.**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F2167** Sch. 5 para. 19(4)(a)(b) substituted (with effect in accordance with s. 61(2)-(6) of the amending Act) by Finance Act 2007 (c. 11), **s. 61(1)(a)**

**F2168** Sch. 5 para. 19(8) inserted (with effect in accordance with s. 61(2)-(6) of the amending Act) by Finance Act 2007 (c. 11), **s. 61(1)(b)**

*Excluded activities: property development*

20 (1) This paragraph supplements paragraph 16(g).

(2) "Property development" means the development of land—

(a) by a company which has, or at any time has had, an interest in the land, and

(b) with the sole or main object of realising a gain from the disposal of an interest in the land when it is developed.

(3) For this purpose "interest in land" means—

(a) any estate, interest or right in or over land, including any right affecting the use or disposition of land, or

(b) any right to obtain such an estate, interest or right from another which is conditional on the other's ability to grant it.

(4) References in this paragraph to an interest in land do not, however, include—

(a) the interest of a creditor (other than a creditor in respect of a rentcharge) whose debt is secured by way of mortgage, an agreement for a mortgage or a charge of any kind over land, or

(b) in the case of land in Scotland, the interest of a creditor in a charge or security of any kind over land.

*I[F2169] Excluded activities: shipbuilding*

**Textual Amendments**

**F2169** Sch. 5 paras. 20A-20C and cross-heading inserted (with effect in accordance with s. 33(6) of the amending Act) by Finance Act 2008 (c. 9), **s. 33(5)**

20A In paragraph 16(ia) "shipbuilding" has the same meaning as in the Framework on state aid to shipbuilding (2003/C 317/06), published in the Official Journal on 30 December 2003.

*Excluded activities: producing coal*

20B (1) This paragraph supplements paragraph 16(ib).

(2) "Coal" has the meaning given by Article 2 of Council Regulation (EC) No. 1407/2002 (state aid to coal industry).

(3) The production of coal includes the extraction of it.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Excluded activities: producing steel*

20C In paragraph 16(ic) "steel" means any of the steel products listed in Annex 1 to the Guidelines on national regional aid (2006/C 54/08), published in the Official Journal on 4 March 2006.**]**

*Excluded activities: hotels and comparable establishments*

21 (1) This paragraph supplements paragraph 16(j).

(2) A "comparable establishment" means a guest house, hostel or other establishment offering overnight accommodation.

(3) An establishment offers overnight accommodation if the main purpose of maintaining it is the provision of facilities for such accommodation (with or without catering services).

(4) The activities of a person are not to be taken to fall within paragraph 16(j) unless that person has an estate or interest in, or is in occupation of, the hotel or comparable establishment in question.

*Excluded activities: nursing homes and residential care homes*

22 (1) This paragraph supplements paragraph 16(k).

(2) "Nursing home" means an establishment that exists wholly or mainly for the provision of nursing care—

(a) for persons suffering from sickness, injury or infirmity, or

(b) for women who are pregnant or have given birth to children.

(3) "Residential care home" means an establishment that exists wholly or mainly for the provision of residential accommodation, together with board and personal care, for persons in need of personal care by reason of—

(a) old age,

(b) mental or physical disability,

(c) past or present dependence on alcohol or drugs,

(d) any past illness, or

(e) past or present mental disorder.

(4) The activities of a person are not to be taken to fall within paragraph 16(k) unless that person has an estate or interest in, or is in occupation of, the nursing home or residential care home in question.

*Excluded activities: provision of facilities for another business*

23 (1) This paragraph applies where a company ("the service provider") provides services or facilities for a business carried on by another person.

(2) Providing those services or facilities is an excluded activity if—

(a) the business consists to a substantial extent in carrying on excluded activities within any of sub-paragraphs (a) to (k) of paragraph 16, and

(b) a controlling interest in the business is held by a person (other than a company of which the service provider is a subsidiary) who also has a controlling interest in the business carried on by the service provider.

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(3) Sub-paragraphs (4) to (6) explain what is meant by a controlling interest in a business for the purposes of sub-paragraph (2)(b).

(4) In the case of a business carried on by a company, a person ("P") has a controlling interest in the business if—

(a) P controls the company,

(b) the company is a close company and P, or an associate of P's, is a director of the company and either—

(i) is the beneficial owner of more than 30% of the ordinary share capital of the company, or

(ii) is able (directly or through the medium of other companies or by any other indirect means) to control more than 30% of that share capital, or

(c) not less than half of the business could, in accordance with **[**F2170section 942 of CTA 2010 (options for purposes of ownership condition)**]**, be regarded as belonging to him for the purposes of **[**F2171section 941 of that Act (trade transfers without change of ownership: ownership condition)**]**.

(5) In any other case, a person has a controlling interest in a business if that person is entitled to not less than half—

(a) of the assets used for the business, or

(b) of the income arising from it.

(6) For the purposes of sub-paragraph (4)(a) the question whether a person controls a company is to be determined in accordance with **[**F2172sections 450 and 451 of CTA 2010**]** ("control" in the context of close companies).

(7) For the purposes of this paragraph any rights or powers of a person who is an associate of another person are to be attributed to that other person.

(8) In this paragraph—

"associate" has the meaning given **[**F2173by section 448 of CTA 2010**]** (expressions relating to close companies), except that in **[**F2174that section as it applies**]** for the purposes of this paragraph "relative" does not include a brother or sister;

"business" includes any trade, profession or vocation;

"director" is to be construed in accordance with **[**F2175section 452 of CTA 2010**]** (expressions relating to close companies).

**Textual Amendments**

**F2170** Words in Sch. 5 para. 23(4)(c) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 399(4)(a)(i)** (with Sch. 2)

**F2171** Words in Sch. 5 para. 23(4)(c) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 399(4)(a)(ii)** (with Sch. 2)

**F2172** Words in Sch. 5 para. 23(6) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 399(4)(b)** (with Sch. 2)

**F2173** Words in Sch. 5 para. 23(8) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 399(4)(c)(i)** (with Sch. 2)

**F2174** Words in Sch. 5 para. 23(8) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 399(4)(c)(ii)** (with Sch. 2)

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**F2175** Words in Sch. 5 para. 23(8) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 399(4)(d)** (with Sch. 2)

## PART 4

### ELIGIBLE EMPLOYEES

*Eligible employees: introduction*

24 An individual is an "eligible employee" in relation to the relevant company if the requirements of this Part of this Schedule as to the following are met at the appropriate time—

employment (see paragraph 25),

commitment of working time (see paragraphs 26 and 27), and

having no material interest (see paragraphs 28 to 33).

*The employment requirement*

25 To be an eligible employee in relation to the relevant company an individual must be an employee—

(a) of that company, or

(b) if that company is a parent company, of that company or a qualifying subsidiary of that company.

*The requirement as to commitment of working time*

26 (1) For an individual ("the employee") to be an eligible employee in relation to the relevant company the average amount per week of the employee's committed time must equal or exceed the statutory threshold, that is—

(a) 25 hours a week, or

(b) if less, 75% of the employee's working time (see paragraph 27).

(2) The employee's "committed time" means the time that the employee is required, as an employee in relevant employment, to spend—

(a) on the business of the relevant company, or

(b) if the relevant company is a parent company, on the business of the group.

(3) It includes any time which the employee would have been required to spend as mentioned in sub-paragraph (2) but for—

(a) injury, ill-health or disability,

(b) pregnancy, childbirth, maternity or paternity leave **[**F2176, shared parental leave**][**F2177, **[**F2178carer's leave,**]** parental bereavement leave**][**F2179, neonatal care leave**]** or parental leave,

(c) reasonable holiday entitlement, or

(d) not being required to work during a period of notice of termination of employment.

(4) In this paragraph "relevant employment" means employment—

(a) by the relevant company, or

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(b) where the relevant company is a parent company, by any member of the group.

**Textual Amendments**

**F2176** Words in Sch. 5 para. 26(3) inserted (1.12.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 7 para. 63(3)**; S.I. 2014/1640, art. 5(2)(aa)

**F2177** Words in Sch. 5 para. 26(3) inserted (18.1.2020) by Parental Bereavement (Leave and Pay) Act 2018 (c. 24), s. 2(2), **Sch. para. 48(3)**; S.I. 2020/45, reg. 2

**F2178** Words in Sch. 5 para. 26(3)(b) inserted (4.12.2023) by Carer's Leave Act 2023 (c. 18), s. 3(3), **Sch. para. 18**; S.I. 2023/1283, reg. 2

**F2179** Words in Sch. 5 para. 26(3)(b) inserted (17.1.2025) by Neonatal Care (Leave and Pay) Act 2023 (c. 20), s. 3(3), **Sch. para. 48(3)**; S.I. 2025/41, reg. 2

**Modifications etc. (not altering text)**

**C68** Sch. 5 para. 26 modified (temp.) (with effect in accordance with s. 107(5) of the affecting Act) by 2020 c. 14, **s. 107(1)(2)** (as substituted by Finance Act 2021 (c. 26), **s. 24**)

*Meaning of "working time"*

27 (1) In paragraph 26 "working time" means—

(a) time spent on remunerative work as an employee or self-employed person, or

(b) time which would have been so spent but for any of the reasons set out in paragraph 26(3)(a) to (d).

(2) In sub-paragraph (1)(a) "remunerative work", in the context of work undertaken as an employee, means work the earnings from which—

(a) are general earnings to which section 15 **[**F2180applies (earnings for year when employee UK resident)**]**, or

(b) would be general earnings within paragraph (a) if the employee were **[**F2181UK resident (and none of sections 809B, 809D and 809E of ITA 2007 (remittance basis) applied to the employee).**]**

(3) In sub-paragraph (1)(a) "remunerative work", in the context of work undertaken as a self-employed person, means work which is undertaken with a view to profit and the profits (if any) from which—

(a) are (or would be) chargeable to tax **[**F2182as the profits of a trade, profession or vocation carried on wholly or partly in the United Kingdom**]**, or

(b) would be so chargeable if the employee were resident F2183... in the United Kingdom.

**Textual Amendments**

**F2180** Words in Sch. 5 para. 27(2)(a) substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 43(a)**

**F2181** Words in Sch. 5 para. 27(2)(b) substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 7 para. 43(b)**

**F2182** Words in Sch. 5 para. 27(3)(a) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 620(2)** (with Sch. 2)

**F2183** Words in Sch. 5 para. 27(3)(b) omitted (with effect in accordance with Sch. 46 para. 72 of the amending Act) by virtue of Finance Act 2013 (c. 29), **Sch. 46 para. 42**

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**Modifications etc. (not altering text)**

**C69** Sch. 5 para. 27 modified (temp.) (with effect in accordance with s. 107(5) of the affecting Act) by 2020 c. 14, **s. 107(1)(3)** (as substituted by Finance Act 2021 (c. 26), **s. 24**)

*The "no material interest" requirement*

28 (1) An individual is not an eligible employee in relation to the relevant company if the individual has a material interest—

(a) in that company, or

(b) if that company is a parent company, in any member of the group.

(2) For the purposes of this paragraph an individual is to be regarded as having a material interest in a company if—

(a) the individual,

(b) the individual together with one or more of the individual's associates, or

(c) any such associate, with or without any other such associates,

has a material interest in the company.

(3) This paragraph is supplemented—

(a) as regards the meaning of "material interest", by paragraphs 29 and 30; and

(b) as regards the meaning of "associate" by paragraph 31 (read with paragraphs 32 and 33).

*Meaning of "material interest"*

29 (1) In paragraph 28 (the "no material interest" requirement) references to a "material interest" in a company are to—

(a) a material interest in the share capital of the company, or

(b) where it is a close company, a material interest in its assets.

(2) A material interest in the share capital of a company means—

(a) beneficial ownership of, or

(b) the ability to control (directly or through the medium of other companies or by any other indirect means),

more than 30% of the ordinary share capital of the company.

(3) A material interest in the assets of a close company means—

(a) possession of, or

(b) an entitlement to acquire,

such rights as would, in the event of the winding up of the company or in any other circumstances, give an entitlement to receive more than 30% of the assets that would then be available for distribution among the participators.

(4) In this paragraph—

"close company" includes a company that would be a close company but for—

(a) **[**F2184section 442(a) of CTA 2010**]** (exclusion of companies not resident in the United Kingdom), or

(b) **[**F2185sections 446 and 447 of CTA 2010**]** (exclusion of certain quoted companies);

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"participator" has the meaning given by **[**F2186section 454 of CTA 2010**]** (expressions relating to close companies).

(5) This paragraph is supplemented by paragraph 30 (options and interests in SIPs).

**Textual Amendments**

**F2184** Words in Sch. 5 para. 29(4) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 399(5)(a)(i)** (with Sch. 2)

**F2185** Words in Sch. 5 para. 29(4) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 399(5)(a)(ii)** (with Sch. 2)

**F2186** Words in Sch. 5 para. 29(4) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 399(5)(b)** (with Sch. 2)

*Material interest: options and interests in SIPs*

30 (1) This paragraph applies for the purposes of paragraph 29 (meaning of "material interest").

(2) A right to acquire shares (however arising) is to be treated as a right to control them.

(3) However, shares that an individual may acquire under a qualifying option are to be left out of account until such time as they are actually acquired.

(4) Sub-paragraph (5) applies in a case where—

(a) the shares to be attributed to an individual consist of or include shares which the individual or another person has a right to acquire, and

(b) the circumstances are such that, if that right were to be exercised, the shares acquired would be shares which were previously unissued and which the company would be contractually bound to issue in the event of the exercise of the right.

(5) In determining at any time prior to the exercise of the right whether the number of shares to be attributed to the individual exceeds 30% of the ordinary share capital of the company, that ordinary share capital is to be treated as increased by the number of unissued shares referred to in sub-paragraph (4)(b).

(6) The references in sub-paragraphs (4) and (5) to the shares to be attributed to an individual are to the shares which—

(a) for the purposes of paragraph 29(2) (material interest in share capital), and

(b) in accordance with paragraph 28(2) (material interest can consist of or include that of individual's associates),

fall to be brought into account in the individual's case so that it can be determined whether their number exceeds 30% of the company's ordinary share capital.

(7) In applying paragraph 29 the following are to be disregarded—

(a) the interest of the trustees of any **[**F2187Schedule 2 SIP (see Schedule 2)**]** in any shares which are held by them in accordance with the plan but which have not been appropriated to, or acquired on behalf of, an individual, and

(b) any rights exercisable by the trustees as a result of that interest.

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**Textual Amendments**

**F2187** Words in Sch. 5 para. 30(7)(a) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 51**, 89 (with Sch. 8 paras. 90-96)

*Meaning of "associate"*

31 (1) In paragraph 28(2) (the "no material interest" requirement) "associate", in relation to an individual, means—

(a) any relative or partner of that individual,

(b) the trustee or trustees of any settlement in relation to which that individual, or any of that individual's relatives (living or dead), is or was a settlor, and

(c) where that individual is interested in any shares or obligations of the company mentioned in paragraph 28(2) which are subject to any trust, or are part of the estate of a deceased person—

(i) the trustee or trustees of the settlement concerned, or

(ii) the personal representatives of the deceased,

as the case may be.

(2) Sub-paragraph (1)(c) needs to be read with paragraphs 32 and 33 (which relate to employee benefit trusts and discretionary trusts).

(3) In this paragraph—

"relative" means—

(a) spouse **[**F2188or civil partner**]**, or

(b) parent, child or remoter relation in the direct line;

"settlor" and "settlement" have the same meaning as in **[**F2189Chapter 5 of Part 5 of ITTOIA 2005 (see section 620 of that Act)**]**.

**Textual Amendments**

**F2188** Words in Sch. 5 para. 31(3) inserted (5.12.2005) by The Tax and Civil Partnership Regulations 2005 (S.I. 2005/3229), regs. 1(1), **173**

**F2189** Words in Sch. 5 para. 31(3) substituted (6.4.2005) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 620(3)** (with Sch. 2)

*Meaning of "associate": trustees of employee benefit trust*

32 (1) This paragraph applies for the purposes of paragraph 31(1)(c) (meaning of "associate": trustees of settlement) where the individual is interested as a beneficiary of an employee benefit trust in shares or obligations of the company mentioned in paragraph 28(2).

(2) The trustees of the employee benefit trust are not to be regarded as associates of the beneficiary by reason only of the individual's being so interested if neither—

(a) the individual, nor

(b) the individual together with one or more of the individual's associates, nor

(c) any such associate, with or without any other such associates,

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has at any time after 13th March 1989 been the beneficial owner of, or able (directly or through the medium of other companies or by any other indirect means) to control, more than 30% of the ordinary share capital of the company.

(3) In sub-paragraph (2)(b) and (c) "associate" has the meaning given by paragraph 31(1), but does not include the trustees of an employee benefit trust as a result only of the individual's having an interest in shares or obligations of the trust.

(4) Chapter 11 of Part 7 of this Act (which deals with the attribution of interests in companies to beneficiaries of employee benefit trusts) applies for the purposes of sub-paragraph (2).

(5) In this paragraph "employee benefit trust" has the same meaning as in that Chapter (see sections 550 and 551).

*Meaning of "associate": trustees of discretionary trust*

33 (1) This paragraph applies for the purposes of paragraph 31(1)(c) (meaning of "associate": trustees of settlement) where—

(a) the individual ("the beneficiary") is one of the objects of a discretionary trust,

(b) the property subject to the trust has at any time consisted of or included shares or obligations of the company mentioned in paragraph 28(2),

(c) the beneficiary has ceased to be eligible to benefit under the trust as a result of—

(i) an irrevocable disclaimer or release executed by the beneficiary, or

(ii) the irrevocable exercise by the trustees of a power to exclude the beneficiary from the objects of the trust,

(d) immediately after the beneficiary ceased to be so eligible, no associate of the beneficiary was interested in the shares or obligations of the company which were subject to the trust, and

(e) during the period of 12 months ending with the date on which the beneficiary ceased to be so eligible, neither the beneficiary nor any associate of the beneficiary received any benefit under the trust.

(2) The beneficiary is not, as a result only of the matters mentioned in sub-paragraph (1)(a) and (b), to be regarded as having been interested in the shares or obligations of the company at any time during that period of 12 months.

(3) In sub-paragraph (1) "associate" has the meaning given by paragraph 31, but with the omission of sub-paragraph (1)(c) of that paragraph (trusts and estates).

## PART 5

REQUIREMENTS RELATING TO OPTIONS

*Requirements relating to options: introduction*

34 A share option is not a qualifying option unless the requirements of this Part of this Schedule as to the following are met at the appropriate time—

the type of shares that may be acquired (see paragraph 35),

when the option is capable of being exercised (see paragraph 36),

the terms being agreed in writing (see paragraph 37), and

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the non-assignability of rights (see paragraph 38).

*Type of shares that may be acquired*

35 (1) The option must confer a right to acquire shares that—

(a) form part of the ordinary share capital of the relevant company,

(b) are fully paid up, and

(c) are not redeemable.

(2) Shares are not fully paid up for the purposes of sub-paragraph (1)(b) if there is any undertaking to pay cash to the relevant company at a future date.

(3) For the purposes of sub-paragraph (1)(c) "redeemable" shares include shares that may become redeemable at a future date.

*Option to be capable of exercise* ***[****F2190****the specified period]***

**Textual Amendments**

**F2190** Words in Sch. 5 para. 36 cross-heading substituted (6.4.2026) by Finance Act 2026 (c. 11), **s. 13(6)(a)**(9)

36 (1) The option must be capable of being exercised within **[**F2191the specified period**]** beginning with the date on which it is granted.

(2) Where the exercise of the option is dependent on the fulfilment of conditions, the option is to be taken to be capable of being exercised within **[**F2192the specified period**]** if the conditions may be fulfilled within that period.

**[**F2193(3) In this paragraph, the "specified period" means—

(a) 15 years, or

(b) where the employer company is a specified Northern Ireland company, 10 years.**]**

**Textual Amendments**

**F2191** Words in Sch. 5 para. 36(1) substituted (6.4.2026) by Finance Act 2026 (c. 11), **s. 13(6)(b)**(9)

**F2192** Words in Sch. 5 para. 36(2) substituted (6.4.2026) by Finance Act 2026 (c. 11), **s. 13(6)(c)**(9)

**F2193** Sch. 5 para. 36(3) inserted (6.4.2026) by Finance Act 2026 (c. 11), **s. 13(6)(d)**(9)

*Terms of option to be agreed in writing*

37 (1) The option must take the form of a written agreement between the person granting the option and the employee which meets the following requirements.

(2) The agreement must state—

(a) the date on which the option is granted;

(b) that it is granted under the provisions of this Schedule;

(c) the number, or maximum number, of shares that may be acquired;

(d) the price (if any) payable by the employee to acquire them, or the method by which that price is to be determined; and

(e) when and how the option may be exercised.

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(3) The agreement must set out any conditions, such as performance conditions, affecting the terms or extent of the employee's entitlement.

F2194(4) . . . . . .

F2195(5) . . . . . .

**Textual Amendments**

**F2194** Sch. 5 para. 37(4) omitted (with effect in accordance with s. 17(5)-(9) of the amending Act) by virtue of Finance (No. 2) Act 2023 (c. 30), **s. 17(2)**

**F2195** Sch. 5 para. 37(5) omitted (with effect in accordance with s. 17(5)-(9) of the amending Act) by virtue of Finance (No. 2) Act 2023 (c. 30), **s. 17(2)**

*Non-assignability of rights*

38 The terms on which the option is granted—

(a) must prohibit the person to whom it is granted from transferring any of that person's rights under it, and

(b) if they permit it to be exercised after that person's death, must not permit it to be exercised more than one year after the date of the death.

## PART 6

COMPANY REORGANISATIONS

*Company reorganisations: introduction*

39 (1) This Part applies in connection with company reorganisations.

(2) For the purposes of this Part there is a "company reorganisation" where a company ("the acquiring company")—

(a) obtains control of a company whose shares are subject to an outstanding qualifying option—

(i) as a result of making a general offer to acquire the whole of the issued share capital of that company which is made on a condition such that, if it is met, the person making the offer will have control of the company, or

(ii) as a result of making a general offer to acquire all the shares in the company which are of the same class as those to which the option relates;

**[**F2196(b) obtains control of such a company as a result of a compromise or arrangement sanctioned by the court under section 899 **[**F2197or 901F**]** of the Companies Act 2006 (court sanction for compromise or arrangement);**]**

**[**F2198(c) becomes bound or entitled to acquire shares in the scheme company under sections 979 to 982 **[**F2199or 983 to 985**]** of the Companies Act 2006 (takeover offers: right of offeror to buy out minority shareholder).**]**

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(d) obtains all the shares of a company whose shares are subject to an outstanding qualifying option as a result of a qualifying exchange of shares (see paragraph 40).

(3) In sub-paragraph (2) "outstanding qualifying option" means a qualifying option that has yet to be exercised.

**[**[F2200](4) In sub-paragraph (2)(a)(i) the reference to the issued share capital of the company does not include any capital already held by the person making the offer or a person connected with that person and in sub-paragraph (2)(a)(ii) the reference to the shares in the company does not include any shares already held by the person making the offer or a person connected with that person.

(5) For the purposes of sub-paragraph (2)(a)(i) and (ii) it does not matter if the general offer is made to different shareholders by different means.**]**

**Textual Amendments**

**F2196** Sch. 5 para. 39(2)(b) substituted (6.4.2008) by The Companies Act 2006 (Consequential Amendments) (Taxes and National Insurance) Order 2008 (S.I. 2008/954), arts. 1(1), **34** (with art. 4)

**F2197** Words in Sch. 5 para. 39(2)(b) inserted (26.6.2020) by Corporate Insolvency and Governance Act 2020 (c. 12), s. 49(1), **Sch. 9 para. 26** (with ss. 2(2), 5(2))

**F2198** Sch. 5 para. 39(2)(c) substituted (1.10.2007) by The Companies Act 2006 (Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings) Order 2007 (S.I. 2007/2194), **Sch. 4 para. 101** (with art. 12)

**F2199** Words in Sch. 5 para. 39(2)(c) inserted (retrospective to 17.7.2013) by Finance Act 2016 (c. 24), **Sch. 3 para. 8(1)**(2)

**F2200** Sch. 5 para. 39(4)(5) inserted (31.10.2013) by Finance Act 2013 (c. 29), **Sch. 2 para. 31(1)**(2); S.I. 2013/2796, art. 2

*Meaning of "qualifying exchange of shares"*

40 (1) For the purposes of the EMI code there is a "qualifying exchange of shares" where—

(a) arrangements are made in accordance with which a company ("the new company") acquires all the shares ("old shares") in another company ("the old company"), and

(b) the following conditions are met.

(2) The conditions are that—

(a) the consideration for the old shares consists wholly of the issue of shares ("new shares") in the new company;

(b) new shares are issued in consideration of old shares only at times when there are no issued shares in the new company other than—

(i) subscriber shares, and

(ii) new shares previously issued in consideration of old shares;

(c) the consideration for new shares of each description consists wholly of old shares of the corresponding description;

(d) new shares of each description are issued to holders of old shares of the corresponding description in respect of, and in proportion to, their holdings; and

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(e) by virtue of the CGT capital reorganisation provisions, the exchange of shares is not treated as involving a disposal of the old shares or an acquisition of the new shares.

(3) For the purposes of this paragraph old shares and new shares are of a corresponding description if, on the assumption that they were shares in the same company, they would be of the same class and carry the same rights.

(4) In this paragraph—

(a) references to "shares", except in the expression "subscriber shares", include securities; and

(b) "the CGT capital reorganisation provisions" means section 127 of TCGA 1992, as applied by section 135(3) of that Act (exchange of securities).

*Grant of replacement option*

41 (1) This paragraph applies if both of the following conditions are met in connection with a company reorganisation.

(2) The first condition is that the holder of a qualifying option, by agreement with the acquiring company, releases the holder's rights under that option ("the old option") in consideration of the granting to him of rights ("the new option") which are equivalent but relate to shares in the acquiring company.

(3) The second condition is that the requirements of the following paragraphs are met—

paragraph 42 (period within which replacement option must be granted), and

paragraph 43 (further requirements to be met as to replacement option).

(4) If this paragraph applies, the new option is to be treated for the purposes of the EMI code as a "replacement option".

(5) Except where the contrary is indicated—

(a) references in the EMI code to a qualifying option include a replacement option, and

(b) a replacement option is to be treated for the purposes of the EMI code as if it had been granted on the date on which the old option was granted.

(6) For the purposes of any of paragraphs 5 to 7 or section 536(1)(e), the total value of the shares in the acquiring company that are subject to the replacement option is to be taken to be equal to—

(a) the total value (as calculated in accordance with paragraph 5(6) to (8)) of the shares that were subject to the old option immediately before the release of rights under that option, or

(b) if the replacement option has been partially exercised, the proportion of that total value which corresponds to the proportion which the number of shares that remain subject to the option bears to the number of shares that were subject to it at the time when it was granted as a new option (see sub-paragraph (2) above).

(7) In the EMI code references to "the old option" or "the new option" are to be construed in accordance with this paragraph.

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*Period within which replacement option must be granted*

42 (1) To qualify as a replacement option the new option must be granted within the required period (see sub-paragraphs (2) to (4)).

(2) If the company reorganisation falls within paragraph 39(2)(a), the required period is the period of 6 months after the date on which—

(a) the person making the offer has obtained control of the company, and

(b) any condition subject to which the offer is made is met.

(3) If the company reorganisation falls within paragraph 39(2)(b) or (d), the required period is the period of 6 months after the date on which the acquiring company obtains control of the company whose shares are subject to the old option.

(4) If the company reorganisation falls within paragraph 39(2)(c), the required period is the period during which the acquiring company remains bound or entitled as mentioned in that provision.

*Further requirements to be met as to replacement option*

43 (1) For the new option to qualify as a replacement option the following requirements must also be met.

(2) The new option must be granted to the holder of the old option by reason of the holder's employment—

(a) with the acquiring company, or

(b) if that company is a parent company, with that company or another member of the group.

(3) The requirements of—

(a) paragraph 4 (purpose of granting option),

(b) paragraph 7 (maximum value of options in respect of relevant company) (as it has effect under sub-paragraph (4)), and

(c) Part 5 (requirements as to options),

must be met in relation to the new option at the time of the release of rights under the old option ("the relevant time").

(4) For the purposes of paragraph 7 (as applied by sub-paragraph (3)(b)) the total value of the shares in the acquiring company that are subject to the new option is to be taken to be equal to the total value (as calculated in accordance with paragraph 5(6) to (8)) of the shares that were subject to the old option immediately before the relevant time.

(5) In addition to the requirements mentioned in sub-paragraph (3)—

(a) the independence requirement and the trading activities requirement must be met in relation to the acquiring company at the relevant time, and

(b) the individual to whom the new option is granted must be an eligible employee in relation to the acquiring company at that time.

(6) The total market value, immediately before the relevant time, of the shares which were subject to the old option must be equal to the total market value, immediately after the grant of the new option, of the shares in respect of which that option is granted.

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(7) The total amount payable by the employee for the acquisition of the shares under the new option must be equal to the total amount that would have been payable for the acquisition of shares under the old option.

## PART 7

### NOTIFICATION OF OPTION TO INLAND REVENUE

*Notice of option to be given to Inland Revenue*

44 (1) For a share option to be a qualifying option, notice of the option must be given to **[**F154an officer of Revenue and Customs**]****[**F2201on or before 6 July following the end of the tax year in which the option was granted**]**.

(2) The notice must—

(a) be given by the employer company, F2202...

F2202(b) . . . . . .

(3) The notice must contain, or be supported by, such information as **[**F154an officer of Revenue and Customs**]** may require for the purpose of determining whether the requirements of this Schedule are met.

(4) The notice must also contain a declaration within **[**F2203sub-paragraph (5)**]**.

(5) A declaration within this sub-paragraph is a declaration by a director, or the secretary, of the employer company—

(a) that in the opinion of that person the requirements of this Schedule are met in relation to the option, F2204... **[**F2205and**]**

(b) that the information provided is, to the best of that person's knowledge, correct and complete F2206...

F2206(c) . . . . . .

F2207(5A) . . . . . .

F2208(6) . . . . . .

(7) Any reference in this Part of this Schedule to the requirements (or any of the requirements) of this Schedule being met in relation to a share option is a reference to the requirements or requirement being met in relation to it at the appropriate time.

**[**F2209(8) The notice, and any information supporting it, must be given electronically.

(9) But, if an officer of Revenue and Customs considers it appropriate to do so, the officer may allow the employer company to give the notice or any supporting information in another way; and, if the officer does so, the notice or information must be given in that other way.

(10) The Commissioners for Her Majesty's Revenue and Customs—

(a) must prescribe how notices and supporting information are to be given electronically;

(b) may make different provision for different cases or circumstances.**]**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F2201** Words in Sch. 5 para. 44(1) substituted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2024 (c. 3), **s. 13(2)**

**F2202** Sch. 5 para. 44(2)(b) and word omitted (with effect in accordance with Sch. 8 para. 223 of the amending Act) by virtue of Finance Act 2014 (c. 26), **Sch. 8 paras. 217(2)**, 222

**F2203** Words in Sch. 5 para. 44(4) substituted (with effect in accordance with Sch. 8 para. 223 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 8 paras. 217(3)**, 222

**F2204** Word in Sch. 5 para. 44(5) omitted (with effect in accordance with Sch. 8 para. 223 of the amending Act) by virtue of Finance Act 2014 (c. 26), **Sch. 8 paras. 217(4)(a)**, 222

**F2205** Word in Sch. 5 para. 44(5) inserted (with effect in accordance with s. 17(5)-(9) of the amending Act) by Finance (No. 2) Act 2023 (c. 30), **s. 17(3)(a)(i)**

**F2206** Sch. 5 para. 44(5)(c) and word omitted (with effect in accordance with s. 17(5)-(9) of the amending Act) by virtue of Finance (No. 2) Act 2023 (c. 30), **s. 17(3)(a)(ii)**

**F2207** Sch. 5 para. 44(5A) omitted (with effect in accordance with s. 17(5)-(9) of the amending Act) by virtue of Finance (No. 2) Act 2023 (c. 30), **s. 17(3)(b)**

**F2208** Sch. 5 para. 44(6) omitted (with effect in accordance with s. 17(5)-(9) of the amending Act) by virtue of Finance (No. 2) Act 2023 (c. 30), **s. 17(3)(b)**

**F2209** Sch. 5 para. 44(8)-(10) inserted (with effect in accordance with Sch. 8 para. 223 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 8 paras. 217(6)**, 222

*Correction of notice by Inland Revenue*

45 (1) **[**F154An officer of Revenue and Customs**]** may amend a notice given under paragraph 44 so as to correct obvious errors or omissions in the notice.

(2) A correction under this paragraph must be made by a notice given to the employer company.

(3) No correction may be made under this paragraph more than 9 months after the day on which the notice under paragraph 44 was given to **[**F154an officer of Revenue and Customs**]**.

(4) A correction under this paragraph is of no effect if the employer company, within 3 months after the date of issue of the notice of correction, gives notice to **[**F154an officer of Revenue and Customs**]** rejecting the correction.

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

*Notice of enquiry*

46 (1) This paragraph applies where notice of a share option is given under paragraph 44.

(2) **[**F154An officer of Revenue and Customs**]** may enquire into the option if **[**F2210the officer**][**F2211gives**]** notice to the employer company of **[**F2212the officer's**]** intention to do so in accordance with this paragraph.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) **[**F154An officer of Revenue and Customs**]** may enquire into whether the requirement of paragraph 26 (commitment of working time) is met in relation to the option by the individual to whom it has been granted if **[**F2213the officer**][**F2211gives**]** that individual notice of **[**F2212the officer's**]** intention to do so in accordance with this paragraph.

(4) **[**F154An officer of Revenue and Customs**]** must give a copy of a notice under sub-paragraph (3) to the employer company.

(5) Unless given by virtue of sub-paragraph (6), a notice of enquiry may not be given more than 12 months after the **[**F2214date**]** mentioned in paragraph 44(1) (the **[**F2215date by**]** which a notice under that paragraph must be given).

(6) A notice of enquiry may be given at any time if **[**F154an officer of Revenue and Customs**][**F2216discovers**]** that any of the information provided in or in connection with the notice under paragraph 44 was false or misleading in a material respect.

(7) An option that has been the subject of one notice of enquiry under sub-paragraph (2) or (3) may not be the subject of another notice under that sub-paragraph, unless the notice is given by virtue of sub-paragraph (6).

(8) In this paragraph a "notice of enquiry" means a notice given under sub-paragraph (2) or (3).

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F2210** Words in Sch. 5 para. 46(2) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 103(1)(x)**; S.I. 2005/1126, art. 2(2)(h)

**F2211** Word in Sch. 5 para. 46(2)(3) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 124(a)(i)**; S.I. 2005/1126, art. 2(2)(h); S.I. 2005/1126, art. 2(2)(h)

**F2212** Words in Sch. 5 para. 46(2)(3) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 103(2)(j)**; S.I. 2005/1126, art. 2(2)(h); S.I. 2005/1126, art. 2(2)(h)

**F2213** Words in Sch. 5 para. 46(3) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 103(1)(y)**; S.I. 2005/1126, art. 2(2)(h)

**F2214** Word in Sch. 5 para. 46(5) substituted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2024 (c. 3), **s. 13(3)(a)**

**F2215** Words in Sch. 5 para. 46(5) substituted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2024 (c. 3), **s. 13(3)(b)**

**F2216** Word in Sch. 5 para. 46(6) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 124(a)(ii)**; S.I. 2005/1126, art. 2(2)(h)

*Completion of enquiry: closure notices*

47 (1) An enquiry under paragraph 46(2) is completed when **[**F154an officer of Revenue and Customs**][**F2217gives**]** the employer company a notice—

(a) informing the company that **[**F2218the officer**][**F2217has**]** completed **[**F2219the**]** enquiry, and

(b) stating **[**F2220the officer's**]** decision as to whether the requirements of this Schedule are met in relation to the option.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) If **[**F154an officer of Revenue and Customs**][**F2221concludes**]** that the requirements of this Schedule are not so met, **[**F2218the officer**]** must also give notice of that decision to the person to whom the option has been granted.

(3) An enquiry under paragraph 46(3) is completed when **[**F154an officer of Revenue and Customs**][**F2222gives**]** the individual concerned and the employer company a notice—

(a) informing the recipients that **[**F2218the officer**][**F2222has**]** completed **[**F2223the**]** enquiry, and

(b) stating **[**F2224the officer's**]** decision as to whether the requirement of paragraph 26 (commitment of working time) is met by that individual in relation to the option.

(4) References in the EMI code to a "closure notice" are to a notice under sub-paragraph (1) or (3).

(5) A closure notice takes effect when it is issued.

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F2217** Word in Sch. 5 para. 47(1) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 124(b)(i)**; S.I. 2005/1126, art. 2(2)(h)

**F2218** Words in Sch. 5 para. 47 substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 103(1)(z)**; S.I. 2005/1126, art. 2(2)(h)

**F2219** Word in Sch. 5 para. 47(1)(a) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 103(3)(h)**; S.I. 2005/1126, art. 2(2)(h)

**F2220** Words in Sch. 5 para. 47(1)(b) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 103(2)(k)**; S.I. 2005/1126, art. 2(2)(h)

**F2221** Word in Sch. 5 para. 47(2) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 124(b)(ii)**; S.I. 2005/1126, art. 2(2)(h)

**F2222** Word in Sch. 5 para. 47(3) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 124(b)(iii)**; S.I. 2005/1126, art. 2(2)(h)

**F2223** Word in Sch. 5 para. 47(3)(a) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 103(3)(h)**; S.I. 2005/1126, art. 2(2)(h)

**F2224** Words in Sch. 5 para. 47(3)(b) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 103(2)(k)**; S.I. 2005/1126, art. 2(2)(h)

*Completion of enquiry: application for closure notice to be given*

48 (1) An application may be made **[**F2225to the tribunal**]** under this paragraph for a direction requiring **[**F154an officer of Revenue and Customs**]** to give a closure notice within a specified period.

(2) The application may be made—

(a) by the employer company, or

(b) in a case within paragraph 46(3), by the individual concerned.

F2226(3) . . . . . .

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**[**F2227(4) Any such application is to be subject to the relevant provisions of Part 5 of TMA 1970 (see, in particular, section 48(2)(b) of that Act).**]**

(5) **[**F2228The tribunal**]** must give a direction unless F2229... satisfied that **[**F154an officer of Revenue and Customs**][**F2230has**]** reasonable grounds for not giving a closure notice within a specified period.

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F2225** Words in Sch. 5 para. 48(1) inserted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 353(2)**

**F2226** Sch. 5 para. 48(3) omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 353(3)**

**F2227** Sch. 5 para. 48(4) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 353(4)**

**F2228** Words in Sch. 5 para. 48(5) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 353(5)(a)**

**F2229** Words in Sch. 5 para. 48(5) omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 353(5)(b)**

**F2230** Word in Sch. 5 para. 48(5) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 124(c)**; S.I. 2005/1126, art. 2(2)(h)

*Effect of enquiry*

49 (1) If **[**F154an officer of Revenue and Customs**][**F2231does**]** not give a notice of enquiry, the requirements of this Schedule are taken to be met in relation to the option.

(2) If **[**F154an officer of Revenue and Customs**][**F2231does**]** give a notice of enquiry, **[**F2232the officer's**]** decision stated in the closure notice is conclusive as to whether the requirements of this Schedule are met in relation to the option.

(3) But this is subject—

(a) if **[**F2232the officer's**]** decision is that the requirements are not met, to the outcome of any appeal against that decision under paragraph 50;

(b) if their decision is that the requirements are met, to the outcome of any subsequent enquiry under paragraph 46(6) (enquiry arising from discovery of false or misleading information).

(4) This paragraph does not affect the provisions of sections 532 to 539 (which relate to disqualifying events).

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F2231** Word in Sch. 5 para. 49(1)(2) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 124(d)**; S.I. 2005/1126, art. 2(2)(h)

**F2232** Words in Sch. 5 para. 49(2)(3) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 103(2)(l)**; S.I. 2005/1126, art. 2(2)(h)

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Appeals*

50 (1) The employer company may appeal against a decision of **[**F154an officer of Revenue and Customs**]** —

(a) that notice of the grant of the option was not given in accordance with paragraph 44, or

(b) that the requirements of this Schedule are not met in relation to the option.

(2) An individual may appeal against a decision of **[**F154an officer of Revenue and Customs**]** that the individual does not meet the requirement of paragraph 26 (commitment of working time).

(3) Notice of the appeal must be given to **[**F154an officer of Revenue and Customs**]** within 30 days after the date when the closure notice is given to the appellant.

F2233(4) . . . . . .

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F2233** Sch. 5 para. 50(4) omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 354**

## PART 8

SUPPLEMENTARY PROVISIONS

*Power to require information*

51 (1) **[**F154An officer of Revenue and Customs**]** may by notice require a person to provide **[**F2234the officer**]** with information—

(a) which **[**F2234the officer**]** reasonably **[**F2235requires**]** for the performance of **[**F2236the officer's**]** functions under the EMI code, and

(b) which the person to whom the notice is addressed has or can reasonably obtain.

(2) The power conferred by this paragraph extends, in particular, to information to enable **[**F154an officer of Revenue and Customs**]** —

(a) to decide whether a share option is a qualifying option, or

(b) to determine the liability to tax, including capital gains tax, of any person who has been granted a qualifying option.

(3) The notice must require the information to be provided within a specified period, which must not end earlier than 3 months after the date when the notice is given.

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F2234** Words in Sch. 5 para. 51(1) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 103(1)(aa)**; S.I. 2005/1126, art. 2(2)(h)

**F2235** Word in Sch. 5 para. 51(1) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 124(e)**; S.I. 2005/1126, art. 2(2)(h)

**F2236** Words in Sch. 5 para. 51(1) substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 103(2)(m)**; S.I. 2005/1126, art. 2(2)(h)

*Annual returns*

**[F2237** 52 (1) This paragraph applies in relation to a company whose shares are (or have been) subject to qualifying options.

(2) The company must give to Her Majesty's Revenue and Customs ("HMRC") a return for each tax year falling (wholly or partly) in the company's qualifying option period.

(3) The company's "qualifying option period" is the period—

(a) beginning when the first qualifying option to which the company's shares are subject is granted, and

(b) ending when the termination condition is met.

(4) "The termination condition" is met when the company's shares—

(a) are no longer subject to qualifying options, and

(b) will no longer become subject to qualifying options.

(5) The return for a tax year must—

(a) contain, or be accompanied by, such information as HMRC may require, and

(b) be given on or before 6 July in the following tax year.

(6) The information which may be required under sub-paragraph (5)(a) includes (in particular) information to enable HMRC to determine the liability to tax, including capital gains tax, of any person who has been granted a qualifying option to which the company's shares are subject.

(7) If the company becomes aware that—

(a) anything which should have been included in, or should have accompanied, a return for a tax year was not included in, or did not accompany, the return,

(b) anything which should not have been included in, or should not have accompanied, a return for a tax year was included in, or accompanied, the return, or

(c) any other error or inaccuracy has occurred in relation to a return for a tax year,

the company must give an amended return correcting the position to HMRC without delay.**]**

**Textual Amendments**

**F2237** Sch. 5 paras. 52, 52A substituted for Sch. 5 para. 52 (with effect in accordance with Sch. 8 para. 224 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 8 paras. 218**, 222

**[F2237** 52A (1) A return under paragraph 52, and any information accompanying the return, must be given electronically.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) But, if HMRC consider it appropriate to do so, HMRC may allow a company to give a return or any accompanying information in another way; and, if HMRC do so, the return or information must be given in that other way.

(3) The Commissioners for Her Majesty's Revenue and Customs—

(a) must prescribe how returns and accompanying information are to be given electronically;

(b) may make different provision for different cases or circumstances.**]**

**Textual Amendments**

**F2237** Sch. 5 paras. 52, 52A substituted for Sch. 5 para. 52 (with effect in accordance with Sch. 8 para. 224 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 8 paras. 218**, 222

*Compliance with time limits*

53 (1) For the purposes of this Part and Part 7 a person **[**F2238("P")**]** is not to be regarded as having failed to do anything required to be done within a particular period of time if—

(a) **[**F2239P**]** had a reasonable excuse for not doing it within that period, and

(b) if the excuse ceased to exist, **[**F2239P**]** did it without unreasonable delay after the excuse ceased to exist.

(2) Where sub-paragraph (1)(b) applies, any further time limit running from the end of the period concerned is instead to run from the time when the thing in question was actually done.

**[**F2240(3) For the purposes of sub-paragraph (1)—

(a) an insufficiency of funds is not a reasonable excuse, unless attributable to events outside P's control, and

(b) where P relies on any other person to do anything, that is not a reasonable excuse unless P took reasonable care to avoid the failure.**]**

**Textual Amendments**

**F2238** Word in Sch. 5 para. 53(1) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 219(2)(a)**, 222

**F2239** Word in Sch. 5 para. 53(1)(a)(b) substituted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 219(2)(b)**, 222

**F2240** Sch. 5 para. 53(3) inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 219(3)**, 222 (with Sch. 8 para. 225)

*Power to amend by Treasury order*

54 (1) The Treasury may by order amend the EMI code—

(a) to make such amendments of paragraphs 13 to 23 (the trading activities requirement and related provisions) as they consider expedient;

(b) to substitute different sums of money for those for the time being specified in—

(i) paragraphs 5(1) and 6(1) and (3) (maximum entitlement of employee);

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(ii) paragraph 12(1) and (2) (the gross assets requirement).

(2) An order under sub-paragraph (1)(b) which amends paragraphs 5(1) and 6(1) and (3) may amend section 536(1)(e) (other disqualifying events) so as to substitute the same sum for the one that is for the time being specified there.

*Meaning of "market value" of shares*

55 (1) For the purposes of the EMI code the "market value" of shares has the same meaning as it has for the purposes of TCGA 1992 by virtue of Part 8 of that Act.

(2) Sub-paragraph (1) is subject to paragraph 5(7) (valuation of shares subject to restriction or risk of forfeiture) as it applies for the purposes of any provision of the EMI code.

*Determination of market value of shares*

56 (1) This paragraph applies to the determination of the market value of shares for the purposes of the EMI code.

(2) Unless—

(a) it is agreed between the employer company and **[**F154an officer of Revenue and Customs**]**, or

(b) a reference is made under sub-paragraph (4),

the market value of shares is to be determined by **[**F154an officer of Revenue and Customs**]**.

(3) Where the market value of shares on any date needs to be determined for the purposes of the EMI code, **[**F154an officer of Revenue and Customs**]** and the employer company may agree that it is to be determined by reference to a date or dates, or to the average of the values on a number of dates, stated in the agreement.

(4) At any time before notice of **[**F154an officer of Revenue and Customs**]** determination has been given to the employer company, **[**F2241the company may apply to the tribunal for the question of the market value of the shares to be determined**]**.

F2242(5) . . . . . .

**[**F2243(6) Any such application is to be subject to the relevant provisions of Part 5 of TMA 1970 (see, in particular, section 48(2)(b) of that Act).**]**

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F2241** Words in Sch. 5 para. 56(4) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 355(2)**

**F2242** Sch. 5 para. 56(5) omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 355(3)**

**F2243** Sch. 5 para. 56(6) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 355(4)**

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Appeal against determination of market value of shares*

57 (1) The employer company may appeal against any determination by **[**F154an officer of Revenue and Customs**]** under paragraph 56.

(2) Notice of appeal must be given to **[**F154an officer of Revenue and Customs**]** within 30 days after the date when notice of their determination is given to the employer company.

F2244(3) . . . . . .

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

**F2244** Sch. 5 para. 57(3) omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 356**

*[F2245 Penalties*

**Textual Amendments**

**F2245** Sch. 5 paras. 57A-57E and cross-heading inserted (6.4.2014) by Finance Act 2014 (c. 26), **Sch. 8 paras. 220**, 222

F2246 57A . . . . . .

**Textual Amendments**

**F2246** Sch. 5 para. 57A omitted (with effect in accordance with s. 17(5)-(9) of the amending Act) by virtue of Finance (No. 2) Act 2023 (c. 30), **s. 17(4)**

57B (1) This paragraph applies if a company fails to give a return for a tax year (containing, or accompanied by, all required information) on or before the date mentioned in paragraph 52(5)(b) ("the date for delivery").

(2) The company is liable for a penalty of £100.

(3) If the company's failure continues after the end of the period of 3 months beginning with the date for delivery, the company is liable for a further penalty of £300.

(4) If the company's failure continues after the end of the period of 6 months beginning with the date for delivery, the company is liable for a further penalty of £300.

(5) The company is liable for a further penalty under this sub-paragraph if—

(a) the company's failure continues after the end of the period of 9 months beginning with the date for delivery,

(b) HMRC decide that such a penalty should be payable, and

(c) HMRC give notice to the company specifying the period in respect of which the penalty is payable.

(The company may be liable for more than one penalty under this sub-paragraph.)

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(6) The penalty under sub-paragraph (5) is £10 for each day that the failure continues during the period specified in the notice under sub-paragraph (5)(c).

(7) The period specified in the notice under sub-paragraph (5)(c)—

(a) may begin earlier than the date on which the notice is given, but

(b) may not begin until after the end of the period mentioned in sub-paragraph (5)(a) or, if relevant, the end of any period specified in any previous notice under sub-paragraph (5)(c) given in relation to the failure.

57C (1) This paragraph applies if a return under paragraph 52, or any information accompanying such a return—

(a) is given otherwise than in accordance with paragraph 52A, or

(b) contains a material inaccuracy—

(i) which is careless or deliberate, or

(ii) which is not corrected as required by paragraph 52(7).

(2) The company is liable for a penalty of an amount decided by HMRC.

(3) The penalty must not exceed £5,000.

(4) For the purposes of sub-paragraph (1)(b)(i) an inaccuracy is careless if it is due to a failure by the company to take reasonable care.

57D (1) This paragraph applies if a company is liable for a penalty under this Part.

(2) HMRC must assess the penalty and notify the company of the assessment.

(3) Subject to sub-paragraph (4), the assessment must be made no later than 12 months after the date on which the company becomes liable for the penalty.

(4) In the case of a penalty under paragraph 57C(1)(b), the assessment must be made no later than—

(a) 12 months after the date on which HMRC become aware of the inaccuracy, and

(b) 6 years after the date on which the company becomes liable for the penalty.

(5) A penalty payable under this Part must be paid—

(a) no later than 30 days after the date on which the notice under sub-paragraph (2) is given to the company, or

(b) if notice of appeal is given against the penalty under paragraph 57E(1) or (2), no later than 30 days after the date on which the appeal is determined or withdrawn.

(6) The penalty may be enforced as if it were corporation tax or, if the company is not within the charge to corporation tax, income tax charged in an assessment and due and payable.

(7) Sections 100 to 103 of TMA 1970 do not apply to a penalty under this Part.

57E (1) A company may appeal against a decision of HMRC that the company is liable for a penalty under this Part.

(2) A company may appeal against a decision of HMRC as to the amount of a penalty payable by the company under this Part.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) Notice of appeal must be given to HMRC no later than 30 days after the date on which the notice under paragraph 57D(2) is given to the company.

(4) On an appeal under sub-paragraph (1) which is notified to the tribunal, the tribunal may affirm or cancel the decision.

(5) On an appeal under sub-paragraph (2) which is notified to the tribunal, the tribunal may—

(a) affirm the amount of the penalty decided, or

(b) substitute another amount for that amount.

(6) Subject to this paragraph and paragraph 57D, the provisions of Part 5 of TMA 1970 relating to appeals have effect in relation to an appeal under this paragraph as they have effect in relation to an appeal against an assessment to corporation tax or, if the company is not within the charge to corporation tax, income tax.**]**

*Meaning of "specified Northern Ireland company"*

**[**F2247 57F In the EMI code, a "specified Northern Ireland company" means a company that—

(a) has its registered office in Northern Ireland, and

(b) carries on a trade involving—

(i) a trade in goods, or

(ii) the generation, transmission, distribution, supply, wholesale trade or cross-border exchange of electricity.**]**

**Textual Amendments**

**F2247** Sch. 5 para. 57F and cross-heading inserted (6.4.2026) by Finance Act 2026 (c. 11), **s. 13(7)**(9)

*Minor definitions*

58 In the EMI code—

"arrangements" includes any scheme, agreement or understanding, whether it is legally enforceable or not;

"company" means a body corporate;

"group of companies" means a parent company and its 51% subsidiaries;

"the group", in relation to a parent company, means that company and its 51% subsidiaries;

"parent company" means a company that has one or more 51% subsidiaries and "single company" means a company that does not;

"research and development" has the meaning given by **[**F2248 section 1006 of ITA 2007**]**;

"shares" includes stock.

**Textual Amendments**

**F2248** Words in Sch. 5 para. 58 substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 450(3)** (with Sch. 2)

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Index of defined expressions*

59 In the EMI code the following expressions are defined or otherwise explained by the provisions indicated below:

| | |
|---|---|
| the appropriate time | paragraph 1(4) |
| arrangements | paragraph 58(1) |
| child | **[**F2249section 721(6)**]** |
| close company | **[**F2250section 989 of ITA 2007**]**, (and see paragraph 29(4)) |
| closure notice | paragraph 47(4) |
| company | paragraph 58 |
| company reorganisation (in Part 6 of this Schedule) | paragraph 39(2) |
| connected person | section 718 |
| control | section 719 (and see paragraphs 10(2) and 23(6)) |
| disqualifying event | see sections 532 to 539 |
| distribution | **[**F2251section 989 of ITA 2007**]** |
| earnings | section 62 and see section 721(7) |
| the EMI code | section 527(3) |
| employee and employment | section 4 |
| eligible employee | paragraph 24 |
| employer company | paragraph 2 |
| excluded activities | paragraph 16 |
| farming | **[**F2252section 996 of ITA 2007**]** |
| F2253 | F2253 |
| . . . | . . . |
| generally accepted accounting practice | **[**F2254section 997 of ITA 2007**]** |
| group of companies | paragraph 58 |
| the group | paragraph 58 |
| F2255 | F2255 |
| . . . | ... |
| market value | paragraph 55 (and see paragraph 5(7)) |
| met (in Part 7 of this Schedule) | paragraph 44(7) |
| new option | paragraph 41(7) |
| notice | **[**F2256section 989 of ITA 2007**]** |

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

| | |
|---|---|
| **[**F2257offshore installation**]** | **[**F2258sections 1001 and 1002 of ITA 2007**]** |
| old option | paragraph 41(7) |
| ordinary share capital | **[**F2259section 989 of ITA 2007**]** |
| original option | section 529(3) |
| parent company | paragraph 58 |
| personal representative | **[**F2260section 989 of ITA 2007**]** |
| qualifying company | paragraph 8 |
| qualifying option | section 527(4) (and see paragraph 41(5)) |
| qualifying subsidiary | paragraph 11 |
| qualifying trade | paragraph 15 |
| relevant company | paragraph 2 |
| replacement option | section 527(4) |
| the requirements of this Schedule | section 527(4) |
| research and development | paragraph 58 |
| share option | section 527(4) |
| shares | paragraph 58 (and see paragraph 40(4)(a)) |
| single company | paragraph 58 |
| **F2261** | **F2261** |
| . . . | . . . |
| 51% subsidiary | **[**F2262section 989 of ITA 2007**]** |
| tax | **[**F2263section 989 of ITA 2007**]** |
| tax year | **[**F2264section 4(2) of ITA 2007 (as applied by section 989 of that Act)**]** |
| trade | **[**F2265section 989 of ITA 2007**]** |
| **[**F2266tribunal | section 989 of ITA 2007**]** |
| United Kingdom | **[**F2267section 1013 of ITA 2007**]** |

**Textual Amendments**

**F2249** Words in Sch. 5 para. 59 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 450(4)(a)** (with Sch. 2)

**F2250** Words in Sch. 5 para. 59 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 450(4)(b)** (with Sch. 2)

**F2251** Words in Sch. 5 para. 59 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 450(4)(c)** (with Sch. 2)

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**F2252** Words in Sch. 5 para. 59 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 450(4)(d)** (with Sch. 2)

**F2253** Sch. 5 para. 59 Table entry omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 357(2)**

**F2254** Words in Sch. 5 para. 59 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 450(4)(e)** (with Sch. 2)

**F2255** Words in Sch. 5 para. 59 repealed (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), Sch. 4 para. 124(f), **Sch. 5**; S.I. 2005/1126, art. 2(2)(h)(i)

**F2256** Words in Sch. 5 para. 59 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 450(4)(f)** (with Sch. 2)

**F2257** Words in Sch. 5 para. 59 inserted (with effect in accordance with Sch. 27 para. 17(6)(7) of the amending Act) by Finance Act 2004 (c. 12), **Sch. 27 para. 17(5)**

**F2258** Words in Sch. 5 para. 59 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 450(4)(g)** (with Sch. 2)

**F2259** Words in Sch. 5 para. 59 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 450(4)(h)** (with Sch. 2)

**F2260** Words in Sch. 5 para. 59 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 450(4)(i)** (with Sch. 2)

**F2261** Sch. 5 para. 59 Table entry omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 357(3)**

**F2262** Words in Sch. 5 para. 59 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 450(4)(j)** (with Sch. 2)

**F2263** Words in Sch. 5 para. 59 substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 399(6)** (with Sch. 2)

**F2264** Words in Sch. 5 para. 59 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 450(4)(l)** (with Sch. 2)

**F2265** Words in Sch. 5 para. 59 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 450(4)(m)** (with Sch. 2)

**F2266** Words in Sch. 5 para. 59 Table inserted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 357(4)**

**F2267** Words in Sch. 5 para. 59 Table substituted (6.4.2007) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 450(4)(n)** (with Sch. 2)

## SCHEDULE 6 Section 722

### CONSEQUENTIAL AMENDMENTS

### PART 1

### INCOME AND CORPORATION TAXES ACT 1988

1 The Income and Corporation Taxes Act 1988 (c. 1) is amended as follows.

2 . . . . . .

3 In section 4(1) (construction of references in Income Tax Acts to deduction of tax) for "in pursuance of section 203" substitute " under PAYE regulations ".

4 . . . . . .

5 . . . . . .

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

6 Omit section 19 (Schedule E).

7 In section 21A(2) (computation of amount chargeable)—

(a) for "sections 588 and 589" substitute " section 588 ";

(b) for "sections 589A and 589B" substitute " section 589A ";

(c) for "1989 (deductions in respect of certain emoluments)" substitute " 1989 (Schedule D: computation) ".

8 Omit section 58 (foreign pensions).

9 . . . . . .

10 . . . . . .

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12 . . . . . .

13 . . . . . .

14 Omit sections 131 to 134 (miscellaneous provisions relating to the Schedule E charge).

15 Omit sections 135 to 137 (provisions relating to gains by directors and employees from share options).

16 (1) Amend section 138 (share acquisitions by directors and employees) as follows.

(2) In subsection (1)(b) for "Schedule E" substitute " the employment income Parts of ITEPA 2003 ".

(3) In subsection (4)(b) for "Case I of Schedule E" substitute " section 15 or 21 of ITEPA 2003 (earnings of employee resident and ordinarily resident in the UK) ".

17 Omit section 140 (further interpretation of sections 135 to 139).

18 Omit sections 140A to 140H (further provisions relating to share acquisitions by directors and employees).

19 Omit sections 141 to 144 (vouchers and credit-tokens).

20 Omit section 144A (payments received free of tax).

21 Omit sections 145 to 147 (living accommodation).

22 Omit sections 148 to 151A (payments on retirement, sick pay and certain social security benefits).

23 . . . . . .

24 Omit sections 153 to 159AC and sections 160 to 168G (employees earning £8,500 or more and directors: expenses and benefits in kind).

25 Omit section 185 (approved share option schemes).

26 (1) Amend section 186 (approved profit sharing schemes) as follows.

(2) In subsection (3)—

(a) omit "the participant shall be chargeable to income tax under Schedule E for the year of assessment in which the entitlement arises on", and

(b) at the end add " counts as employment income of the participant for the year of assessment in which the entitlement arises ".

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(3) In subsection (4)—

(a) omit "the participant shall be chargeable to income tax under Schedule E for the year of assessment in which the disposal takes place on", and

(b) at the end add " counts as employment income of the participant for the year of assessment in which the disposal takes place ".

(4) In subsection (5)(a), for the words from "chargeable to income tax" to "those shares" substitute "entitled to a capital receipt (within the meaning of subsection (3) above) which is referable to those shares and—

(i) an amount calculated by reference to that capital receipt counts as his employment income by virtue of subsection (3) above, or

(ii) if the entitlement to the capital receipt arose before 6th April 2003, he was chargeable to income tax by virtue of that subsection (as it had effect before that date) in respect of that capital receipt,".

27 In section 187 (interpretation of sections 185 and 186 and Schedules 9 and 10) omit subsections (1) to (4), (6) and (7), except so far as relating to profit sharing schemes.

28 Omit the following provisions (which give relief from income tax on various kinds of income)—

(a) section 187A;

(b) sections 189 to 198;

(c) sections 199 to 202.

29 Omit sections 202A and 202B (assessment on receipts basis).

30 Omit sections 203 to 204 (pay as you earn).

31 Omit sections 205 and 206 (assessments).

32 Omit section 206A (PAYE settlement agreements).

33 Omit section 207 (disputes as to domicile or ordinary residence).

34 . . . . . .

35 . . . . . .

36 After section 266 insert—

"**266A Life assurance premiums paid by employer**

(1) This section applies if—

(a) pursuant to a non-approved retirement benefits scheme, the employer in any year of assessment pays a sum with a view to the provision of any relevant benefits for or in respect of any employee of that employer, and

(b) the payment is made under such an insurance or contract as is mentioned in section 266.

This section applies whether or not the accrual of the relevant benefits is dependent on any contingency.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) Relief, if not otherwise allowable, shall be given to that employee under section 266 in respect of the payment to the extent, if any, to which such relief would have been allowable to him if—

(a) the payment had been made by him, and

(b) the insurance or contract under which the payment is made had been made with him.

(3) For the purposes of subsection (1)(a)—

(a) a retirement benefits scheme is "non-approved" unless it is—

(i) an approved scheme,

(ii) a relevant statutory scheme, or

(iii) a scheme set up by a government outside the United Kingdom for the benefit of its employees or primarily for their benefit, and

(b) benefits are provided in respect of an employee if they are provided for the employee's spouse, widow or widower, children, dependants or personal representatives.

(4) Sections 611, 611A and 612 apply for the purposes of this section as they apply for the purposes of Chapter 1 of Part 14.

(5) Section 388 of ITEPA 2003 (apportionment of payments in respect of more than one employee) applies in relation to a sum within subsection (1) as it applies in relation to a sum within section 386 of that Act (charge on payments to non-approved retirement benefits schemes).

(6) This section does not apply in any case where either of the following provisions of ITEPA 2003 provides for section 386 of that Act not to apply—

(a) section 389 (employments where earnings charged on remittance basis), and

(b) section 390 (non-domiciled employees with foreign employers)."

37 . . . . . .

38 . . . . . .

39 Omit section 313 (taxation of consideration for certain restrictive undertakings).

40 . . . . . .

41 Omit sections 315 to 318 (pensions etc. paid in respect of military or war service etc.).

42 Omit section 319 (crown servants: foreign service allowance).

43 Omit section 321 (consuls and other official agents).

44 . . . . . .

45 . . . . . .

46 Omit section 330 (compensation for National-Socialist persecution).

47 (1) Amend section 332 (expenditure and houses of ministers of religion) as follows.

(2) Omit subsections (1) and (2).

(3) . . . . . .

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) Omit subsections (3A), (3B) and (4).

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52 In section 376(2) (qualifying borrowers and qualifying lenders) for the words from "an office or employment" to "Schedule E" substitute " an office or employment which would, but for some special exemption or immunity from tax, be a taxable employment under Part 2 of ITEPA 2003 (as defined by section 66(3) of that Act) ".

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67 . . . . . .

68 Omit section 589 (qualifying courses of training etc.).

69 . . . . . .

70 . . . . . .

71 In section 591D (provisions supplementary to section 591C) omit subsection (6).

72 . . . . . .

73 . . . . . .

74 Omit sections 595 and 596 (payments by employer to retirement benefits scheme).

75 Omit sections 596A to 596C (benefits under non-approved retirement benefits schemes).

76 Omit section 597 (charge to tax: pensions).

77 In section 599A (charge to tax: payments out of surplus funds) omit subsections (5), (6) and (8).

78 Omit section 600 (charge to tax: unauthorised payments to or for employees).

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

79 . . . . . .

80 (1) . . . . . .

(2) . . . . . .

(3) . . . . . .

(4) . . . . . .

(5) . . . . . .

(6) Omit subsection (3)(b)(iv) and the word "and" preceding it.

81 In section 608 (charge to tax on annuities paid out of superannuation funds approved before 6th April 1980) omit subsection (4).

82 . . . . . .

83 In section 613 (Parliamentary pension funds) omit subsections (1) to (3).

84 In section 614(3) (exemptions and reliefs in respect of income tax from investments etc. of certain pension schemes) for "paragraph (b), (c), (d) or (f) of subsection (2) of section 615" substitute " section 648, 649, 650 or 651 of ITEPA 2003 ".

85 In section 615 (exemption from tax in respect of certain pensions) omit subsections (1), (2), (4), (5) and (8).

86 Omit section 616 (other overseas pensions).

87 . . . . . .

88 Omit section 617A (tax credits under Part 1 of Tax Credits Act 2002 (c. 21)).

89 . . . . . .

90 . . . . . .

91 (1) Section 643 (employer's contributions and personal pension income etc.) is amended as follows.

(2) Omit subsection (1).

(3) In subsection (5) omit "shall be assessable to tax under Schedule E (and section 203 shall apply accordingly) and".

92 . . . . . .

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96 Omit sections 647 to 648A (personal pensions: unauthorised payments, contributions under unapproved arrangements and annuities).

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**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

102 . . . . . .

103 . . . . . .

104 In section 824(4A) (repayment supplement: individuals and others) for "section 203" substitute " PAYE regulations ".

105 . . . . . .

106 In section 830 (territorial sea and designated areas) omit subsection (5).

107 In section 831(3) (interpretation of ICTA) before the entry relating to "the Management Act" insert—

""ITEPA 2003" means the Income Tax (Earnings and Pensions) Act 2003;".

108 . . . . . .

109 . . . . . .

110 Omit Schedules 6 and 6A (taxation of directors and others: cars and vans).

111 Omit Schedules 7 and 7A (taxation of benefit of loans).

112 (1) Amend Schedule 9 (approved share option schemes and profit sharing schemes) as follows.

(2) Omit Parts 1, 2 and 6 except so far as relating to profit sharing schemes.

(3) Omit Parts 3 and 4.

113 (1) Amend Schedule 10 (further provisions relating to profit sharing schemes) as follows.

(2) In paragraphs 3(1) and 6(4) for "charging an individual to income tax under Schedule E" substitute " under which an amount counts as employment income of an individual ".

(3) In paragraph 7—

(a) in sub-paragraph (1), for "a participant in the scheme is chargeable to income tax under Schedule E" substitute " an amount counts as employment income of the participant ",

(b) in sub-paragraph (6), for the words from "section 203" to "Schedule E" substitute " section 684 of ITEPA 2003 (PAYE regulations) and PAYE regulations as PAYE income payable to the recipient ", and

(c) in sub-paragraph (7)(b)—

(i) omit second "to", and

(ii) for "the participant is chargeable" substitute " is charged on the participant ".

114 Omit Schedule 11 (payments and other benefits in connection with termination of employment etc.).

115 Omit Schedule 11A (removal benefits and expenses).

116 Omit Schedule 12 (foreign earnings).

117 Omit Schedule 12AA (mileage allowances).

118 Omit Schedule 12A (ordinary commuting and private travel).

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

119 In Schedule 14 (modification of section 266 in certain cases), in paragraph 5 for "section 595" substitute " section 386 of ITEPA 2003 (payments to non-approved retirement benefits schemes) ".

120 . . . . . .

121 . . . . . .

## PART 2

OTHER ENACTMENTS

*Finance Act 1969 (c. 32)*

122 (1) Section 58 of the Finance Act 1969 (disclosure of information for statistical purposes by Board of Inland Revenue) is amended as follows.

(2) In subsection (1)(a)—

(a) for "section 203 of the Taxes Act 1988 (pay as you earn)" substitute " PAYE regulations ";

(b) for "emoluments to which that section applies" substitute " earnings or amounts treated as earnings from an employment ".

(3) In subsection (1)(b) for "emoluments" substitute " earnings or amounts treated as earnings ".

(4) After subsection (1) insert—

"(1A) In subsection (1) "earnings or amounts treated as earnings" means earnings or amounts treated as earnings which constitute employment income (see section 7(2)(a) or (b) of the Income Tax (Earnings and Pensions) Act 2003)."

*Taxes Management Act 1970 (c. 9)*

123 The Taxes Management Act 1970 is amended as follows.

124 In section 7(4) and (5) (notice of liability to income tax and capital gains tax) for "section 203 of the principal Act" substitute " PAYE regulations ".

125 (1) Amend section 9 (returns to include self-assessment) as follows.

(2) In subsection (1) for ", 547(5) or 599A(5) of the principal Act" substitute " or 547(5) of the principal Act or section 626 of ITEPA 2003 ".

(3) . . . . . .

126 (1) Amend section 15 (return of employee's emoluments etc.) as follows.

(2) For the sidenote to the section substitute " Return of employees' earnings etc. "

(3) In subsection (3)(a) for "employment to which Chapter II of Part V of the principal Act applies" substitute " employment which, for the purposes of the benefits code in ITEPA 2003, is a taxable employment under Part 2 of that Act (see section 66) but is not an excluded employment (see section 63 of that Act) ".

(4) In subsection (8)(a) for "the relevant sections, that is to say, sections 141, 142, 143, 144A, 145, 146 and 154 to 165 of the principal Act" substitute " the relevant

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provisions, that is to say, Chapters 4 to 10 of Part 3 and sections 222 and 223 of ITEPA 2003 ".

(5) In subsection (9)(a) for "the relevant sections" substitute " the relevant provisions ".

(6) In subsection (11)—

(a) for "the relevant sections", in each place, substitute " the relevant provisions "; and

(b) in paragraph (a)(ii) for "section 141(3), 142(2), 145(3) or 156(8) of the principal Act" substitute " section 328(1), 362, 363, 364 or 365 of ITEPA 2003 ".

(7) In subsection (13)—

(a) in the definition of "employee", for "whose emoluments fall to be assessed under Schedule E" substitute " whose earnings are within the charge to tax under ITEPA 2003 "; and

(b) for the definition of "the relevant sections" substitute—

""the relevant provisions" has the meaning given by section (8)(a) above."

127 For section 16A substitute—

"**16A Agency workers**

(1) This section applies where—

(a) any services which an individual provides or is obliged to provide under an agency contract are treated under section 44(2) of ITEPA 2003 as the duties of an office or employment held by him with the agency, or

(b) any remuneration receivable under or in consequence of arrangements falling within section 45 of that Act is treated as earnings from an office or employment held by an individual with the agency.

(2) Where this section applies—

(a) section 15 above shall apply as if the individual were employed by the agency, and

(b) section 16 above shall not apply to any payments made to the individual under or in consequence of the agency contract or the arrangements.

(3) In this section "agency contract" and "remuneration" have the same meaning as in Chapter 7 of Part 2 of ITEPA 2003."

128 In section 42(3) (procedure for making claims etc.) for "section 203 of the principal Act" substitute " PAYE regulations ".

129 . . . . . .

130 In section 59A (payments on account of income tax)—

(a) in subsection (8)(b) for "section 203 of the principal Act" substitute " PAYE regulations "; and

(b) in subsection (10) for "Regulations under section 203 of the principal Act (PAYE)" substitute " PAYE regulations ".

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131 (1) Amend section 59B (payment of income tax and capital gains tax) as follows.

(2) In subsection (1) for ", 547(5) or 599A(5) of the principal Act" substitute " or 547(5) of the principal Act or section 626 of ITEPA 2003 ".

(3) In subsection (2)(a) for "section 203 of the principal Act" substitute " PAYE regulations ".

(4) In subsection (8) for "Regulations under section 203 of the principal Act (PAYE)" substitute " PAYE regulations ".

132 In section 62(1A)(a) (priority of claim for tax)—

(a) for "emoluments" substitute " taxable earnings (as defined by section 10 of ITEPA 2003) ";

(b) for "section 203 of the principal Act (pay as you earn)" substitute " PAYE regulations ".

133 In section 63(3)(a) (recovery of tax in Scotland) for "section 203 of the principal Act (pay as you earn)" substitute " PAYE regulations ".

134 In section 64(1A)(a) (priority of claim for tax in Scotland)—

(a) for "emoluments" substitute " taxable earnings (as defined by section 10 of ITEPA 2003) ";

(b) for "section 203 of the principal Act (pay as you earn)" substitute " PAYE regulations ".

135 (1) Amend section 70 (evidence) as follows.

(2) . . . . . .

(3) In subsection (4) for "emoluments" in both places where it occurs substitute " earnings or amounts treated as earnings ".

(4) After subsection (4) insert—

"(5) In subsection (4) "earnings or amounts treated as earnings" means earnings or amounts treated as earnings which constitute employment income (see section 7(2)(a) or (b) of ITEPA 2003)."

136 In section 91(3)(c) (effect on interest of reliefs) for "section 203 of the principal Act" substitute " PAYE regulations ".

137 (1) Amend the Table in section 98 (special returns, etc.) as follows.

(2) Omit from the first column of the Table the entries relating to—

(a) regulations under section 202 of ICTA;

(b) paragraph 117 of Schedule 8 to FA 2000;

(c) paragraph 64 of Schedule 14 to FA 2000.

(3) At the end of the first column of the Table insert the following entries—

| |
|---|
| "Regulations under section 589 of ITEPA 2003. |
| Regulations under section 715 of ITEPA 2003. |
| Paragraph 93 of Schedule 2 to ITEPA 2003. |
| Paragraph 45 of Schedule 3 to ITEPA 2003. |

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| | |
|---|---|
| | Paragraph 33 of Schedule 4 to ITEPA 2003. |
| | Paragraph 51 of Schedule 5 to ITEPA 2003.” |

(4) Omit from the second column of the Table the entries relating to—

(a) section 136(6) of ICTA;
(b) section 140G of ICTA;
(c) regulations under section 202 of ICTA;
(d) regulations under section 203 of ICTA;
(e) section 313(5) of ICTA;
(f) section 85(1) and (2) of FA 1988;
(g) paragraph 65 of Schedule 14 to FA 2000.

(5) At the end of the second column of the Table insert the following entries—

| | |
|---|---|
| “ | Sections 432 and 433 of ITEPA 2003. |
| | Section 445 of ITEPA 2003. |
| | Sections 465 and 466 of ITEPA 2003. |
| | Section 486 of ITEPA 2003. |
| | Regulations under section 589 of ITEPA 2003. |
| | Regulations under section 715 of ITEPA 2003. |
| | PAYE regulations. |
| | Paragraph 52 of Schedule 5 to ITEPA 2003.” |

138 In section 98A(1) (special penalties in the case of certain returns) for “Regulations under section 203(2) (PAYE) or” substitute “ PAYE regulations or regulations under section ”.

139 In section 118 (interpretation) after the entry relating to “inspector” insert—

““ITEPA 2003” means the Income Tax (Earnings and Pensions) Act 2003,”.

140 In section 119(4) (construction of the Act) after “1992 Act” insert “ and ITEPA 2003 ”.

141 In paragraph 4(1A) of Schedule 1A (claims etc. not included in returns) for “section 203 of the principal Act” substitute “ PAYE regulations ”.

142 . . . . . .

143 In Schedule 3A (electronic lodgement of tax returns etc.) in paragraph 2(4) (returns to which the Schedule applies) after “the principal Act” insert “ or under ITEPA 2003 ”.

*Finance Act 1973 (c. 51)*

144 . . . . . .

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145 . . . . . .

146 . . . . . .

*Finance Act 1974 (c. 30)*

147 . . . . . .

*Interpretation Act 1978 (c. 30)*

148 In Schedule 1 to the Interpretation Act 1978 (words and expressions defined) after the definition of "Parliamentary election" insert—

> ""PAYE income" has the meaning given by section 683 of the Income Tax (Earnings and Pensions) Act 2003.
>
> "PAYE regulations" means regulations under section 684 of that Act."

*Education (Scotland) Act 1980 (c. 44)*

149 In section 73B of the Education (Scotland) Act 1980 (grants and loans: Scotland)—

(a) in subsection (3)(g) for "regulations under section 203 of the Income and Corporation Taxes Act 1988 (PAYE)" substitute " PAYE regulations "; and

(b) in subsection (4) for "income assessable to income tax under Schedule E" substitute " PAYE income ".

*Inheritance Tax Act 1984 (c. 51)*

150 The Inheritance Tax Act 1984 is amended as follows.

151 (1) Amend the following provisions as provided in sub-paragraph (2)—

(a) section 13(4)(c) (dispositions by close companies for benefit of employees),

(b) section 72(4A) (property leaving employee trusts and newspaper trusts), and

(c) section 86(3)(c) (trusts for benefit of employees).

(2) In each of those provisions, for "an employee share ownership plan approved under Schedule 8 to the Finance Act 2000" substitute " a share incentive plan approved under Schedule 2 to the Income Tax (Earnings and Pensions) Act 2003 ".

152 In section 14(1) (waiver of remuneration), for "would be assessable to income tax under Schedule E" substitute " would be earnings, or would be treated as earnings, and would constitute employment income (see section 7(2)(a) or (b) of the Income Tax (Earnings and Pensions) Act 2003) ".

*Bankruptcy (Scotland) Act 1985 (c. 66)*

153 . . . . . .

*Insolvency Act 1986 (c. 45)*

154 In paragraph 1 of Schedule 6 to the Insolvency Act 1986 (the categories of preferential debts)—

(a) for "emoluments" substitute " taxable earnings (as defined by section 10 of the Income Tax (Earnings and Pensions) Act 2003) "; and

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(b) for "section 203 of the Income and Corporation Taxes Act 1988 (pay as you earn)" substitute " PAYE regulations ".

*Finance Act 1988 (c. 39)*

155 (1) Section 73 of the Finance Act 1988 (consideration for certain restrictive undertakings) is amended as follows.

(2) In subsection (2) for "any sum to which section 313 of that Act applies" substitute " any payment which is treated as earnings of an employee by virtue of section 225 of the Income Tax (Earnings and Pensions) Act 2003 (payments for restrictive undertakings) ".

(3) In subsection (3) for "Any sum to which section 313 of the Taxes Act 1988 applies" substitute " Any payment which is treated as earnings of an employee by virtue of section 225 of the Income Tax (Earnings and Pensions) Act 2003 ".

*Finance Act 1989 (c. 26)*

156 The Finance Act 1989 is amended as follows.

157 For section 43 substitute—

"**43 Schedule D: computation**

(1) In calculating profits or gains of a trade to be charged under Schedule D for a period of account, no deduction is allowed for an amount charged in the accounts in respect of employees' remuneration, unless the remuneration is paid before the end of the period of 9 months immediately following the end of the period of account.

(2) For the purposes of subsection (1) above an amount charged in the accounts in respect of employees' remuneration includes an amount—

(a) for which provision is made in the accounts, or

(b) which is held by an intermediary,

with a view to its becoming employees' remuneration.

(3) Subsection (1) above applies whether the amount is in respect of particular employments or in respect of employments generally.

(4) If the remuneration is paid after the end of the period of 9 months mentioned in subsection (1) above, any deduction allowed in respect of it is allowed for the period of account in which it is paid and not for any other period of account.

(5) If the profits of the trade are calculated before the end of the period of 9 months mentioned in subsection (1) above—

(a) it must be assumed, in making the calculation, that any remuneration which is unpaid when the calculation is made will not be paid before the end of that period, but

(b) if the remuneration is subsequently paid before the end of that period, the calculation is adjusted if a claim to adjust it is made to an officer of the Board within 2 years beginning with the end of the period of account.

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(6) For the purposes of this section, remuneration is paid when it—

(a) is treated as received by an employee for the purposes of the Income Tax (Earnings and Pensions) Act 2003 by section 18, 19, 31 or 32 of that Act (receipt of money and non-money earnings), or

(b) would be so treated if it were not exempt income.

(7) In this section—

"employee" includes an office-holder and "employment" correspondingly includes an office, and

"remuneration" means an amount which is or is treated as earnings for the purposes of the Income Tax (Earnings and Pensions) Act 2003."

158 For section 44 substitute—

"**44 Investment and insurance companies: computation**

(1) In calculating the profits of an investment company for a period of account, no deduction is allowed for an amount charged in the accounts in respect of employees' remuneration, unless the remuneration is paid before the end of the period of 9 months immediately following the end of the period of account.

(2) For the purposes of subsection (1) above an amount charged in the accounts in respect of employees' remuneration includes an amount—

(a) for which provision is made in the accounts, or

(b) which is held by an intermediary,

with a view to its becoming employees' remuneration.

(3) Subsection (1) above applies whether the amount is in respect of particular employments or in respect of employments generally.

(4) If the remuneration is paid after the end of the period of 9 months mentioned in subsection (1) above, any deduction allowed in respect of it is allowed for the period of account in which it is paid and not for any other period of account.

(5) If the profits of the trade are calculated before the end of the period of 9 months mentioned in subsection (1) above—

(a) it must be assumed, in making the calculation, that any remuneration which is unpaid when the calculation is made will not be paid before the end of that period, but

(b) if the remuneration is subsequently paid before the end of that period, the calculation is adjusted if a claim to adjust it is made to an officer of the Board by or on behalf of the company within 2 years beginning with the end of the period of account.

(6) For the purposes of this section, remuneration is paid when it—

(a) is treated as received by an employee for the purposes of the Income Tax (Earnings and Pensions) Act 2003 by section 18, 19, 31 or 32 of that Act (receipt of money and non-money earnings), or

(b) would be so treated if it were not exempt income.

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(7) Where the profits of a company carrying on life assurance business are not charged under Case I of Schedule D, this section shall apply in calculating the profits as it applies in calculating the profits of an investment company; and in any such case—

(a) subsection (4) above shall have effect subject to section 86 below, and

(b) in construing section 86 below the remuneration shall be treated as expenses for the accounting period.

(8) In this section—

"employee" includes an office-holder and "employment" correspondingly includes an office,

"investment company" has the same meaning as in Part 4 of the Taxes Act 1988, and

"remuneration" means an amount which is or is treated as earnings for the purposes of Parts 2 to 7 of the Income Tax (Earnings and Pensions) Act 2003."

159 In section 53(2)(f) (amendments consequential on the substitution of a new section 167 of ICTA) for "sections 332(2)(c) and 418(3)(a)" substitute " section 418(3)(a) ".

160 (1) Amend section 69 (chargeable events in relation to employee share ownership trusts) as follows.

(2) In subsection (3AA)—

(a) in paragraph (a) for "an employee share ownership" substitute " a share incentive ", and

(b) in paragraph (b) for "Schedule 8 to the Finance Act 2000" substitute " Schedule 2 to the Income Tax (Earnings and Pensions) Act 2003 ".

(3) In the definition of "market value" in subsection (3AC), for "in Schedule 8 to the Finance Act 2000" substitute " it has for the purposes of the SIP code (see paragraph 92 of Schedule 2 to the Income Tax (Earnings and Pensions) Act 2003) ".

(4) In subsection (4ZA)(b)—

(a) for "a savings-related share option scheme within the meaning of Schedule 9 to the Taxes Act 1988" substitute " an SAYE option scheme within the meaning of the SAYE code (see section 516(4) of the Income Tax (Earnings and Pensions) Act 2003) ", and

(b) in sub-paragraph (ii) for "that Schedule" substitute " Schedule 3 to that Act ".

161 . . . . . .

162 In section 178(2) (setting of rates of interest)—

(a) in paragraph (m) omit the words "160,",

(b) at the end of the first paragraph (p) omit the word "and",

(c) renumber the second paragraph (p) as paragraph (q), and

(d) at the end of paragraph (r) insert ", and

(s) Chapter 7 of Part 3 of the Income Tax (Earnings and Pensions) Act 2003.".

163 (1) Amend Schedule 5 (employee share ownership trusts) as follows.

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(2) In paragraph 4(2A) (beneficiaries)—

(a) for "a savings-related share option scheme within the meaning of Schedule 9 to the Taxes Act 1988" substitute " an SAYE option scheme ", and

(b) in paragraph (b), for "that Schedule" substitute " Schedule 3 to the Income Tax (Earnings and Pensions) Act 2003 ".

(3) In paragraph 9(2ZA)(b) (transfers of securities on qualifying terms)—

(a) for "a savings-related share option scheme within the meaning of Schedule 9 to the Taxes Act 1988" substitute " an SAYE option scheme ", and

(b) in sub-paragraph (ii), for "that Schedule" substitute " Schedule 3 to the Income Tax (Earnings and Pensions) Act 2003 ".

(4) In paragraph 10 (other features)—

(a) for "savings-related share option schemes approved under Schedule 9 to the Taxes Act 1988" substitute " SAYE option schemes approved under Schedule 3 to the Income Tax (Earnings and Pensions) Act 2003 "; and

(b) for "that Schedule" substitute " Schedule 9 to the Taxes Act 1988 ".

(5) After paragraph 17 insert—

"**18** For the purposes of this Schedule "SAYE option scheme" has the same meaning as in the SAYE code (see section 516 of the Income Tax (Earnings and Pensions) Act 2003 (approved SAYE option schemes))."

*Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19))*

164 In paragraph 1 of Schedule 4 to the Insolvency (Northern Ireland) Order 1989 (the categories of preferential debts)—

(a) in sub-paragraph (1), for "emoluments" substitute " taxable earnings (as defined by section 10 of the Income Tax (Earnings and Pensions) Act 2003) "; and

(b) in sub-paragraph (2), for "section 203 of the Income and Corporation Taxes Act 1988 (pay as you earn)" substitute " regulations made under section 684 of that Act (PAYE regulations) ".

*Finance Act 1990 (c. 29)*

165 The Finance Act 1990 is amended as follows.

166 . . . . . .

167 (1) Amend paragraph 4 of Schedule 14 (amendments of sections 322 and 323 of ICTA) as follows.

(2) In sub-paragraph (1) for "sections 322(1)(a) and (2) and 323(1)" substitute " section 322(1)(a) ".

(3) Omit sub-paragraph (2).

*Finance Act 1991 (c. 31)*

168 (1) Amend section 38 of the Finance Act 1991 (employee share schemes: non-discrimination) as follows.

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(2) Omit subsection (2).

(3) In subsection (6) for "Subsections (2) and" substitute " Subsection ".

*Social Security Contributions and Benefits Act 1992 (c. 4)*

169 The Social Security Contributions and Benefits Act 1992 is amended as follows.

170 In section 1 (outline of contributory system), in subsection (2)(bb) for "emoluments" substitute " general earnings ".

171 In section 2 (categories of earners), in subsection (1)(a) for "emoluments chargeable to income tax under Schedule E" substitute " general earnings ".

172 (1) Amend section 4 (payments treated as remuneration and earnings) as follows.

(2) For subsection (4)(a) substitute—

"(a) the amount of any gain calculated under section 479 or 480 of ITEPA 2003 in respect of which an amount counts as employment income of the earner under section 476 or 477 of that Act (charge on exercise, assignment or release of share option);".

(3) In subsection (4)(b) for "section 313 of the 1988 Act" substitute " section 225 or 226 of ITEPA 2003 ".

(4) In subsection (6)(a) for "Schedule E" substitute " the employment income Parts of ITEPA 2003 ".

173 In section 7(1)(b) (meaning of "secondary contributor") for "emoluments" in both places where it occurs substitute " general earnings ".

174 (1) Amend section 10 (Class 1A National Insurance contributions: benefits in kind etc.) as follows.

(2) For subsection (1)(a) substitute—

"(a) for any tax year an earner is chargeable to income tax under ITEPA 2003 on an amount of general earnings received by him from any employment ("the relevant employment"),".

(3) For subsection (1)(b) substitute—

"(b) the relevant employment is both—

(i) employed earner's employment, and

(ii) an employment, other than an excluded employment, within the meaning of the benefits code (see Chapter 2 of Part 3 of ITEPA 2003),".

(4) In subsection (1)(c) for "emolument" substitute " general earnings ".

(5) In subsection (1) in the words after paragraph (c) for "emolument" substitute " general earnings ".

(6) In subsection (2)(b) for "emolument" substitute " general earnings ".

(7) In subsection (4)—

(a) for "emolument" substitute " general earnings ";

(b) for "it" substitute " them ".

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(8) In subsection (6) for "emolument as is taken" substitute " general earnings as are taken ".

(9) For subsection (7) substitute—

"(7) In calculating for the purposes of this section the amount of general earnings received by an earner from an employment, a deduction under any of the excluded provisions is to be disregarded.

This subsection does not apply in relation to a deduction if subsection (7A) applies in relation to it.

(7A) Where—

(a) a deduction in respect of a matter is allowed under an excluded provision, and

(b) the amount deductible is at least equal to the whole of any corresponding amount which would (but for this section) fall by reference to that matter to be included in the general earnings mentioned in subsection (7),

the whole of the corresponding amount shall be treated as not included.

(7B) For the purposes of subsections (7) and (7A) "excluded provision" means—

(a) any provision of Chapter 2 of Part 5 of ITEPA 2003 (deductions for employee's expenses), other than section 352 (limited deduction for agency fees paid by entertainers), and

(b) any provision of Chapter 5 of Part 5 of ITEPA 2003 (deductions for earnings representing benefits or reimbursed expenses)."

(10) For subsection (8)(a) substitute—

"(a) modify the effect of subsections (7) and (7A) above by amending subsection (7B) so as to include any enactment contained in the Income Tax Acts within the meaning of "excluded provision"; or".

(11) In subsection (8)(b)—

(a) for "subsection (7)" substitute " subsections (7) to (7B) ";

(b) for "under Schedule E" substitute " on employment income ".

(12) In subsection (9)(a) for "emoluments" substitute " general earnings ".

(13) Omit subsection (10).

175 (1) Amend section 10ZA (liability of third party provider of benefits in kind) as follows.

(2) In subsection (1)(a) for "an emolument" substitute " general earnings ".

(3) Amend subsection (1)(b) as follows—

(a) for "the emolument, in so far as it is one in respect of which" substitute " the general earnings, in so far as they are ones in respect of which ";

(b) for "consists" substitute " consist ".

(4) In subsection (2), in the words after paragraph (b) for "an emolument" substitute " general earnings ".

(5) In subsection (6) for "section 168(4) of the Income and Corporation Taxes Act 1988" substitute " section 721(5) of ITEPA 2003 ".

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176 (1) Amend section 10ZB (non-cash vouchers provided by third parties) as follows.

(2) In subsection (2)(a) for the words from "employment" to the end of the paragraph substitute " employment which is an excluded employment for the purposes of the benefits code, and ".

(3) In subsection (2)(b) for "if that Chapter did apply to that employment" substitute " if that employment were not an excluded employment ".

(4) In subsection (2), in the words following paragraph (b) for "as if that employment were employment to which that Chapter applied" substitute " as if that employment were not an excluded employment ".

(5) In subsection (3) for "section 141 of the Income and Corporation Taxes Act 1988" substitute " section 84 of ITEPA 2003 ".

177 (1) Amend section 10A (Class 1B National Insurance contributions) as follows.

(2) In subsection (1) for "emoluments" substitute " general earnings ".

(3) In subsection (2)(a) for "the emoluments included" substitute " the general earnings included ".

(4) In subsection (4) for "Emoluments are chargeable emoluments" substitute " General earnings are chargeable emoluments ".

(5) In subsection (5) for "emoluments" in both places where it occurs substitute " general earnings ".

178 (1) Amend section 122(1) (interpretation of Parts 1 to 6 and supplementary provisions) as follows.

(2) Insert the following definitions in the appropriate places—

""the benefits code" has the meaning given by section 63(1) of ITEPA 2003;"

""the employment income Parts of ITEPA 2003" means Parts 2 to 7 of that Act;"

""excluded employment" has the meaning given by section 63(4) of ITEPA 2003;"

""general earnings" has the meaning given by section 7 of ITEPA 2003 and accordingly sections 3 and 112 of this Act do not apply in relation to the word "earnings" when used in the expression "general earnings";"

""ITEPA 2003" means the Income Tax (Earnings and Pensions) Act 2003;".

(3) In the definition of "PAYE settlement agreement" for "section 206A of the Income and Corporation Taxes Act 1988" substitute " Chapter 5 of Part 11 of ITEPA 2003 ".

179 In section 126(5)(a)(ii) (trade disputes) for "emoluments in pursuance of section 203 of the Income and Corporation Taxes Act 1988 (PAYE)" substitute " taxable earnings (as defined by section 10 of the Income Tax (Earnings and Pensions) Act 2003) under PAYE regulations ".

180 (1) Amend section 150(2) (interpretation of Part 10) as follows.

(2) In paragraph (b) of the definition of "unemployability supplement or allowance"—

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(a) in sub-paragraph (ii) for "section 315(1) of the Income and Corporation Taxes Act 1988" substitute " section 641 of the Income Tax (Earnings and Pensions) Act 2003 ";

(b) omit sub-paragraph (v).

(3) In paragraph (b) of the definition of "war disablement pension" for "subsection (1) of section 315 of the Income and Corporation Taxes Act 1988" substitute " any of paragraphs (a) to (f) of section 641(1) of the Income Tax (Earnings and Pensions) Act 2003 ".

(4) In the definition of "war widow's pension" for "subsection (2)(e) of the said section 315" substitute " section 641(1)(e) or (f) of the Income Tax (Earnings and Pensions) Act 2003 ".

181 In section 163(1) (interpretation of Part 11), in paragraph (a) of the definition of "employee" for "emoluments chargeable to income tax under Schedule E" substitute " general earnings (as defined by section 7 of the Income Tax (Earnings and Pensions) Act 2003) ".

182 In section 171(1) (interpretation of Part 12), in paragraph (a) of the definition of "employee" for "emoluments chargeable to income tax under Schedule E" substitute " general earnings (as defined by section 7 of the Income Tax (Earnings and Pensions) Act 2003) ".

183 In section 171ZJ(2)(a) (Part 12ZA: supplementary) for "emoluments chargeable to income tax under Schedule E" substitute " general earnings (as defined by section 7 of the Income Tax (Earnings and Pensions) Act 2003) ".

184 In section 171ZS(2)(a) (Part 12ZB: supplementary) for "emoluments chargeable to income tax under Schedule E" substitute " general earnings (as defined by section 7 of the Income Tax (Earnings and Pensions) Act 2003) ".

185 In Schedule 1 (supplementary provisions relating to contributions of Classes 1, 1A, 1B, 2 and 3)—

(a) in paragraph 6(1)(a) for "regulations under section 203 of the Income and Corporation Taxes Act 1988 (PAYE)" substitute " PAYE regulations ";

(b) in paragraph 6(1)(b) for "regulations under that section" substitute " PAYE regulations ";

(c) in paragraph 6(7) for "regulations made under section 203 of the Income and Corporation Taxes Act 1988 (PAYE)" substitute " PAYE regulations ";

(d) in paragraph 7(1)(a) for "regulations made by **[**F154an officer of Revenue and Customs**]** under section 203(2) or" substitute " PAYE regulations or regulations made under section "; and

(e) in paragraph 7B(1) for "regulations under section 203 of the Income and Corporation Taxes Act 1988 (PAYE)" substitute " PAYE regulations ".

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

*Social Security Administration Act 1992 (c. 5)*

186 The Social Security Administration Act 1992 is amended as follows.

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187 (1) Amend section 139(11) (definitions used in provisions relating to arrangements for council tax benefit) as follows.

(2) In paragraph (b) of the definition of "war disablement pension" for "subsection (1) of section 315 of the Income and Corporation Taxes Act 1988" substitute " any of paragraphs (a) to (f) of section 641(1) of the Income Tax (Earnings and Pensions) Act 2003 ".

(3) In the definition of "war widow's pension" for "section 315(2)(e) of the Income and Corporation Taxes Act 1988" substitute " section 641(1)(e) or (f) of the Income Tax (Earnings and Pensions) Act 2003 ".

188 (1) Amend section 159B(6) (effect of alterations affecting state pension credit) as follows.

(2) In paragraph (b) of the definition of "war disablement pension" for "subsection (1) of section 315 of the Income and Corporation Taxes Act 1988 (c. 1)" substitute " any of paragraphs (a) to (f) of section 641(1) of the Income Tax (Earnings and Pensions) Act 2003 ".

(3) In paragraph (b) of the definition of "war widow's or widower's pension" for "section 315(2)(e) of the Income and Corporation Taxes Act 1988" substitute " section 641(1)(e) or (f) of the Income Tax (Earnings and Pensions) Act 2003 ".

189 (1) Amend section 162(5) (destination of national insurance contributions) as follows.

(2) In paragraph (c) for "emoluments" substitute " general earnings ".

(3) In paragraph (ca) for "emoluments" substitute " general earnings ".

*Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)*

190 The Social Security Contributions and Benefits (Northern Ireland) Act 1992 is amended as follows.

191 In section 1 (outline of contributory system), in subsection (2)(bb) for "emoluments" substitute " general earnings ".

192 In section 2 (categories of earners), in subsection (1)(a) for "emoluments chargeable to income tax under Schedule E" substitute " general earnings ".

193 (1) Amend section 4 (payments treated as remuneration and earnings) as follows.

(2) For subsection (4)(a) substitute—

"(a) the amount of any gain calculated under section 479 or 480 of ITEPA 2003 in respect of which an amount counts as employment income of the earner under section 476 or 477 of that Act (charge on exercise, assignment or release of share option);".

(3) In subsection (4)(b) for "section 313 of the 1988 Act" substitute " section 225 or 226 of ITEPA 2003 ".

(4) In subsection (6)(a) for "Schedule E" substitute " the employment income Parts of ITEPA 2003 ".

194 In section 7(1)(b) (meaning of "secondary contributor") for "emoluments" in both places where it occurs substitute " general earnings ".

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195 (1) Amend section 10 (Class 1A National Insurance contributions: benefits in kind etc.) as follows.

(2) For subsection (1)(a) substitute—

"(a) for any tax year an earner is chargeable to income tax under ITEPA 2003 on an amount of general earnings received by him from any employment ("the relevant employment"),".

(3) For subsection (1)(b) substitute—

"(b) the relevant employment is both—

(i) employed earner's employment, and

(ii) an employment, other than an excluded employment, for the purposes of the benefits code (see Chapter 2 of Part 3 of ITEPA 2003),".

(4) In subsection (1)(c) for "emolument" substitute " general earnings ".

(5) In subsection (1), in the words after paragraph (c) for "emolument" substitute " general earnings ".

(6) In subsection (2)(b) for "emolument" substitute " general earnings ".

(7) In subsection (4)—

(a) for "emolument" substitute " general earnings ";

(b) for "it" substitute " them ".

(8) In subsection (6) for "emolument" substitute " general earnings ".

(9) For subsection (7) substitute—

"(7) In calculating for the purposes of this section the amount of general earnings received by an earner from an employment, a deduction under any of the excluded provisions is to be disregarded.

This subsection does not apply in relation to a deduction if subsection (7A) applies in relation to it.

(7A) Where—

(a) a deduction in respect of a matter is allowed under an excluded provision, and

(b) the amount deductible is at least equal to the whole of any corresponding amount which would (but for this section) fall by reference to that matter to be included in the general earnings mentioned in subsection (7),

the whole of the corresponding amount shall be treated as not included.

(7B) For the purposes of subsections (7) and (7A) "excluded provision" means—

(a) any provision of Chapter 2 of Part 5 of ITEPA 2003 (deductions for employee's expenses) other than section 352 (limited deduction for agency fees paid by entertainers), and

(b) any provision of Chapter 5 of Part 5 of ITEPA 2003 (deductions for earnings representing benefits or reimbursed expenses)."

(10) For subsection (8)(a) substitute—

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"(a) modify the effect of subsections (7) and (7A) above by amending subsection (7B) so as to include any enactment contained in the Income Tax Acts within the meaning of "excluded provision"; or".

(11) In subsection (8)(b)—

(a) for "subsection (7)" substitute " subsections (7) to (7B) ";

(b) for "under Schedule E" substitute " on employment income ".

(12) In subsection (9)(a) for "emoluments" substitute " general earnings ".

(13) Omit subsection (10).

196 (1) Amend section 10ZA (liability of third party provider of benefits in kind) as follows.

(2) In subsection (1)(a) for "an emolument" substitute " general earnings ".

(3) Amend subsection (1)(b) as follows—

(a) for "the emolument, in so far as it is one in respect of which" substitute " the general earnings, in so far as they are ones in respect of which ";

(b) for "consists" substitute " consist ".

(4) In subsection (2), in the words after paragraph (b) for "an emolument" substitute " general earnings ".

(5) In subsection (6) for "section 168(4) of the Income and Corporation Taxes Act 1988" substitute " section 721(5) of ITEPA 2003 ".

197 (1) Amend section 10ZB (non-cash vouchers provided by third parties) as follows.

(2) In subsection (2)(a) for the words from "employment" to the end of the paragraph substitute " employment which is an excluded employment for the purposes of the benefits code, and ".

(3) In subsection (2)(b) for "if that Chapter did apply to that employment" substitute " if that employment were not an excluded employment ".

(4) In subsection (2), in the words following paragraph (b) for "as if that employment were employment to which that Chapter applied" substitute " as if that employment were not an excluded employment ".

(5) In subsection (3) for "section 141 of the Income and Corporation Taxes Act 1988" substitute " section 84 of ITEPA 2003 ".

198 (1) Amend section 10A (Class 1B National Insurance contributions) as follows.

(2) In subsection (1) for "emoluments" substitute " general earnings ".

(3) In subsection (2)(a) for "the emoluments included" substitute " the general earnings included ".

(4) In subsection (4) for "Emoluments are chargeable emoluments" substitute " General earnings are chargeable emoluments ".

(5) In subsection (5) for "emoluments" in both places where it occurs substitute " general earnings ".

199 (1) Amend section 121(1) (interpretation of Parts 1 to 6 and supplementary provisions) as follows.

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(2) Insert the following definitions in the appropriate places—

""the benefits code" has the meaning given by section 63(1) of ITEPA 2003;"

""the employment income Parts of ITEPA 2003" means Parts 2 to 7 of that Act;"

""excluded employment" has the meaning given by section 63(4) of ITEPA 2003;"

""general earnings" has the meaning given by section 7 of ITEPA 2003 and accordingly sections 3 and 112 of this Act do not apply in relation to the word "earnings" when used in the expression "general earnings";"

""ITEPA 2003" means the Income Tax (Earnings and Pensions) Act 2003;".

(3) In the definition of "PAYE settlement agreement" for "section 206A of the Income and Corporation Taxes Act 1988" substitute " Chapter 5 of Part 11 of ITEPA 2003 ".

200 In section 125(5)(a)(ii) (trade disputes) for "emoluments in pursuance of section 203 of the Income and Corporation Taxes Act 1988 (PAYE)" substitute " taxable earnings (as defined by section 10 of the Income Tax (Earnings and Pensions) Act 2003) under PAYE regulations ".

201 (1) Amend section 146(2) (interpretation of Part 10) as follows.

(2) In paragraph (b) of the definition of "unemployability supplement or allowance"—

(a) in sub-paragraph (ii) for "section 315(1) of the Income and Corporation Taxes Act 1988" substitute " section 641 of the Income Tax (Earnings and Pensions) Act 2003 ";

(b) omit sub-paragraph (v).

(3) In paragraph (b) of the definition of "war disablement pension", for "subsection (1) of section 315 of the Income and Corporation Taxes Act 1988" substitute " any of paragraphs (a) to (f) of section 641(1) of the Income Tax (Earnings and Pensions) Act 2003 ".

(4) In the definition of "war widow's pension" for "subsection (2)(e) of the said section 315" substitute " section 641(1)(e) or (f) of the Income Tax (Earnings and Pensions) Act 2003 ".

202 In section 159(1) (interpretation of Part 11), in paragraph (a) of the definition of "employee" for "emoluments chargeable to income tax under Schedule E" substitute " general earnings (as defined by section 7 of the Income Tax (Earnings and Pensions) Act 2003) ".

203 In section 167(1) (interpretation of Part 12), in paragraph (a) of the definition of "employee" for "emoluments chargeable to income tax under Schedule E" substitute " general earnings (as defined by section 7 of the Income Tax (Earnings and Pensions) Act 2003) ".

204 In Schedule 1 (supplementary provisions relating to contributions of Classes 1, 1A, 1B, 2 and 3)—

(a) in paragraph 6(1)(a) for "regulations under section 203 of the Income and Corporation Taxes Act 1988 (PAYE)" substitute " PAYE regulations ";

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(b) in paragraph 6(1)(b) for "regulations under that section" substitute " PAYE regulations ";

(c) in paragraph 6(7) for "regulations made under section 203 of the Income and Corporation Taxes Act 1988 (PAYE)" substitute " PAYE regulations ";

(d) in paragraph 7(1)(a) for "regulations made by **[**F154an officer of Revenue and Customs**]** under section 203(2) or" substitute " PAYE regulations or regulations made under section "; and

(e) in paragraph 7B(1) for "regulations under section 203 of the Income and Corporation Taxes Act 1988 (PAYE)" substitute " PAYE regulations ".

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

*Social Security Administration (Northern Ireland) Act 1992 (c. 8)*

205 (1) Section 139B(6) of the Social Security Administration (Northern Ireland) Act 1992 (effect of alterations affecting state pension credit) is amended as follows.

(2) b) of the definition of "war disablement pension" for "subsection (1) of section 315 of the Income and Corporation Taxes Act 1988 (c. 1)" substitute " any of paragraphs (a) to (f) of section 641(1) of the Income Tax (Earnings and Pensions) Act 2003 ".

(3) In paragraph (b) of the definition of "war widow's or widower's pension" for "section 315(2)(e) of the Income and Corporation Taxes Act 1988" substitute " section 641(1)(e) or (f) of the Income Tax (Earnings and Pensions) Act 2003 ".

206 In section 142(5) of that Act (destination of national insurance contributions)—

(a) in paragraph (c) for "emoluments" substitute " general earnings ";

(b) in paragraph (ca) for "emoluments" substitute " general earnings "

*Taxation of Chargeable Gains Act 1992 (c. 12)*

207 The Taxation of Chargeable Gains Act 1992 is amended as follows.

208 . . . . . .

209 In section 11(1) (visiting forces, agents-general etc.)—

(a) for "section 323(1) of the Taxes Act" substitute " section 303(1) of ITEPA 2003 "; and

(b) for "subsection (2) of section 323 and subsections (4) to (8) of that section shall apply accordingly" substitute " section 303(2) to (6) of that Act and section 323(2) of the Taxes Act ".

210 (1) Amend section 120 (increased expenditure by reference to tax charged in relation to shares etc.) as follows.

(2) For subsection (1) substitute—

"(1) Subsection (1A) applies where—

(a) a person ("the employee") has acquired shares or an interest in shares as mentioned in section 447(1) of ITEPA 2003, and

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(b) an amount counts as employment income of the employee under Chapter 4 of Part 7 of that Act in respect of the shares.

(1A) On the first disposal of the shares after the acquisition occurs, the employment income amount shall be treated for the purposes of section 38(1)(a) as consideration given by the person making the disposal for the acquisition of the shares.

(1B) For the purposes of subsections (1) and (1A)—

(a) the "employment income amount" means the amount counting as employment income of the employee under that Chapter in respect of the shares, and

(b) it is immaterial whether the disposal of the shares mentioned in subsection (1A) is made by the employee or another person."

(3) In subsection (3)—

(a) for "is chargeable to tax by virtue of section 162(5) of the Taxes Act" substitute " is treated as earnings under section 195(2) of ITEPA 2003 ", and

(b) for "so chargeable" substitute " so treated as earnings ".

(4) In subsection (4)—

(a) for "chargeable to tax under section 135(1) or (6) of the Taxes Act" substitute " counting as employment income under section 476 or 477 of ITEPA 2003 ", and

(b) for "so chargeable to tax" substitute " so counting as employment income ".

(5) In subsection (5A)—

(a) for "is chargeable to tax under section 140A of the Taxes Act" substitute " counts as employment income under Chapter 2 of Part 7 of ITEPA 2003 ", and

(b) for "so chargeable" substitute " so counting as employment income ".

(6) In subsection (5B)—

(a) for "is chargeable to tax under section 140D of the Taxes Act" substitute " counts as employment income under Chapter 3 of Part 7 of ITEPA 2003 ", and

(b) for "so chargeable" substitute " so counting as employment income ".

(7) Omit subsection (6).

(8) For subsection (7) substitute—

"(7) Each of the provisions of this section mentioned in the first column of the following table is to be construed as if it were contained in the Chapter of ITEPA 2003 specified in the corresponding entry in the second column—

| *Provision of this section* | *Chapter of ITEPA 2003* |
|---|---|
| subsections (1), (1A) and (1B) | Chapter 4 of Part 7 |
| subsection (3) | Chapter 8 of Part 3 |
| subsection (4) | Chapter 5 of Part 7 |
| subsection (5A) | Chapter 2 of Part 7 |

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| | |
|---|---|
| subsection (5B) | Chapter 3 of Part 7; |

and subsection (5) of this section is to be construed as one with section 138 of the Taxes Act."

(9) After subsection (7) insert—

"(7A) In relation to events that gave rise to amounts chargeable to income tax before 6th April 2003, this section is to be read as if any reference to an amount mentioned in the first column of the following table included a reference to an amount mentioned in the corresponding entry in the second column—

| ***Amount mentioned in this section*** | ***Amount chargeable before 6th April 2003*** |
|---|---|
| an amount counting as employment income under Chapter 4 of Part 7 of ITEPA 2003 | an amount chargeable to tax under Chapter 2 of Part 3 of the Finance Act 1988 |
| an amount treated as earnings under section 195(2) of ITEPA 2003 | an amount chargeable to tax under section 162(5) of the Taxes Act |
| an amount counting as employment income under section 476 or 477 of ITEPA 2003 | an amount chargeable to tax under section 135(1) or (6) of the Taxes Act |
| an amount which counts as employment income under Chapter 2 of Part 7 of ITEPA 2003 | an amount chargeable to tax under section 140A of the Taxes Act |
| an amount which counts as employment income under Chapter 3 of Part 7 of ITEPA 2003 | an amount chargeable to tax under section 140D of the Taxes Act." |

(10) In subsection (8) for "section 140A of the Taxes Act" substitute " Chapter 2 of Part 7 of ITEPA 2003 ".

211 (1) Amend section 149B (employee incentive schemes: conditional interests in shares) as follows.

(2) In subsection (1) for "section 140A of the Taxes Act" substitute " Chapter 2 of Part 7 of ITEPA 2003 (conditional interests in shares) ".

(3) In subsection (2) for "section 140B of the Taxes Act" substitute " section 429 of ITEPA 2003 ".

(4) In subsection (4)—

(a) for "section 140A of the Taxes Act" substitute " Chapter 2 of Part 7 of ITEPA 2003 ", and

(b) for "that section" substitute " that Chapter ".

212 After section 149B insert—

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"**149C Priority share allocations**

Section 17(1) shall not apply to an acquisition of shares if section 542 or 544 of ITEPA 2003 applies in relation to it."

213 In section 222(8D)(b) (relief on disposal of private residence), for "the same meanings as they have for the purposes of Chapter II of Part V of the Taxes Act" substitute " the meanings given by Chapter 2 of Part 3 of ITEPA 2003 ".

214 In section 236A (employee share ownership plans), and in the sidenote and in the italic heading immediately before the section, for "employee share ownership" wherever it occurs substitute " share incentive ".

215 In section 238(2)(a) (approved profit sharing and share option schemes), for "is chargeable to income tax" substitute " counts as employment income (or was chargeable to income tax for the year 2002-03 or an earlier year of assessment ".

216 After section 238 insert—

"**238A Approved share schemes and share incentives**

(1) Schedule 7D (approved share schemes and share incentives) shall have effect.

(2) Schedule 7D relates—

(a) in Part 1, to approved share incentive plans (SIPs) (see section 488 of ITEPA 2003),

(b) in Part 2, to approved SAYE option schemes (see section 516 of that Act),

(c) in Part 3, to approved CSOP schemes (CSOPs) (see section 521 of that Act), and

(d) in Part 4, to enterprise management incentives (see section 527 of that Act)."

217 After section 263 insert—

"**263ZA Former employees: employment-related liabilities**

(1) This section applies if—

(a) a deduction of the amount of one or more deductible payments may be made under section 555 of ITEPA 2003 (former employee entitled to deduction from total income in respect of liabilities related to the former employment) when computing a former employee's total income for a tax year, and

(b) the total amount which may be deducted exceeds the total income for that year.

(2) In this section "excess relief" means the amount of the difference between—

(a) the total amount which may be deducted, and

(b) the total income.

(3) The amount of the excess relief may be treated as an allowable loss accruing to the former employee for that tax year.

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This subsection applies only if the former employee makes a claim for the purpose.

(4) But no relief is available under subsection (3) in respect of any amount of the excess relief that exceeds the maximum amount.

(5) For the purposes of this section the "maximum amount", in relation to the excess relief for a tax year, means the amount on which the former employee would be chargeable to capital gains tax for that year if the following were disregarded—

(a) any relief available under this section,

(b) any allowable losses falling to be carried forward to that year from a previous year for the purposes of section 2(2),

(c) section 3(1) (the annual exempt amount),

(d) any relief against capital gains tax under section 72 of the Finance Act 1991 (deduction of trading losses), and

(e) any relief against capital gains tax under section 90(4) of the Finance Act 1995 (relief for post-cessation expenditure).

(6) A former employee may make a claim under subsection (3) and a claim under section 555(3) of ITEPA 2003 in the same notice."

218 In section 271 (other miscellaneous exemptions), for subsection (1)(c) substitute—

"(c) any gain accruing to a person from his acquisition and disposal of assets held by him as part of a fund—

(i) mentioned in section 614(2) of the Taxes Act,

(ii) to which section 615(3) of the Taxes Act applies, or

(iii) mentioned in section 648, 649, 650, 651 or 653 of ITEPA 2003;".

219 (1) Amend section 288(1) (interpretation) as follows.

(2) In the entry relating to "allowable loss" for "and 16" substitute " , 16 and 263ZA ".

(3) After the entry relating to "investment trust" insert—

""ITEPA 2003" means the Income Tax (Earnings and Pensions) Act 2003;".

220 (1) Amend Schedule 7C (relief for transfers to approved share plans) as follows.

(2) In paragraph 1(1) (introductory) for "an employee share ownership" substitute " a share incentive ".

(3) In paragraph 2 (conditions relating to the disposal)—

(a) in sub-paragraph (1) for "Schedule 8 to the Finance Act 2000" substitute " Schedule 2 to ITEPA 2003 ",

(b) in sub-paragraph (2)—

(i) for "Part VIII" substitute " Part 4 ",

(ii) for "used in plan" substitute " awarded ", and

(iii) for "61(a) and (c)" substitute " 27(1)(a) and (c) and (2) ",

(c) in sub-paragraph (4) for "of Schedule 8 to the Finance Act 2000" substitute " given by paragraph 97 of Schedule 2 to ITEPA 2003 ".

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221 After Schedule 7C insert—

"SCHEDULE 7D Section 238A

APPROVED SHARE SCHEMES AND SHARE INCENTIVES

## PART 1

APPROVED SHARE INCENTIVE PLANS

*Introductory*

**1**— (1) The provisions of this Part of this Schedule apply for capital gains tax purposes in relation to an approved share incentive plan ("the plan").

(2) This Part of this Schedule forms part of the SIP code (see section 488 of ITEPA 2003 (approved share incentive plans)).

(3) Accordingly, expressions used in this Part of this Schedule and contained in the index at the end of Schedule 2 to that Act (approved share incentive plans) have the meaning indicated by the index.

(4) In particular, for the purposes of paragraphs 5 and 7 of this Schedule "market value" has the meaning given by paragraph 92 of Schedule 2 to that Act (determination of market value); and Part 8 of this Act has effect subject to this paragraph.

*Gains accruing to trustees*

**2**— (1) Any gain accruing to the trustees is not a chargeable gain if the shares—

(a) are shares in relation to which the requirements of Part 4 of Schedule 2 to ITEPA 2003 (approved share incentive plans: types of shares that may be awarded) are met, and

(b) are awarded to employees, or acquired on their behalf as dividend shares, in accordance with the plan within the relevant period.

(2) If any of the shares in the company in question are readily convertible assets at the time the shares are acquired by the trustees, the relevant period is the period of two years beginning with the date on which the shares were acquired by the trustees.

This is subject to sub-paragraph (4).

(3) If at the time of the acquisition of the shares by the trustees none of the shares in the company in question are readily convertible assets, the relevant period is—

(a) the period of five years beginning with the date on which the shares were acquired by the trustees, or

(b) if within that period any of the shares in that company become readily convertible assets, the period of two years beginning with the date on which they did so,

whichever ends first.

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This is subject to sub-paragraph (4).

(4) If the shares are acquired by the trustees by virtue of a payment in respect of which a deduction is allowed under paragraph 9 of Schedule 4AA to the Taxes Act (deduction for contribution to plan trust), the relevant period is the period of ten years beginning with the date of acquisition.

(5) For the purposes of determining whether shares are awarded to a participant within the relevant period, shares acquired by the trustees at an earlier time are taken to be awarded to a participant before shares of the same class acquired by the trustees at a later time.

(6) Sub-paragraph (5) is subject to paragraph 78(1) of Schedule 2 to ITEPA 2003 (acquisition by trustees of shares from employee share ownership trust).

(7) For the purposes of this paragraph "readily convertible assets" has the meaning given by sections 701 and 702 of that Act (readily convertible assets).

This is subject to sub-paragraph (8).

(8) In determining for the purposes of this paragraph whether shares are readily convertible assets any market for the shares that—

(a) is created by virtue of the trustees acquiring shares for the purposes of the plan, and

(b) exists solely for the purposes of the plan,

shall be disregarded.

(9) In relation to shares acquired by the trustees before 11th May 2001 this paragraph has effect with the substitution—

(a) in sub-paragraph (2), of "If the shares are readily convertible assets at the time they" for the words before "are acquired", and

(b) in sub-paragraph (3)—

(i) of "If at the time of their acquisition by the trustees the shares are not readily convertible assets" for the words before "the relevant period", and

(ii) in paragraph (b), of "the shares in question" for "any of the shares in that company".

*Participant absolutely entitled as against trustees*

**3**— (1) Sub-paragraph (2) applies to any shares awarded to a participant under the plan.

(2) The participant is treated for capital gains tax purposes as absolutely entitled to those shares as against the trustees.

(3) Sub-paragraph (2) applies notwithstanding anything in the plan or the trust instrument.

*Different classes of shares*

**4**— (1) For the purposes of Chapter 1 of Part 4 of this Act (shares, securities, options etc: general) a participant's plan shares are treated, so long as they are subject

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to the plan, as of a different class from any shares (which would otherwise be treated as of the same class) that are not plan shares.

(2) For the purposes of that Chapter, any shares to which sub-paragraph (3) applies shall be treated as of a different class from any shares to which sub-paragraph (4) applies, even if they would otherwise fall to be treated as of the same class.

(3) This sub-paragraph applies to any shares transferred to the trustees of the plan trust by a qualifying transfer that have not been awarded to participants under the plan.

(4) This sub-paragraph applies to any shares held by the trustees that were not transferred to them by a qualifying transfer.

(5) In this paragraph "qualifying transfer" has the meaning given in paragraph 78(2) of Schedule 2 to ITEPA 2003 (acquisition by trustees of shares from employee share ownership trust).

(6) For the purposes of Chapter 1 of Part 4 of this Act any shares which—

(a) were acquired by the trustees by virtue of a payment in respect of which a deduction is allowed under paragraph 9 of Schedule 4AA to the Taxes Act (deduction for contribution to plan trust), and

(b) have not been awarded under the plan,

shall be treated as of a different class from any shares held by the trustees that were not so acquired by them, even if they would otherwise fall to be treated as of the same class.

*No chargeable gain on shares ceasing to be subject to the plan*

**5**— (1) Shares which cease to be subject to the plan are treated as having been disposed of and immediately reacquired by the participant at market value.

(2) Any gain accruing on that disposal is not a chargeable gain.

*Deemed disposal by trustees on disposal of beneficial interest*

**6**— (1) If at any time the participant's beneficial interest in any of his shares is disposed of, the shares in question shall be treated for the purposes of the SIP code as having been disposed of at that time by the trustees for the like consideration as was obtained for the disposal of the beneficial interest.

(2) For this purpose there is no disposal of the participant's beneficial interest if and at the time when—

(a) in England and Wales or Northern Ireland, that interest becomes vested in any person on the insolvency of the participant or otherwise by operation of law, or

(b) in Scotland, that interest becomes vested in a judicial factor, in a trustee of the participant's sequestrated estate or in a trustee for the benefit of the participant's creditors.

(3) If a disposal of shares falling within this paragraph is not at arm's length, the proceeds of the disposal shall be taken for the purposes of the SIP code to be equal to the market value of the shares at the time of the disposal.

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*Treatment of forfeited shares*

**7**— (1) If any of the participant's plan shares are forfeited, they are treated as having been disposed of by the participant and acquired by the trustees at market value at the date of forfeiture.

(2) Any gain accruing on that disposal is not a chargeable gain.

*Disposal of rights under rights issue*

**8**— (1) Any gain accruing on the disposal of rights under paragraph 77 of Schedule 2 to ITEPA 2003 (power of trustees to raise funds to subscribe for rights issue) is not a chargeable gain.

(2) Sub-paragraph (1) does not apply to a disposal of rights unless similar rights are conferred in respect of all ordinary shares in the company.

## PART 2

APPROVED SAYE OPTION SCHEMES

*Introductory*

**9**— (1) This Part of this Schedule forms part of the SAYE code (see section 516 of ITEPA 2003 (approved SAYE option schemes)).

(2) Accordingly, expressions used in this Part of this Schedule and contained in the index at the end of Schedule 3 to that Act (approved SAYE option schemes) have the meaning indicated by the index.

*Market value rule not to apply*

**10**—(1) This paragraph applies where—

(a) a share option ("the option") has been granted to an individual—

(i) in accordance with the provisions of an approved SAYE option scheme, and

(ii) by reason of the individual's office or employment as a director or employee of a company,

(b) the individual exercises the option in accordance with the provisions of the SAYE option scheme at a time when the scheme is approved, and

(c) condition A or condition B in section 519(2) or (3) of ITEPA 2003 (no charge in respect of exercise of option) is met.

(2) The company mentioned in sub-paragraph (1)(a)(ii) may be—

(a) the company whose shares are the subject of the option, or

(b) some other company.

(3) If the option—

(a) was granted under the SAYE option scheme before the withdrawal of approval under paragraph 42 of Schedule 3 to ITEPA 2003, but

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(b) is exercised after the withdrawal of approval,

then, for the purposes of sub-paragraph (1)(b) above in its application to the option, the scheme is to be treated as if it were still approved at the time of the exercise.

(4) Section 17(1) (disposals and acquisitions treated as made at market value) shall not apply in calculating the consideration for—

(a) the individual's acquisition of shares by the exercise of the option, or

(b) any corresponding disposal of those shares to the individual.

(5) References in sub-paragraphs (1)(b) and (4) above to the individual include references to a person exercising the option in accordance with provision included in the scheme by virtue of paragraph 32 of Schedule 3 to ITEPA 2003 (exercise of options: death); and sub-paragraph (1)(c) above does not apply in relation to a person so exercising the option.

## PART 3

### APPROVED CSOP SCHEMES

*Introductory*

**11**—(1) This Part of this Schedule forms part of the CSOP code (see section 521 of ITEPA 2003 (approved CSOP schemes)).

(2) Accordingly, expressions used in this Part of this Schedule and contained in the index at the end of Schedule 4 to that Act (approved CSOP schemes) have the meaning indicated by the index.

(3) This Part of this Schedule applies where—

(a) a share option ("the option") has been granted to an individual—

(i) in accordance with the provisions of an approved CSOP scheme, and

(ii) by reason of the individual's office or employment as a director or employee of a company, and

(b) shares ("the relevant shares") are acquired by the exercise of the option.

(4) The company mentioned in sub-paragraph (3)(a)(ii) may be—

(a) the company whose shares are the subject of the option, or

(b) some other company.

*Relief where income tax charged in respect of grant of option*

**12**—(1) This paragraph applies where an amount (the "employment income amount") counted as employment income of the individual under section 526 of ITEPA 2003 (charge where option granted at a discount) in respect of the option.

(2) For the purposes of section 38(1)(a) (acquisition and disposal costs etc.), that part of the employment income amount which is attributable to the

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relevant shares shall be treated as consideration given for the acquisition of the relevant shares.

(3) This paragraph also applies where the individual was chargeable to income tax on an amount in respect of the option under—

(a) subsection (6) of section 185 of ICTA (as it had effect before 1st January 1992),

(b) subsection (6A) of that section (as it had effect in relation to options obtained on or after 1st January 1992 but before 29th April 1996), or

(c) subsection (6) of that section (as it had effect in relation to options obtained on or after 29th April 1996);

and in such a case the "employment income amount" means the amount on which the individual was so chargeable.

(4) This paragraph applies whether or not—

(a) the exercise of the option is in accordance with the provisions of the CSOP scheme, or

(b) the CSOP scheme is approved at the time of the exercise.

*Market value rule not to apply*

**13**—(1) This paragraph applies where—

(a) the individual exercises the option in accordance with the provisions of the CSOP scheme at a time when the scheme is approved, and

(b) the condition in section 524(2) of ITEPA 2003 (no charge in respect of exercise of option) is met.

(2) Section 17(1) (disposals and acquisitions treated as made at market value) shall not apply in calculating the consideration for—

(a) the individual's acquisition of the relevant shares by the exercise of the option, or

(b) any corresponding disposal of the relevant shares to the individual.

(3) Sub-paragraph (2) also applies where the option is exercised at a time when the scheme is approved in accordance with provision included in the scheme by virtue of paragraph 25 of Schedule 4 to ITEPA 2003 (exercise of options: death); and references in that sub-paragraph to the individual are to be read accordingly.

## PART 4

ENTERPRISE MANAGEMENT INCENTIVES

*Introductory*

**14**—(1) This Part of this Schedule forms part of the EMI code (see section 527 of ITEPA 2003 (enterprise management incentives: qualifying options)).

(2) Accordingly, expressions used in this Part of this Schedule and contained in the index at the end of Schedule 5 to that Act (enterprise management incentives) have the meaning indicated by the index.

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(3) In this Part of this Schedule, "qualifying shares"—

(a) means shares acquired by the exercise of a qualifying option, subject to sub-paragraphs (4) and (5), and

(b) includes shares ("replacement shares") which—

(i) are treated under section 127 (equation of original shares and new holding) as the same asset as a holding of qualifying shares, and

(ii) meet the requirements of paragraph 35 of Schedule 5 to ITEPA 2003 (type of shares that may be acquired).

(4) If a disqualifying event occurs in relation to a qualifying option (whether the original option or a replacement option), shares acquired by the exercise of that option are qualifying shares only if the option is exercised within 40 days of that event.

(5) References in this Part of this Schedule to "the original option", where there has been one or more replacement options, are to the option that the replacement option (or, if there has been more than one, the first of them) replaced.

*Taper relief on disposal of qualifying shares*

**15** For the purposes of computing taper relief on a disposal of qualifying shares, the shares are treated as if they had been acquired when the original option was granted.

*Rights issues in respect of qualifying shares*

**16** Where—

(a) an individual holds qualifying shares, and

(b) there is, by virtue of any such allotment for payment as is mentioned in section 126(2)(a) (allotment in proportion to shareholdings), a reorganisation affecting that holding,

sections 127 to 130 (which relate to reorganisation or reduction of share capital) shall not apply in relation to that holding."

*Pension Schemes Act 1993 (c. 48)*

222 In section 181(1) of the Pension Schemes Act 1993 (general interpretation), in the definition of "employee" for "emoluments chargeable to income tax under Schedule E" substitute " general earnings (as defined by section 7 of the Income Tax (Earnings and Pensions) Act 2003) ".

*Pension Schemes (Northern Ireland) Act 1993 (c. 49)*

223 In section 176(1) of the Pension Schemes (Northern Ireland) Act 1993 (general interpretation), in the definition of "employee" for "emoluments chargeable to income tax under Schedule E" substitute " general earnings (as defined by section 7 of the Income Tax (Earnings and Pensions) Act 2003) ".

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*Finance Act 1994 (c. 9)*

224 (1) In the Finance Act 1994, paragraph 27 of Schedule 24 (provisions relating to the Railways Act 1993 — employee benefits: transport vouchers) is amended as follows.

(2) In sub-paragraph (3) for "Subsection (6) of section 141 of the Taxes Act 1988" substitute " Section 86 of ITEPA 2003 (exception for certain transport vouchers) ".

(3) In sub-paragraph (3)(c) for "paragraphs (a) to (d) of that subsection" substitute " section 86(2)(a) to (d) of ITEPA 2003 ".

(4) In sub-paragraph (12) after the definition of "the former transport voucher benefits for comparable employees" insert—

> ""ITEPA 2003" means the Income Tax (Earnings and Pensions) Act 2003."

(5) For sub-paragraph (13) substitute—

> "(13) Subject to paragraph 1(1) and sub-paragraph (12) above, expressions used in this paragraph and in section 86 of ITEPA 2003 have the same meaning in this paragraph as in that section.
>
> This does not apply in relation to the reference to a transport voucher in sub-paragraph (1) above."

*Finance Act 1995 (c. 4)*

225 The Finance Act 1995 is amended as follows.

226 . . . . . .

227 In section 137(7) (part-time workers: miscellaneous provisions) for "Subsections (2) to" substitute " Subsection ".

*Jobseekers Act 1995 (c. 18)*

228 **[**[F2268]The Jobseekers Act 1995 is amended as follows.**]**

**Textual Amendments**

**F2268** Sch. 6 paras. 228-230 repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 for specified purposes, 1.12.2025 for specified purposes, 1.4.2026 for specified purposes, 1.7.2026 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (31.1.2019)

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by S.I. 2019/167; (30.3.2022) by S.I. 2022/302; and (25.7.2022) by S.I. 2022/752); S.I. 2013/1511, art. 4 (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4 (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4 (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4 (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2105) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4 (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6) (as amended (25.7.2022) by S.I. 2022/752); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); (31.1.2019) by S.I. 2019/167; (30.3.2022) by S.I. 2022/302; and (25.7.2022) by S.I. 2022/752); S.I. 2015/101, art. 4 (as amended (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; and (20.7.2015) by S.I. 2015/1537); S.I. 2015/634, art. 4 (with art. 6) (as amended: (17.3.2015) by S.I. 2015/740; (6.4.2017) by S.I. 2017/376; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; (31.1.2019) by S.I. 2019/167; (30.3.2022) by S.I. 2022/302; and (25.7.2022) by S.I. 2022/752); S.I. 2015/1537, art. 4 (as modified (23.11.2015) by S.I. 2015/1930, art. 6); S.I. 2015/1930, art. 4; S.I. 2016/33, art. 4; S.I. 2016/407, art. 4; S.I. 2019/167, art. 4(5)-(7) (with art. 4(8)-(12)); S.I. 2025/1148, arts. 2, 3A, 4 (with art. 3)

229 **[**F2268In section 15(2)(c)(i) (effect on other claimants) for "emoluments in pursuance of section 203 of the Income and Corporation Taxes Act 1988 (PAYE)" substitute " taxable earnings (as defined by section 10 of the Income Tax (Earnings and Pensions) Act 2003) under PAYE regulations ".**]**

**Textual Amendments**

**F2268** Sch. 6 paras. 228-230 repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 for specified purposes, 1.12.2025 for specified purposes, 1.4.2026 for specified purposes, 1.7.2026 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (31.1.2019) by S.I. 2019/167; (30.3.2022) by S.I. 2022/302; and (25.7.2022) by S.I. 2022/752); S.I. 2013/1511, art. 4 (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I.

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2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4 (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4 (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4 (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2105) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4 (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6) (as amended (25.7.2022) by S.I. 2022/752); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); (31.1.2019) by S.I. 2019/167; (30.3.2022) by S.I. 2022/302; and (25.7.2022) by S.I. 2022/752); S.I. 2015/101, art. 4 (as amended (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; and (20.7.2015) by S.I. 2015/1537); S.I. 2015/634, art. 4 (with art. 6) (as amended: (17.3.2015) by S.I. 2015/740; (6.4.2017) by S.I. 2017/376; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; (31.1.2019) by S.I. 2019/167; (30.3.2022) by S.I. 2022/302; and (25.7.2022) by S.I. 2022/752); S.I. 2015/1537, art. 4 (as modified (23.11.2015) by S.I. 2015/1930, art. 6); S.I. 2015/1930, art. 4; S.I. 2016/33, art. 4; S.I. 2016/407, art. 4; S.I. 2019/167, art. 4(5)-(7) (with art. 4(8)-(12)); S.I. 2025/1148, arts. 2, 3A, 4 (with art. 3)

230 **[**F2268In section 26(3) (the back to work bonus) for the words from "Subject to section 617" to "not to be taxable)" substitute " Subject to section 677 of the Income Tax (Earnings and Pensions) Act 2003 (which provides for a back to work bonus not to be taxable) ".**]**

**Textual Amendments**

**F2268** Sch. 6 paras. 228-230 repealed (29.4.2013 for specified purposes, 1.7.2013 and 29.7.2013 for specified purposes, 28.10.2013 for specified purposes, 25.11.2013 for specified purposes, 24.2.2014 and 7.4.2014 for specified purposes, 23.6.2014 and further specified dates for specified purposes, 15.9.2014 and further specified dates for specified purposes, 26.11.2014 for specified purposes, 28.1.2015 for specified purposes, 16.2.2015 and further specified dates for specified purposes, 18.3.2015 and further specified dates for specified purposes, 21.9.2015 and further specified dates for specified purposes, 2.12.2015 for specified purposes, 27.1.2016 and 24.2.2016 for specified purposes, 23.3.2016 and 27.4.2016 for specified purposes, 1.2.2019 for specified purposes, 1.12.2025 for specified purposes, 1.4.2026 for specified purposes, 1.7.2026 for specified purposes) by Welfare Reform Act 2012 (c. 5), s. 150(3), **Sch. 14 Pt. 1**; S.I. 2013/983, arts. 4(1)(c), 5, Sch. 1 (with arts. 6, 9(1), 22, Sch. 4) (as amended: (1.7.2013) by S.I. 2013/1511; (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (15.9.2014) by S.I. 2014/2321; (17.11.2014) by S.I. 2014/3067; (21.11.2014) by S.I. 2014/3094; (19.1.2015) by S.I. 2015/32 (as amended (10.2.2015) by S.I. 2015/101); (10.3.2015) by S.I. 2015/634; (20.7.2015) by S.I. 2015/1537; (23.11.2015) by S.I. 2015/1930; (6.4.2017) by S.I. 2017/483; (2.2.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (31.1.2019) by S.I. 2019/167; (30.3.2022) by S.I. 2022/302; and (25.7.2022) by S.I. 2022/752); S.I. 2013/1511, art. 4 (as amended: (29.10.2013) by S.I. 2013/2657; (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2657, art. 4 (with art. 6) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634;

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and (20.7.2015) by S.I. 2015/1537); S.I. 2013/2846, art. 4 (with art. 5) (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/209, art. 4 (as amended: (16.6.2014) by S.I. 2014/1452; (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2105) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/1583, art. 4 (as amended (30.6.2014) by S.I. 2014/1661; (28.7.2014) by S.I. 2014/1923; (17.11.2014) by S.I. 2014/3067; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/2321, art. 4 (as amended: (17.11.2014) by S.I. 2014/3057; (19.1.2015) by S.I. 2015/32; (10.3.2015) by S.I. 2015/634; and (20.7.2015) by S.I. 2015/1537); S.I. 2014/3094, art. 4 (with art. 6) (as amended (25.7.2022) by S.I. 2022/752); S.I. 2015/33, art. 4 (with art. 6) (as amended: (11.2.2015) by S.I. 2015/101; (10.3.2015) by S.I. 2015/634; (6.4.2017) by S.I. 2017/483; (11.4.2018) by S.I. 2018/138; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37); (31.1.2019) by S.I. 2019/167; (30.3.2022) by S.I. 2022/302; and (25.7.2022) by S.I. 2022/752); S.I. 2015/101, art. 4 (as amended (10.3.2015) by S.I. 2015/534; (17.3.2015) by S.I. 2015/740; and (20.7.2015) by S.I. 2015/1537); S.I. 2015/634, art. 4 (with art. 6) (as amended: (17.3.2015) by S.I. 2015/740; (6.4.2017) by S.I. 2017/376; (16.1.2019) by S.I. 2019/10; (15.1.2019) by S.I. 2019/37; (31.1.2019) by S.I. 2019/167; (30.3.2022) by S.I. 2022/302; and (25.7.2022) by S.I. 2022/752); S.I. 2015/1537, art. 4 (as modified (23.11.2015) by S.I. 2015/1930, art. 6); S.I. 2015/1930, art. 4; S.I. 2016/33, art. 4; S.I. 2016/407, art. 4; S.I. 2019/167, art. 4(5)-(7) (with art. 4(8)-(12)); S.I. 2025/1148, arts. 2, 3A, 4 (with art. 3)

*Child Support Act 1995 (c. 34)*

231 For section 10(4) of the Child Support Act 1995 (child maintenance bonus) substitute—

"(4) Subsection (3) is subject to section 677 of the Income Tax (Earnings and Pensions) Act 2003 (which provides for a back to work bonus not to be taxable)."

*Child Support (Northern Ireland) Order 1995 (S.I. 1995/2702 (N.I. 13))*

232 For Article 4(4) of the Child Support (Northern Ireland) Order 1995 (child maintenance bonus) substitute—

"(4) Paragraph (3) is subject to section 677 of the Income Tax (Earnings and Pensions) Act 2003 (which provides for a back to work bonus not to be taxable)."

*Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15))*

**[**[F2269]233 The Jobseekers (Northern Ireland) Order 1995 is amended as follows.**]**

**Textual Amendments**

**F2269** Sch. 6 paras. 233-235 repealed (27.9.2017 for specified purposes, 15.11.2017 and 13.12.2017 for specified purposes, 17.1.2018 and further specified dates for specified purposes, 16.5.2018 and further specified dates for specified purposes, 5.9.2018 and further specified dates for specified purposes, 1.2.2019 for specified purposes, 1.12.2025 for specified purposes, 1.4.2026 for specified purposes) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 1**; S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1,

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art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5); S.R. 2018/138, art. 4 (with art. 5); S.R. 2019/7, art. 2(5)-(7) (with art. 2(8)-(12)); S.R. 2025/176, arts. 2, 4 (with art. 3)

**[**F2269 234 In Article 17(2)(c)(i) (effect on other claimants) for "emoluments in pursuance of section 203 of the Income and Corporation Taxes Act 1988 (PAYE)" substitute " taxable earnings (as defined by section 10 of the Income Tax (Earnings and Pensions) Act 2003 under regulations made under section 684 of that Act (PAYE regulations) ".

**Textual Amendments**

**F2269** Sch. 6 paras. 233-235 repealed (27.9.2017 for specified purposes, 15.11.2017 and 13.12.2017 for specified purposes, 17.1.2018 and further specified dates for specified purposes, 16.5.2018 and further specified dates for specified purposes, 5.9.2018 and further specified dates for specified purposes, 1.2.2019 for specified purposes, 1.12.2025 for specified purposes, 1.4.2026 for specified purposes) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 1**; S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5); S.R. 2018/138, art. 4 (with art. 5); S.R. 2019/7, art. 2(5)-(7) (with art. 2(8)-(12)); S.R. 2025/176, arts. 2, 4 (with art. 3)

**[**F2269 235 In Article 28(3) (the back to work bonus) for the words from "Subject to section 617" to "not to be taxable)" substitute " Subject to section 677 of the Income Tax (Earnings and Pensions) Act 2003 (which provides for a back to work bonus not to be taxable) ".**]]**

**Textual Amendments**

**F2269** Sch. 6 paras. 233-235 repealed (27.9.2017 for specified purposes, 15.11.2017 and 13.12.2017 for specified purposes, 17.1.2018 and further specified dates for specified purposes, 16.5.2018 and further specified dates for specified purposes, 5.9.2018 and further specified dates for specified purposes, 1.2.2019 for specified purposes, 1.12.2025 for specified purposes, 1.4.2026 for specified purposes) by The Welfare Reform (Northern Ireland) Order 2015 (S.I. 2015/2006), art. 2(2), **Sch. 12 Pt. 1**; S.R. 2017/190, art. 6, Sch. 2 (with arts. 7, 8, 10-25, Sch. 3); S.R. 2017/216, art. 4 (with art. 5); S.R. 2018/1, art. 4 (with art. 5); S.R. 2018/97, art. 4 (with art. 5); S.R. 2018/138, art. 4 (with art. 5); S.R. 2019/7, art. 2(5)-(7) (with art. 2(8)-(12)); S.R. 2025/176, arts. 2, 4 (with art. 3)

*Teaching and Higher Education Act 1998 (c. 30)*

236 In section 22 of the Teaching and Higher Education Act 1998 (new arrangements for giving financial support to students)—

(a) in subsection (5)(g) for "regulations under section 203 of the Income and Corporation Taxes Act 1988 (PAYE)" substitute " PAYE regulations "; and

(b) in subsection (6)(a) for "income assessable to income tax under Schedule E" substitute " PAYE income ".

*Scotland Act 1998 (c. 46)*

237 In section 79(3) of the Scotland Act 1998 (supplemental powers to modify enactments) for "section 203 of the Income and Corporation Taxes Act 1988 (PAYE)" substitute " PAYE regulations ".

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*Education (Student Support) (Northern Ireland) Order 1998 (S.I. 1998/1760 (N.I. 14))*

238 In Article 3 of the Education (Student Support) (Northern Ireland) Order 1998 (new arrangements for giving financial support to students)—

(a) in paragraph (5)(g) for "section 203 of the Income and Corporation Taxes Act 1988 (PAYE)" substitute " section 684 of the Income Tax (Earnings and Pensions) Act 2003 (PAYE regulations) "; and

(b) in paragraph (6)(a) for "income assessable to income tax under Schedule E" substitute " PAYE income (as defined in section 683 of the Income Tax (Earnings and Pensions) Act 2003 ".

*Tax Credits Act 1999 (c. 10)*

239 The Tax Credits Act 1999 is amended as follows.

240 In section 6(1) (payment of tax credit by employers etc.) for "income assessable to income tax under Schedule E" substitute " PAYE income ".

241 In paragraph 10(1) of Schedule 2 (transfer of functions), in paragraph (b) of the subsection which, in any case where the overpayment was made in respect of tax credit, is treated as substituted for—

(a) subsection (8) of section 71 of the Social Security Administration Act 1992 (c. 5), and

(b) subsection (8) of section 69 of the Social Security Administration (Northern Ireland) Act 1992 (c. 8),

for "section 203(2)(a) of the Income and Corporation Taxes Act 1988 (PAYE)" substitute " PAYE regulations ".

*Finance Act 2000 (c. 17)*

242 The Finance Act 2000 is amended as follows.

243 . . . . . .

244 . . . . . .

245 . . . . . .

*Capital Allowances Act 2001 (c. 2)*

246 The Capital Allowances Act 2001 is amended as follows.

247 (1) Amend section 4 (capital expenditure) as follows.

(2) For subsection (2)(b) substitute—

"(b) any expenditure or sum that may be allowed as a deduction under a relevant provision from the taxable earnings from an employment or office held by the person."

(3) After subsection (2) insert—

"(2A) In subsection (2)—

"relevant provision" means any of the following—

(a) section 262;

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(b) section 232 of ITEPA 2003 (giving effect to mileage allowance relief);

(c) Chapters 2 to 6 of Part 5 of that Act (general deductions allowed from earnings); and

(d) sections 613(1), 619 and 639 of ICTA (contributions to pensions funds etc.), and

"taxable earnings" has the meaning given by section 10 of ITEPA 2003."

(4) In subsection (3) for "emoluments" substitute " earnings ".

248 (1) Amend section 20 (employments and offices) as follows.

(2) In subsection (2)—

(a) for "emoluments" substitute " earnings "; and

(b) for "do not fall within Case I or II of Schedule E" substitute " fall within section 22 or 26 of ITEPA 2003 ".

(3) In subsection (3)—

(a) for "those emoluments" substitute " those earnings "; and

(b) for "other emoluments" substitute " other taxable earnings (as defined by section 10 of ITEPA 2003) ".

249 In section 61(2) (disposal events and disposal values), in entry 2(b) of the Table, for "Schedule E" substitute " ITEPA 2003 ".

250 In section 63(1) (cases in which disposal value is nil) for "Schedule E" substitute " ITEPA 2003 ".

251 In section 72(3) (disposal values), in entry 2(b) of the Table, for "Schedule E" substitute " ITEPA 2003 ".

252 In section 88(c) (sales at under-value) for "Schedule E" substitute " ITEPA 2003 ".

253 In section 262 (employments and offices)—

(a) in paragraph (a) for "an amount to be deducted from the emoluments of" substitute " a deduction from the taxable earnings from "; and

(b) in paragraph (b) for "an emolument" substitute " earnings ".

254 In section 423(1) (disposal value for sections 421 and 422), in entry 2(b) of the Table, for "Schedule E" substitute " ITEPA 2003 ".

255 At the end of Part 1 of Schedule 1 (abbreviations) insert—

| | |
|---|---|
| "ITEPA 2003 | The Income Tax (Earnings and Pensions) Act 2003". |

256 . . . . . .

*Finance Act 2001 (c. 9)*

257 For section 95 of the Finance Act 2001 (exemptions in relation to employee share ownership plans) substitute—

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"**95 Exemptions in relation to approved share incentive plans**

(1) This section forms part of the SIP code (see section 488 of the Income Tax (Earnings and Pensions) Act 2003 (approved share incentive plans)).

(2) Accordingly, expressions used in this section and contained in the index at the end of Schedule 2 to that Act (approved share incentive plans) have the meaning indicated by that index.

(3) Where, under an approved share incentive plan, partnership shares or dividend shares are transferred by the trustees to an employee—

(a) no ad valorem stamp duty is chargeable on any instrument by which the transfer is made, and

(b) no stamp duty reserve tax is chargeable on any agreement by the trustees to make the transfer.

(4) But subsection (3) does not apply to—

(a) any instrument executed (within the meaning of the Stamp Act 1891) before 6th April 2003, or

(b) any agreement to transfer shares made before that date."

258 . . . . . .

*Social Security Contributions (Share Options) Act 2001 (c. 20)*

259 The Social Security Contributions (Share Options) Act 2001 is amended as follows.

260 In section 2(3)(b) (effect of notice under section 1) for "section 135(3)(a) of the Income and Corporation Taxes Act 1988" substitute " section 479 of the Income Tax (Earnings and Pensions) Act 2003 ".

261 (1) Amend section 3 (special provision for roll-overs) as follows.

(2) In subsection (4)(a) for "section 136(1) of the Income and Corporation Taxes Act 1988" substitute " section 485(1) to (4) of the Income Tax (Earnings and Pensions) Act 2003 ".

(3) In subsection (4)(b)(i) for "section 135(3)(a)" substitute " section 479 ".

(4) For subsection (6) substitute—

"(6) Subject to subsection (7), in relation to the replacement right or any subsequent right, section 485(1) to (3) of the Income Tax (Earnings and Pensions) Act 2003 (application of Chapter 5 of Part 7 where share option exchanged for another) shall be deemed to have effect (or, as the case may be, to have had effect) for the purposes of the determination mentioned in subsection (5) of this section—

(a) as if that section had effect (or, as the case may be, had had effect) in relation to that right to the extent only that it is a right to acquire additional shares; and

(b) as if the value of the consideration for the grant of the original right had been nil."

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(5) In subsection (7)(b) for "section 135 of the Income and Corporation Taxes Act 1988" substitute " Chapter 5 of Part 7 of the Income Tax (Earnings and Pensions) Act 2003 ".

(6) In subsection (11)(a) for "section 135(3)(a) of the Income and Corporation Taxes Act 1988" substitute " section 479 of the Income Tax (Earnings and Pensions) Act 2003 ".

262 In section 5(2)(c) (interpretation)—

(a) for "subsection (8) of section 135 of the Income and Corporation Taxes Act 1988 (c. 1)" substitute " section 483(1) of the Income Tax (Earnings and Pensions) Act 2003 "; and

(b) for "that section" substitute " Chapter 5 of Part 7 of that Act ".

*State Pension Credit Act 2002 (c. 16)*

263 (1) Section 17(1) of the State Pension Credit Act 2002 (other interpretation provisions) is amended as follows.

(2) In paragraph (b) of the definition of "foreign war disablement pension" for "subsection (1) of section 315 of the Income and Corporation Taxes Act 1988 (c. 1)" substitute " section 641 of the Income Tax (Earnings and Pensions) Act 2003 ".

(3) In paragraph (b) of the definition of "foreign war widow's or widower's pension" for "section 315(2)(e) of the Income and Corporation Taxes Act 1988" substitute " section 641(1)(e) or (f) of the Income Tax (Earnings and Pensions) Act 2003 ".

(4) In paragraph (b) of the definition of "war disablement pension", for "subsection (1) of section 315 of the Income and Corporation Taxes Act 1988 (c. 1)" substitute " any of paragraphs (a) to (f) of section 641(1) of the Income Tax (Earnings and Pensions) Act 2003 ".

(5) In paragraph (b) of the definition of "war widow's or widower's pension" for "section 315(2)(e) of the Income and Corporation Taxes Act 1988" substitute " section 641(1)(e) or (f) of the Income Tax (Earnings and Pensions) Act 2003 ".

*Tax Credits Act 2002 (c. 21)*

264 The Tax Credits Act 2002 is amended as follows.

265 (1) Amend section 25 (payments of working tax credit by employers) as follows.

(2) In subsection (1) for "Schedule E payments" substitute " payments of, or on account of, PAYE income ".

(3) In subsection (5) for "Schedule E payment" substitute " payment of, or on account of, PAYE income ".

(4) Omit subsection (6).

266 In section 29(5) (recovery of overpayments) for "regulations under section 203(2)(a) of the Income and Corporation Taxes Act 1988 (c. 1) (PAYE)" substitute " PAYE regulations ".

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.))*

267 (1) Section 17(1) of the State Pension Credit Act (Northern Ireland) 2002 (other interpretation provisions) is amended as follows.

(2) In paragraph (b) of the definition of "foreign war disablement pension" for "subsection (1) of section 315 of the Income and Corporation Taxes Act 1988 (c. 1)" substitute " section 641 of the Income Tax (Earnings and Pensions) Act 2003 ".

(3) In paragraph (b) of the definition of "foreign war widow's or widower's pension" for "section 315(2)(e) of the Income and Corporation Taxes Act 1988" substitute " section 641(1)(e) or (f) of the Income Tax (Earnings and Pensions) Act 2003 ".

(4) In paragraph (b) of the definition of "war disablement pension", for "subsection (1) of section 315 of the Income and Corporation Taxes Act 1988 (c. 1)" substitute " any of paragraphs (a) to (f) of section 641(1) of the Income Tax (Earnings and Pensions) Act 2003 ".

(5) In paragraph (b) of the definition of "war widow's or widower's pension" for "section 315(2)(e) of the Income and Corporation Taxes Act 1988" substitute " section 641(1)(e) or (f) of the Income Tax (Earnings and Pensions) Act 2003 ".

*Certain corresponding Northern Ireland provision*

268 (1) This paragraph applies if provision is made for Northern Ireland which corresponds to section 171ZJ of the Social Security Contributions and Benefits Act 1992 (c. 4) (Part 12ZA — statutory paternity pay: supplementary) (which was inserted by section 2 of the Employment Act 2002 (c. 22)).

(2) In the Northern Ireland provision any reference to emoluments chargeable to income tax under Schedule E is to be construed as a reference to general earnings (as defined by section 7 of this Act).

269 (1) This paragraph applies if provision is made for Northern Ireland which corresponds to section 171ZS of the Social Security Contributions and Benefits Act 1992 (Part 12ZA — statutory adoption pay: supplementary) (which was inserted by section 4 of the Employment Act 2002).

(2) In the Northern Ireland provision any reference to emoluments chargeable to income tax under Schedule E is to be construed as a reference to general earnings (as defined by section 7 of this Act).

## SCHEDULE 7 Section 723

### TRANSITIONALS AND SAVINGS

### PART 1

#### CONTINUITY OF THE LAW

1 The repeal of provisions and their enactment in a rewritten form in this Act does not affect the continuity of the law.

2 Paragraph 1 does not apply to any change in the law made by this Act.

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

3 Any subordinate legislation or other thing which—

(a) has been made or done, or has effect as if made or done, under or for the purposes of a repealed provision, and

(b) is in force or effective immediately before the commencement of the corresponding rewritten provision,

has effect after that commencement as if made or done under or for the purposes of the rewritten provision.

4 Any reference (express or implied) in any enactment, instrument or document to—

(a) a rewritten provision, or

(b) things done or falling to be done under or for the purposes of a rewritten provision,

is to be read as including, in relation to times, circumstances or purposes in relation to which any corresponding repealed provision had effect, a reference to the repealed provision or (as the case may be) things done or falling to be done under or for the purposes of the repealed provision.

5 Any reference (express or implied) in any enactment, instrument or document to—

(a) a repealed provision, or

(b) things done or falling to be done under or for the purposes of a repealed provision,

is to be read as including, in relation to times, circumstances or purposes in relation to which any corresponding rewritten provision has effect, a reference to the rewritten provision or (as the case may be) things done or falling to be done under or for the purposes of the rewritten provision.

6 Paragraphs 1 to 5 have effect instead of section 17(2) of the Interpretation Act 1978 (c. 30) (but are without prejudice to any other provision of that Act).

7 Paragraphs 4 and 5 apply only in so far as the context permits.

## PART 2

### EMPLOYMENT INCOME: CHARGE TO TAX

#### *Taxable earnings*

8 (1) The charging provisions of Chapters 4 and 5 of Part 2—

(a) apply for the purpose of determining taxable earnings from an employment in the tax year 2003-04 or any later tax year, and

(b) accordingly apply where (for the purposes of those Chapters) general earnings are received, or remitted to the United Kingdom, in that or any later tax year.

(2) But they apply to general earnings for a tax year before the tax year 2003-04, as well as to those for that or any later year.

This is subject to sub-paragraph (3).

(3) If—

(a) any general earnings within subsection (1) of section 22 (chargeable overseas earnings) or 26 (foreign earnings of resident employee) are for a tax year before 1989-90,

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(b) the earnings are remitted to the United Kingdom in the tax year 2003-04 or any later tax year ("the remittance year"), and

(c) either—

(i) the employee is not resident in the United Kingdom in the remittance year, or

(ii) the employment is not held in the remittance year,

subsection (2) of section 22 or 26 does not apply to the earnings.

(4) Section 30 (treatment of earnings for year in which employment not held) does not apply where any of the tax years mentioned in subsection (2) or (3) of that section is a tax year before the tax year 1989-90.

*Relief for delayed remittances*

F2270 9 . . . . . .

**Textual Amendments**

**F2270** Sch. 7 paras. 9-12 omitted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by virtue of Finance Act 2008 (c. 9), **Sch. 7 para. 44**

F2270 10 . . . . . .

**Textual Amendments**

**F2270** Sch. 7 paras. 9-12 omitted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by virtue of Finance Act 2008 (c. 9), **Sch. 7 para. 44**

F2270 11 . . . . . .

**Textual Amendments**

**F2270** Sch. 7 paras. 9-12 omitted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by virtue of Finance Act 2008 (c. 9), **Sch. 7 para. 44**

*Disputes as to domicile or ordinary residence*

F2270 12 . . . . . .

**Textual Amendments**

**F2270** Sch. 7 paras. 9-12 omitted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by virtue of Finance Act 2008 (c. 9), **Sch. 7 para. 44**

*Application of provisions to agency workers*

13 In relation to times before 6th April 2003, Chapter 7 of Part 2 applies with the following modifications—

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) references to "employment income of the worker" are to be read as references to "income of the worker chargeable to tax under Schedule E",

(b) references to "earnings" are to be read as references to "emoluments", and

(c) references to "this Chapter" are to be read as references to "section 134 of ICTA".

14 Section 44(2) does not apply in relation to—

(a) payments made before 6th April 1998 other than payments made in respect of services provided on or after that date, or

(b) payments made on or after that date in respect of services provided before that date,

if in providing the services the worker is or would be a sub-contractor within the meaning of section 560 of ICTA (sub-contractors in the construction industry).

## PART 3

EMPLOYMENT INCOME: EARNINGS AND BENEFITS ETC. TREATED AS EARNING

*F2271*...

**Textual Amendments**

**F2271** Sch. 7 para. 15 and cross-heading omitted (with effect in accordance with s. 12(5) of the amending Act) by virtue of Finance Act 2015 (c. 11), **s. 12(4)(b)**

F2271 15 . . . . . .

F2272 16 . . . . . .

**Textual Amendments**

**F2272** Sch. 7 para. 16 omitted (with effect in accordance with s. 12(5) of the amending Act) by virtue of Finance Act 2015 (c. 11), **s. 12(4)(b)**

*Taxable benefits: the benefits code*

17 (1) In relation to times before 6th April 2003, references in the benefits code to "employment", "employed", "employee" and "employer" are to be read in accordance with this paragraph.

(2) In relation to **[**F2273 Chapters 3, 6, 7 and 10 of the benefits code (provisions not applicable before the tax year 2016-17 to lower-paid employments)**]**, the references mentioned in sub-paragraph (1) are to be read in accordance with section 66 (meaning of employment and related expressions) but as if in subsection (1)(a) there were substituted "an employment to which Chapter 2 of Part 5 of ICTA applies" for "a taxable employment under Part 2".

(3) In relation to any other Chapters of the benefits code, the references mentioned in sub-paragraph (1) are to be read in accordance with section 66 but as if in

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

subsection (1)(a) there were substituted "an employment the emoluments of which fall to be assessed under Schedule E" for "a taxable employment under Part 2".

F2274(4) . . . . . .

(5) This paragraph is subject to paragraphs 18(2), 24, 27(3), 29(4) and 31(2) of this Schedule.

**Textual Amendments**

**F2273** Words in Sch. 7 para. 17(2) substituted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 1 para. 22(2)(a)**

**F2274** Sch. 7 para. 17(4) omitted (with effect in accordance with s. 13(4) of the amending Act) by virtue of Finance Act 2015 (c. 11), **Sch. 1 para. 22(2)(b)**

*F2275*...

**Textual Amendments**

**F2275** Sch. 7 para. 19 and cross-heading omitted (with effect in accordance with s. 12(5) of the amending Act) by virtue of Finance Act 2015 (c. 11), **s. 12(4)(b)**

F2276 18 . . . . . .

**Textual Amendments**

**F2276** Sch. 7 para. 18 omitted (with effect in accordance with Sch. 39 para. 50(3) of the amending Act) by virtue of Finance Act 2012 (c. 14), **Sch. 39 para. 50(2)(b)**

F2275 19 . . . . . .

F2277 20 . . . . . .

**Textual Amendments**

**F2277** Sch. 7 para. 20 omitted (with effect in accordance with s. 12(5) of the amending Act) by virtue of Finance Act 2015 (c. 11), **s. 12(4)(b)**

*Taxable benefits: living accommodation*

21 (1) Section 107 (special rule for calculating cost of providing accommodation) does not apply if the employee first occupied the living accommodation before 31st March 1983.

(2) Nothing in this paragraph affects the operation of section 107 as applied by section 398(2)(b) or 415(2)(b).

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Taxable benefits: cars, vans and related benefits*

22 (1) In relation to a capital sum contributed by the employee before 6th April 2003, section 132 (cars: capital contributions by employee) applies with the following modifications.

(2) In subsection (1)(b) substitute "under sections 168A to 168C of ICTA in determining the price of the car as regards a year" for "in calculating the cash equivalent of the benefit of the car".

(3) In subsection (2)—

(a) omit paragraph (a), and

(b) in paragraph (b) substitute " the tax years after the tax year in which the contribution was made which are " for "subsequent".

23 (1) In relation to a capital sum contributed by the employee before 6th April 2003, section 147 (classic cars: 15 years of age or more) applies with the following modifications.

(2) In subsection (5)(b) substitute "under section 168F(3) of ICTA in determining the price of the car as regards a year" for "in determining the market value of the car".

(3) In subsection (6)—

(a) omit paragraph (a), and

(b) in paragraph (b) substitute " the tax years after the tax year in which the contribution was made which are " for "subsequent".

F2278 24 . . . . . .

**Textual Amendments**

**F2278** Sch. 7 para. 24 repealed (22.7.2004) by Finance Act 2004 (c. 12), **Sch. 42 Pt. 2(9)**

*Taxable benefits: loans*

25 (1) Chapter 7 of Part 3 applies to a loan made at any time, including one made before 29th July 1976 (the date on which FA 1976 was passed).

(2) But section 188 (loan released or written off: amount treated as earnings) does not apply to benefits received in pursuance of arrangements made at any time with a view to protecting the holder of shares acquired before 6th April 1976 from a fall in their market value.

26 (1) This paragraph relates to the operation of section 183 (alternative method of calculation) in relation to section 177(2) (exceptions for loans at fixed rate of interest) in the case of a loan made before 6th April 2003.

(2) Where section 183 applies, then for the purpose of calculating under section 177(2) the amount of interest that would have been payable on the loan at the official rate of interest for the year in which the loan was made, in step 3 in section 183(3) for "the number of days in the tax year" substitute " 365 ".

27 (1) Subject to paragraph 25(2), where a loan is made before 6th April 2003, section 188 (loan released or written off: amount treated as earnings) applies with the following modifications.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) References to the employment in relation to which a loan is an employment-related loan are to be read, in relation to times before 6th April 2003, as references to the employment referred to in section 174 (employment-related loans) as modified by paragraph 17.

(3) In relation to times before 6th April 2003—

(a) in subsection (2)(c), substitute "an employment to which Chapter 2 of Part 5 of ICTA applies" for **[**F2279"not lower-paid employment as a minister of religion"**]**, and

(b) in subsection (3)(a), substitute " an employment to which Chapter 2 of Part 5 of ICTA does not apply " for **[**F2280"lower-paid employment as a minister of religion"**]**.

**Textual Amendments**

**F2279** Words in Sch. 7 para. 27(3)(a) substituted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 1 para. 22(3)(a)**

**F2280** Words in Sch. 7 para. 27(3)(b) substituted (with effect in accordance with s. 13(4) of the amending Act) by Finance Act 2015 (c. 11), **Sch. 1 para. 22(3)(b)**

*Taxable benefits: notional loans in respect of acquisitions of shares*

28 Chapter 8 of Part 3 does not apply in relation to acquisitions on or before 6th April 1976.

29 (1) This paragraph relates to the operation of Chapter 8 of Part 3 in relation to an acquisition made before 6th April 2003.

(2) If—

(a) the acquisition gave rise to a notional loan under section 162(1) of ICTA, and

(b) the notional loan has not terminated under section 162(4) of ICTA before 6th April 2003,

the condition in section 193(1) (notional loan where acquisition for less than market value) is taken to be met and section 193(3) and (4) apply accordingly.

(3) In such a case, the amount initially outstanding of the notional loan for the purposes of Chapter 8 of Part 3 is taken to be the amount initially outstanding calculated under section 162 of ICTA in relation to the tax year 2002-03.

(4) In such a case, section 195(3)(c) (discharge of notional loan: amount treated as earnings) applies, in relation to times before 6th April 2003, with the substitution of "an employment to which Chapter 2 of Part 5 of ICTA applies" for "not an excluded employment".

*Taxable benefits: disposals of shares for more than market value*

F2281 30 . . . . . .

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F2281** Sch. 7 para. 30 repealed (with effect in accordance with Sch. 22 para. 46(26)(a) of the amending Act) by Finance Act 2003 (c. 14), Sch. 22 para. 46(2), **Sch. 43 Pt. 3(4)**

**F2282** 31 . . . . . .

**Textual Amendments**

**F2282** Sch. 7 para. 31 repealed (with effect in accordance with Sch. 22 para. 46(26)(a) of the amending Act) by Finance Act 2003 (c. 14), Sch. 22 para. 46(2), **Sch. 43 Pt. 3(4)**

*Taxable benefits: residual liability to charge*

32 (1) This paragraph applies in relation to Chapter 10 of Part 3.

(2) In section 206, the references in subsection (4) and step 2 in subsection (5) to the cost of a benefit determined under section 205 are to be read as including a reference to the cost of a benefit determined under section 156(5) of ICTA.

(3) Sections 212, 213 and 215 do not have effect in relation to any payment if—

(a) it is made in respect of a scholarship awarded before 15th March 1983,

(b) the first payment in respect of the scholarship was made before 6th April 1984, and

(c) in relation to payments made after 5th April 1989, the person holding the scholarship ("the scholar") is receiving full-time instruction at the university, college, school or other educational establishment at which the scholar was receiving such instruction on—

(i) 15th March 1983, in a case where the first payment in respect of the scholarship was made before that date, or

(ii) the date on which the first such payment was made, in any other case.

(4) For the purposes of sub-paragraph (3)(c), a payment made before 6th April 1989 in respect of any period beginning on or after that date is treated as made at the beginning of that period.

## PART 4

EMPLOYMENT INCOME: EXEMPTIONS

*Incidental overnight expenses and benefits*

33 In determining whether section 240(1) or (2) or 268 applies—

(a) in the case of a period of absence which began before 6th April 2003 and ends on or after that date, or

(b) in the case of a period of absence which begins on or after that date and incidentally to which goods, services or money are obtained using a non-cash voucher in relation to which section 141(6C) of ICTA applies,

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the question whether for the purposes of section 241 the exemption provisions total exceeds the permitted amount is to be determined as if this Act had applied at any relevant time before that date.

34 In determining—

(a) whether section 141(6C) and (6D), 142(3C) and (3D), 155(1B) and (1C) or section 200A of ICTA applies in the case of a period of absence which began before 6th April 2003 and ends on or after that date, or

(b) whether section 141(6C) and (6D) applies in the case of a period of absence which begins on or after that date,

the question whether the authorised maximum (as defined in section 200A(4) of ICTA) is exceeded in relation to the absence is to be determined as if in section 200A(5) after the words "exceeded by" there were inserted the words "the aggregate of the exemption provisions total in respect of the period (as defined in section 241 of ITEPA 2003) and".

*Removal benefits and expenses*

35 (1) Section 287 (limit on exemption for removal benefits and expenses) applies with the modification in sub-paragraph (2) where—

(a) a benefit is provided on or after 6th April 2003 in connection with a change of an employee's residence, or

(b) expenses are incurred on or after that day in connection with such a change,

and any such benefits have been provided or expenses incurred before that date in connection with that change.

(2) In subsection (2) before paragraph (a) insert—

"(aa) the total value to the employee immediately before 6th April 2003, as defined in paragraph 24(2) of Schedule 11A to ICTA,".

36 A direction under paragraph 6(2) of Schedule 11A to ICTA (directions as to meaning of "the relevant day") by virtue of which a day on or after 6th April 2003 was directed to be the relevant day in relation to a change of residence—

(a) is not affected by any repeals made by this Act, but

(b) continues in force as respects any benefit provided or expenses incurred on or after that date as if it were a direction given under section 274(2) (directions as to the limitation day), directing that day to be the limitation day.

*Retraining courses*

37 (1) The repeal of sections 588(5)(a) and 589(3) and (4) of ICTA does not affect—

(a) the operation of section 588(5) of ICTA by virtue of paragraph (a) of that provision where liability for a tax year before 2003-04 is determined,

(b) the operation of section 588(5) of ICTA by virtue of paragraph (b) of that provision where liability is determined on the assumption that the person undertaking the course fell within section 588(1) of ICTA in such a tax year, or

(c) the operation of section 588(6) [F2283]... of ICTA as they apply by virtue of sub-paragraph (2).

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) In any case where there has been such a determination as is mentioned in sub-paragraph (1)(a) or (b), section 588(6) **[**F2284applies as if it**]** referred to a failure to comply with any provision of section 589(3) or (4) of ICTA instead of a failure to meet such a condition as is mentioned in section 312(1)(b)(i) or (ii) of this Act.

**Textual Amendments**

**F2283** Words in Sch. 7 para. 37(1)(c) omitted (13.8.2009) by virtue of The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, **Sch. para. 40(a)**

**F2284** Words in Sch. 7 para. 37(2) substituted (13.8.2009) by The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, **Sch. para. 40(b)**

*Suggestion awards*

38 (1) This paragraph applies for the purpose of determining the extent, if any, to which section 321(2) (exemption of suggestion awards) applies in respect of a financial benefit award for a suggestion ("the later award") in a case where such an award ("the earlier award") has been made for the same suggestion on a previous occasion or occasions before the tax year 2003-04.

(2) For the purposes of the application of section 322(3) in relation to the later award, "the residue of the suggestion maximum" means the suggestion maximum, as defined in section 322(4), less the aggregate of—

(a) the total of the amounts exempted from income tax under section 321 in respect of financial benefit awards for the same suggestion made on previous occasions, and

(b) the total of the earlier awards.

## PART 5

EMPLOYMENT INCOME: DEDUCTIONS

*Earnings charged on remittance*

39 In relation to expenses incurred before the tax year 2003-04, section 353 (deductions from earnings charged on remittance) applies as if the condition in subsection (3) of that section were that the expenses would have been deductible under section 193, 194, 195 or 198(1) of ICTA from emoluments of the office or employment if those emoluments had been chargeable under Case I of Schedule E for the tax year in which the expenses were incurred.

*Non-domiciled employee's travel costs and expenses: "qualifying arrival date"*

40 In relation to any time before 6th April 2003, section 375 (meaning of "qualifying arrival date") has effect as if the references in subsections (1)(a) and (4) to the person receiving earnings for duties performed in the United Kingdom included a reference to the person receiving emoluments for such duties.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## PART 6

## EMPLOYMENT INCOME: INCOME WHICH IS NOT EARNINGS OR [F2285RELATED TO SECURITIES]

**Textual Amendments**

**F2285** Words in Sch. 7 Pt. 6 heading substituted (10.7.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 46(3)**

*Benefits from non-approved pension schemes*

F2286 41 . . . . . .

**Textual Amendments**

**F2286** Sch. 7 para. 41 repealed (6.4.2006) by Finance Act 2004 (c. 12), **Sch. 42 Pt. 3** (with Sch. 36)

*Payments and benefits on termination of employment etc.*

42 Section 403 (charge on payment or other benefit) does not apply in relation to payments or other benefits received on or after 6th April 2003 that were brought into charge to tax before 6th April 1998.

43 (1) This paragraph applies for the purpose of determining how the £30,000 threshold referred to in sections 403 and 404 operates where—

(a) payments or other benefits to which Chapter 3 of Part 6 apply are received, and

(b) payments or benefits to which section 148 of ICTA applied were received in respect of the same person—

(i) in respect of the same employment, or

(ii) in respect of different employments with the same employer or associated employers.

(2) For the purposes of section 403(4) and (5), section 415 (valuation of benefits) does not apply to the payments and benefits referred to in sub-paragraph (1)(b), and their aggregate amount is to be taken to be their aggregate amount immediately before 6th April 2003.

(3) The references in sections 403(4) and (5) and 404(3)(b) to payments or benefits to which Chapter 3 of Part 6 applies include references to the payments and benefits referred to in sub-paragraph (1)(b).

(4) Section 404(2) (when employers are associated) applies for the purposes of this paragraph.

***Changes to legislation:*** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## PART 7

### EMPLOYMENT INCOME: **[**[F2287]INCOME RELATED TO SECURITIES**]**

**Textual Amendments**

**F2287** Words in Sch. 7 Pt. 7 heading substituted (10.7.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 46(4)**

### *[F2288 Pre-6th April 2003 acquisitions*

**Textual Amendments**

**F2288** Sch. 7 para. 43A and cross-heading inserted (16.4.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 46(5)(26)(b)**

43A (1) This paragraph relates to the operation of section 421E (exclusions from Chapters 2 to 4 of Part 7: residence) in relation to an acquisition made before 6th April 2003.

(2) Section 421E(1) has effect with the substitution of " the employee was not chargeable under Case I of Schedule E in respect of the employment " for the words from "the earnings".

(3) Section 421E(2) has effect with the substitution of " the emoluments of the employment did not fall to be charged to income tax under Schedule E " for the words from "the earnings".**]**

### *Conditional interests in shares*

44 Chapter 2 of Part 7 **[**[F2289], as originally enacted,**]** does not apply in relation to interests acquired before 17th March 1998.

**Textual Amendments**

**F2289** Words in Sch. 7 para. 44 inserted (1.9.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 46(6)(26)(c)**; S.I. 2003/1997, art. 2

45 (1) This paragraph relates to the operation of section 425 (cases where Chapter 2 of Part 7 does not apply) **[**[F2290], as originally enacted.**]**

(2) Section 425(1) applies in relation to any acquisition made before 6th April 2003 with the substitution of "if the person was not chargeable under Case I of Schedule E in respect of the office or employment in question" for the words from "if the earnings" onwards.

**Textual Amendments**

**F2290** Words in Sch. 7 para. 45(1) inserted (1.9.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 46(7)(26)(c)**; S.I. 2003/1997, art. 2

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

46 (1) This paragraph relates to the operation of section 428 (amount of charge where interest in shares ceases to be only conditional or on disposal) **[**F2291, as originally enacted,**]** in relation to an acquisition made before 6th April 2003.

(2) For the purposes of section 428(1) each of the following is a "deductible amount"—

(a) any amounts on which the employee has become chargeable to tax under Schedule E in respect of the acquisition of the employee's interest; and

(b) any amount on which the employee has become chargeable to tax in respect of the shares under section 78 or 79 of FA 1988 (unapproved employee share schemes) by reference to an event that occurred before 6th April 2003.

**Textual Amendments**

**F2291** Words in Sch. 7 para. 46(1) inserted (1.9.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 46(8)(26)(c)**; S.I. 2003/1997, art. 2

F2292 47 . . . . . .

**Textual Amendments**

**F2292** Sch. 7 para. 47 repealed (10.7.2003) by Finance Act 2003 (c. 14), Sch. 22 para. 46(9), **Sch. 43 Pt. 3(4)**

F2293 48 . . . . . .

**Textual Amendments**

**F2293** Sch. 7 para. 48 repealed (10.7.2003) by Finance Act 2003 (c. 14), Sch. 22 para. 46(9), **Sch. 43 Pt. 3(4)**

*Convertible shares*

49 Chapter 3 of Part 7 does not apply in relation to **[**F2294securities**]** acquired before 17th March 1998.

**Textual Amendments**

**F2294** Word in Sch. 7 para. 49 substituted (1.9.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 46(10)(26)(c)**; S.I. 2003/1997, art. 2

F2295 50 . . . . . .

**Textual Amendments**

**F2295** Sch. 7 paras. 50-52 repealed (1.9.2003) by Finance Act 2003 (c. 14), Sch. 22 para. 46(11)(26)(c, **Sch. 43 Pt. 3(4)**; S.I. 2003/1997, art. 2

F2295 51 . . . . . .

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F2295** Sch. 7 paras. 50-52 repealed (1.9.2003) by Finance Act 2003 (c. 14), Sch. 22 para. 46(11)(26)(c, **Sch. 43 Pt. 3(4)**; S.I. 2003/1997, art. 2

[F2295] 52 . . . . . .

**Textual Amendments**

**F2295** Sch. 7 paras. 50-52 repealed (1.9.2003) by Finance Act 2003 (c. 14), Sch. 22 para. 46(11)(26)(c, **Sch. 43 Pt. 3(4)**; S.I. 2003/1997, art. 2

[F2296] 53 . . . . . .

**Textual Amendments**

**F2296** Sch. 7 para. 53 repealed (10.7.2003) by Finance Act 2003 (c. 14), Sch. 22 para. 46(12), **Sch. 43 Pt. 3(4)**

*Post-acquisition benefits from shares*

54 Chapter 4 of Part 7**[**[F2297], both as originally enacted and as substituted by **[**[F2298]FA**]** 2003,**]** does not apply in relation to shares or an interest in shares acquired before 26th October 1987, except to the extent provided by paragraph 55 (read with paragraph 56).

**Textual Amendments**

**F2297** Words in Sch. 7 para. 54 inserted (16.4.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 46(13)(26)(b)**

**F2298** Word in Sch. 7 para. 54 substituted (21.7.2009) by Finance Act 2009 (c. 10), **s. 126(5)(b)**

55 (1) Chapter 4 of Part 7 **[**[F2299], as originally enacted,**]** applies in relation to shares or an interest in shares acquired before 26th October 1987 if the company was not a dependent subsidiary on that date.

(2) But it so applies—

[F2300] (a) . . . . . .

(b) subject to paragraph 56.

**Textual Amendments**

**F2299** Words in Sch. 7 para. 55 inserted (16.4.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 46(14)(a)(26)(b)**

**F2300** Sch. 7 para. 55(2)(a) repealed (16.4.2003) by Finance Act 2003 (c. 14), Sch. 22 para. 46(14)(b)(26)(b), **Sch. 43 Pt. 3(4)**

56 The removal or variation of a restriction applying to shares or an interest in shares acquired before 26th October 1987 is not a chargeable event for the purposes of section 449 **[**[F2301], as originally enacted,**]** if paragraph 7 of Schedule 8 to FA 1973 (requirement for disposal to nominees at price not exceeding market value on termination of employment) would have applied to it.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**Textual Amendments**

**F2301** Words in Sch. 7 para. 56 inserted (16.4.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 46(15)(26)(b)**

F2302 57 . . . . . .

**Textual Amendments**

**F2302** Sch. 7 para. 57 omitted (with effect in accordance with s. 50(3) of the amending Act) by virtue of Finance Act 2008 (c. 9), **s. 50(2)(b)**

58 (1) This paragraph relates to the operation of section 448 (cases where Chapter 4 of Part 7 does not apply) **[**F2303, as originally enacted**]**.

(2) Section 448(1) applies in relation to any acquisition made before 6th April 2003 with the substitution of "if the person was not chargeable under Case I of Schedule E in respect of the office or employment in question" for the words "if the earnings" onwards.

(3) Section 448(3) and (4) do not apply in relation to any acquisition made before 16th January 1991.

**Textual Amendments**

**F2303** Words in Sch. 7 para. 58(1) inserted (16.4.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 46(16)(26)(b)**

F2304 59 . . . . . .

**Textual Amendments**

**F2304** Sch. 7 para. 59 repealed (16.4.2003) by Finance Act 2003 (c. 14), Sch. 22 para. 46(17)(26)(b), **Sch. 43 Pt. 3(4)**

F2305 60 . . . . . .

**Textual Amendments**

**F2305** Sch. 7 para. 60 repealed (10.7.2003) by Finance Act 2003 (c. 14), Sch. 22 para. 46(18), **Sch. 43 Pt. 3(4)**

F2306 61 . . . . . .

**Textual Amendments**

**F2306** Sch. 7 para. 61 repealed (10.7.2003) by Finance Act 2003 (c. 14), Sch. 22 para. 46(18), **Sch. 43 Pt. 3(4)**

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### *[F2307 Securities disposed of for more than market value*

**Textual Amendments**

**F2307** Sch. 7 para. 61A and cross-heading inserted (with effect in accordance with Sch. 22 para. 46(26)(a) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 22 para. 46(19)**

61A Chapter 3D of Part 7 does not apply in relation to securities, or an interest in securities, acquired on or before 6th April 1976.**]**

### *Share options*

F2308 62 . . . . . .

**Textual Amendments**

**F2308** Sch. 7 para. 62 repealed (1.9.2003) by Finance Act 2003 (c. 14), Sch. 22 para. 46(20)(26)(c), **Sch. 43 Pt. 3(4)**; S.I. 2003/1997, art. 2

**[**F2309 63 (1) This paragraph relates to the operation of section 474 (exclusions from Chapter 5 of Part 7: residence) in relation to an acquisition made before 6th April 2003.

(2) Section 474(1) has effect with the substitution of " the employee was not chargeable under Case I of Schedule E in respect of the employment " for the words from "the earnings".**]**

**Textual Amendments**

**F2309** Sch. 7 para. 63 substituted (16.4.2003 for specified purposes, otherwise 1.9.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 46(21)**(26)(d); S.I. 2003/1997, art. 2

64 (1) This paragraph relates to the operation of section 478 (amount of charges) in relation to a **[**F2310 securities**]** option **[**F2311 acquired**]** before 6th April 2003.

(2) For the purposes of section 478(1), any amount charged to tax under Schedule E in respect of the **[**F2312 acquisition**]** of the **[**F2310 securities**]** option is a deductible amount.

**Textual Amendments**

**F2310** Word in Sch. 7 para. 64 substituted (16.4.2003 for specified purposes, otherwise 1.9.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 46(22)(a)(26)(d)**; S.I. 2003/1997, art. 2

**F2311** Word in Sch. 7 para. 64 substituted (16.4.2003 for specified purposes, otherwise 1.9.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 46(22)(b)(26)(d)**; S.I. 2003/1997, art. 2

**F2312** Word in Sch. 7 para. 64 substituted (16.4.2003 for specified purposes, otherwise 1.9.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 46(22)(c)(26)(d)**; S.I. 2003/1997, art. 2

65 (1) This paragraph relates to the operation of section **[**F2313 478 in relation to an event that is a chargeable event by virtue of section 477(3)(a) or (b) (acquisition of securities pursuant to an option and assignment and release of option) in the case of a share option acquired**]** before 6th April 2003.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) For the purposes of section **[**F2314478(1)**]**, if an amount was chargeable to tax under section 185(6) of ICTA (charge where option under approved share option scheme granted at a discount) in respect of the share option, so much of that amount as is attributable to the shares in question is a deductible **[**F2314amount**]**.

**Textual Amendments**

**F2313** Words in Sch. 7 para. 65(1) substituted (1.9.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 46(23)(a)(26)(c)**; S.I. 2003/1997, art. 2

**F2314** Word in Sch. 7 para. 65(2) substituted (1.9.2003) by Finance Act 2003 (c. 14), **Sch. 22 para. 46(23)(b)(26)(c)**; S.I. 2003/1997, art. 2

F2315 66 . . . . . .

**Textual Amendments**

**F2315** Sch. 7 para. 66 repealed (1.9.2003) by Finance Act 2003 (c. 14), Sch. 22 para. 46(24)(26)(c), **Sch. 43 Pt. 3(4)**; S.I. 2003/1997, art. 2

F2316 67 . . . . . .

**Textual Amendments**

**F2316** Sch. 7 para. 67 repealed (10.7.2003) by Finance Act 2003 (c. 14), Sch. 22 para. 46(25), **Sch. 43 Pt. 3(4)**

*Approved share incentive plans*

68 (1) This paragraph applies where, immediately before 6th April 2003, an employee share ownership plan was approved under Schedule 8 to FA 2000 (employee share ownership plans).

(2) On and after that date the plan is to be treated as a share incentive plan (or "SIP") approved by **[**F154an officer of Revenue and Customs**]** under Schedule 2 to this Act.

(3) Sub-paragraph (2) has effect even if the provisions of the plan do not wholly conform with the provisions of Schedule 2 to this Act, but it has effect without prejudice to—

(a) paragraphs 83 and 84 of that Schedule (withdrawal of approval),

(b) paragraphs 89 and 90 of that Schedule (termination of plan), and

(c) any alteration of the plan.

(4) For the purposes of paragraph 84(1)(a) of Schedule 2, as it applies to the plan, nothing is to be regarded as a disqualifying event because of a contravention of any of the requirements of that Schedule if the requirement in question does not correspond to any of the requirements of Schedule 8 to FA 2000.

(5) Nothing in this Act affects the validity of—

(a) any provision of the plan which was included in it at any time before 6th April 2003 in accordance with the provisions of Schedule 8 to FA 2000 as then in force, or

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(b) any award of shares under the plan which was made at any such time in accordance with the provisions of that Schedule as then in force.

(6) In this paragraph—

"award of shares" means the appropriation of shares to, or the acquisition of shares on behalf of, a person;

"employee share ownership plan" has the meaning given by paragraph 1(1) of Schedule 8 to FA 2000.

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

69 (1) Any reference in any enactment, instrument or document—

(a) to an employee share ownership plan, or

(b) to an employee share ownership plan approved under Schedule 8 to FA 2000,

is to be read as including, in relation to times after 5th April 2003, a reference to a share incentive plan or to a share incentive plan approved under Schedule 2 to this Act.

(2) Any reference in any enactment, instrument or document—

(a) to a share incentive plan (or SIP), or

(b) to a share incentive plan (or SIP) approved under Schedule 2 to this Act,

is to be read as including, in relation to times before 6th April 2003, a reference to an employee share ownership plan or to an employee share ownership plan approved under Schedule 8 to FA 2000.

(3) Accordingly any reference in the SIP code to shares awarded under an approved SIP is to be read as including, in relation to times before 6th April 2003, a reference to shares awarded under a plan approved under Schedule 8 to FA 2000.

(4) Any reference in a plan within paragraph 68(1) to a person chargeable to tax under Case I of Schedule E is to be read as including, in relation to times after 5th April 2003, a reference to a person whose earnings fall within paragraph 8(2) of Schedule 2 to this Act.

(5) This paragraph—

(a) is without prejudice to Part 1 of this Schedule, and

(b) applies only in so far as the context permits.

(6) In this paragraph—

"awarded" means appropriated to, or acquired on behalf of, a person;

"employee share ownership plan" has the same meaning as in paragraph 68.

70 Nothing in paragraph 91(4) of Schedule 2 to this Act (jointly owned companies) prevents a company being a constituent company in a group plan (within the meaning of that Schedule) if it was a participating company in that plan (within the meaning of Schedule 8 to FA 2000) immediately before 24th July 2002.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Approved SAYE option schemes*

71 (1) This paragraph applies where, immediately before 6th April 2003, a savings-related share option scheme was approved under Schedule 9 to ICTA (approved share option schemes and profit-sharing schemes).

(2) On and after that date the scheme is to be treated as an SAYE option scheme approved by **[**F154an officer of Revenue and Customs**]** under Schedule 3 to this Act.

(3) Sub-paragraph (2) has effect even if the provisions of the scheme do not wholly conform with the provisions of Schedule 3 to this Act, but it has effect without prejudice to—

(a) paragraphs 42 and 43 of that Schedule (withdrawal or loss of approval), and

(b) any approved alteration of the scheme.

(4) For the purposes of paragraph 42 of Schedule 3, as it applies to the scheme, nothing is to be regarded as a disqualifying event if it would not have resulted in any of the former approval requirements ceasing to be met.

The "former approval requirements" means the requirements of Schedule 9 to ICTA by reference to which the scheme was approved.

(5) Nothing in this Act affects the validity of—

(a) any provision of the scheme which was included in it at any time before 6th April 2003 in accordance with the provisions of Schedule 9 to ICTA as then in force, or

(b) any rights obtained under the scheme which were obtained at any such time in accordance with the provisions of that Schedule as then in force.

(6) In this paragraph "savings-related share option scheme" has the meaning given by paragraph 1(1) of Schedule 9 to ICTA.

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

72 (1) Any reference in the SAYE code to a share option granted in accordance with the provisions of an approved SAYE option scheme is to be read as including, in relation to times before 6th April 2003, a reference to a right to acquire shares obtained in accordance with the provisions of a savings-related share option scheme approved under Schedule 9 to ICTA.

(2) Any reference in a scheme within paragraph 71(1) to a person chargeable to tax under Case I of Schedule E is to be read as including, in relation to times after 5th April 2003, a reference to a person whose earnings fall within paragraph 6(2)(c) of Schedule 3 to this Act.

(3) This paragraph—

(a) is without prejudice to Part 1 of this Schedule, and

(b) applies only in so far as the context permits.

(4) In this paragraph "savings-related share option scheme" has the same meaning as in paragraph 71.

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*Approved CSOP schemes*

73 (1) This paragraph applies where, immediately before 6th April 2003, a discretionary share option scheme was approved under Schedule 9 to ICTA (approved share option schemes and profit-sharing schemes).

(2) On and after that date the scheme is to be treated as a CSOP scheme approved by **[**F154an officer of Revenue and Customs**]** under Schedule 4 to this Act.

(3) Sub-paragraph (2) has effect even if the provisions of the scheme do not wholly conform with the provisions of Schedule 4 to this Act, but they are without prejudice to—

(a) paragraphs 30 and 31 of that Schedule (withdrawal or loss of approval), and

(b) any approved alteration of the scheme.

(4) For the purposes of paragraph 30 of Schedule 4, as it applies to the scheme, nothing is to be regarded as a disqualifying event if it would not have resulted in any of the former approval requirements ceasing to be met.

The "former approval requirements" means the requirements of Schedule 9 to ICTA by reference to which the scheme was approved.

(5) Nothing in this Act affects the validity of—

(a) any provision of the scheme which was included in it at any time before 6th April 2003 in accordance with the provisions of Schedule 9 to ICTA as then in force, or

(b) any rights obtained under the scheme which were obtained at any such time in accordance with the provisions of that Schedule as then in force.

(6) In this paragraph "discretionary share option scheme" means a share option scheme other than a savings-related share option scheme (as defined by paragraph 1(1) of Schedule 9 to ICTA).

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

74 (1) Any reference in the CSOP code to a share option granted in accordance with the provisions of an approved CSOP scheme is to be read as including, in relation to times before 6th April 2003, a reference to a right to acquire shares obtained in accordance with the provisions of a discretionary share option scheme approved under Schedule 9 to ICTA.

(2) This paragraph—

(a) is without prejudice to Part 1 of this Schedule,

(b) applies only in so far as the context permits, and

(c) has effect subject to paragraph 75.

(3) In this paragraph "discretionary share option scheme" has the same meaning as in paragraph 73.

75 (1) This paragraph has effect where, immediately before 6th April 2003, a discretionary share option scheme which was approved before 29th April 1996—

(a) is approved under Schedule 9 to ICTA, and

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(b) has effect subject to the modifications made by paragraphs 2 and 3 of Schedule 16 to FA 1996 (scheme to have effect, despite anything included in it to the contrary, as if it contained provisions required by paragraphs 28 and 29 of Schedule 9 to ICTA: limit of £30,000 on value of shares subject to outstanding options and requirements as to price for acquisition of shares).

(2) On and after 6th April 2003 the scheme is to continue to have effect as if it provided—

(a) that an individual may not be granted share options under it which would at the time when they are granted cause the aggregate market value of the shares which the individual may acquire by exercising share options granted under—

(i) the scheme, or

(ii) any other approved CSOP scheme established by the scheme organiser or an associated company of the scheme organiser,

to exceed or further exceed £30,000 (leaving out of account share options that have already been exercised), and

(b) that the price at which shares may be acquired by the exercise of a share option granted under the scheme must not be manifestly less than the market value of shares of the same class at that time (or, if **[**F104the Commissioners for Her Majesty's Revenue and Customs**]** and the scheme organiser agree in writing, at an earlier time or times stated in the agreement).

(3) For the purposes of sub-paragraph (2)(a), the market value of shares is to be calculated as at—

(a) the time when the options relating to them were granted, or

(b) if an agreement relating to them has been made under paragraph 22 of Schedule 4 (requirements as to price for acquisition of shares) the earlier time or times stated in the agreement.

(4) Sub-paragraph (2) is subject to any amendment to the scheme made after 28th April 1996 (whether before or after 6th April 2003).

(5) In this paragraph "discretionary share option scheme" has the same meaning as in paragraph 73.

(6) Other expressions used in this paragraph and contained in the index at the end of Schedule 4 (index of expressions defined in the CSOP code) have the meaning indicated by that index.

**Textual Amendments**

**F104** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(2)**; S.I. 2005/1126, art. 2(2)(h)

76 (1) This paragraph applies to any right obtained by an individual—

(a) under a discretionary share option scheme approved under Schedule 9 to ICTA, and

(b) during the period beginning with 17th July 1995 and ending with 28th April 1996,

if, by virtue of section 115 of FA 1996 (transitional provisions which gave retrospective effect to certain amendments relating to discretionary share option schemes), the right was, immediately before 6th April 2003, treated for the purposes

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

of sections 185 to 187 of and Schedule 9 to ICTA as having been obtained otherwise than in accordance with the provisions of a discretionary share option scheme approved under that Schedule.

(2) For the purposes of the CSOP code, the right is to be treated as having been granted otherwise than in accordance with the provisions of an approved CSOP scheme.

(3) In this paragraph "discretionary share option scheme" has the same meaning as in paragraph 73.

*Enterprise management incentives*

77 (1) This paragraph applies where, immediately before 6th April 2003, a share option was a qualifying option for the purposes of Schedule 14 to FA 2000 (enterprise management incentives).

(2) On and after that date the share option is to be treated as a qualifying option for the purposes of the EMI code.

(3) Sub-paragraph (2) has effect even if the requirements that had to be met in order for the share option, or any share option replaced by it, to be a qualifying option for the purposes of Schedule 14 to FA 2000 differed to any extent from those set out in Schedule 5.

(4) In this paragraph "share option" means a right to acquire shares.

78 (1) In section 535 (disqualifying events relating to employee), subsections (2) to (6) apply to the tax year 2003-04 and later tax years (in accordance with section 723(1)).

(2) In Schedule 14 to FA 2000 (enterprise management incentives), paragraph 52 (disqualifying events: actual relevant working time) continues to apply in relation to April 2003 for the purpose of calculating, in accordance with sub-paragraphs (3) to (5) of that paragraph, whether a disqualifying event is to be taken to have occurred at the end of the tax year 2002-03.

(3) If a disqualifying event is to be taken to have so occurred, it (like anything else which under that Schedule is a disqualifying event immediately before 6th April 2003) is a disqualifying event for the purposes of Schedule 5 to this Act.

79 (1) Section 536 (other disqualifying events) has effect in relation to any alteration made to the share capital of a company before 11th May 2001 with the following modification.

(2) In subsection (1), for paragraphs (b) and (c) substitute—

"(b) any alteration to the share capital of the relevant company to which section 537 applies and is made without the prior approval of **[**F154an officer of Revenue and Customs**]** ;".

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

80 (1) Section 537 (alteration of share capital for purposes of section 536) has effect in relation to any alteration made to the share capital of a company before 11th May 2001 with the following modifications.

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(2) In subsection (1), omit "and (c)".

(3) In subsection (2), substitute " This section " for "This subsection".

(4) Omit subsection (3).

81 In a case where the qualifying option was granted before 6th April 2003, section 540(2) (no charge on acquisition of shares as taxable benefit) applies in relation to the time when the option was granted with the substitution of "the employee was chargeable to tax under Case I of Schedule E" for the words from "the earnings" onwards.

82 (1) This paragraph relates to the operation of section 541(2) (effects on tax charges where shares cease to be conditional only or are converted) in relation to an FA 2000 option which was exercised before 6th April 2003.

(2) The references to a qualifying option include an FA 2000 option which was so exercised; but in relation to such an option sub-paragraph (3) applies instead of section 541(3).

(3) For the purposes of section 541(2) "the amount of relief on the exercise of the option" means the difference between—

(a) the amount on which tax would have been chargeable under section 135 of ICTA (charge on exercise etc. of option) in respect of the exercise of the option apart from Schedule 14 to FA 2000 (enterprise management incentives), and

(b) the amount (if any) in fact so chargeable in accordance with that Schedule.

(4) In this paragraph an "FA 2000 option" means a qualifying option for the purposes of Schedule 14 to FA 2000.

83 In Schedule 5 (enterprise management incentives), paragraph 41(6) (like other provisions of that paragraph) applies to replacement options whenever granted.

*Employee benefit trusts*

84 In relation to times before 6th April 2003, section 549(5) (definition of "employee" for purposes of Chapter 11 of Part 7) is to be read as referring to a person holding an office or employment whose emoluments were chargeable under Schedule E.

## PART 8

APPROVED PROFIT SHARING SCHEMES

*Trustees' duty to provide information*

85 Any obligation imposed in accordance with paragraph 34(b) of Schedule 9 to ICTA (trustees' duties to provide information) on the trustees of a profit sharing scheme approved under that Schedule is to be construed as an obligation, where an amount counts as employment income of a participant by reason of the occurrence of any event, to inform the participant of any facts relevant to determining the participant's resulting liability to tax.

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

*Share incentive plans*

86 (1) Where the trustees of an approved share incentive plan acquire shares from the trustees of an approved profit sharing scheme, the disposal and the acquisition by the trustees are treated for capital gains tax purposes as being made for such consideration as to secure that neither a gain nor a loss accrues on the disposal.

(2) In such a case the relevant period for the purposes of paragraph 2 of Schedule 7D to TCGA 1992 is determined as if the shares had been acquired by the trustees of the share incentive plan at the time they were acquired by the trustees of the other trust.

F2317 …

(3) In this paragraph—

"approved profit sharing scheme" means a profit sharing scheme approved under Schedule 9 to ICTA, and

"approved share incentive plan" means a share incentive plan approved under Schedule 2 to this Act.

**Textual Amendments**

**F2317** Words in Sch. 7 para. 86(2) omitted (with effect in accordance with Sch. 2 para. 56(3) of the amending Act) by virtue of Finance Act 2008 (c. 9), **Sch. 2 para. 52**

*Other share schemes: eligibility of individuals and material interests*

87 (1) In applying any of the provisions specified in sub-paragraph (2) (which deal with the meaning of "material interest" for the purpose of determining eligibility to participate in share schemes, etc.) the following are to be disregarded—

(a) the interest of the trustees of any profit sharing scheme approved under Schedule 9 to ICTA in any shares which are held by them in accordance with the plan but which have not been appropriated to an individual, and

(b) any rights exercisable by the trustees as a result of that interest.

(2) The provisions referred to in sub-paragraph (1) are—

(a) paragraph 20 of Schedule 2 (approved share incentive plans);

(b) paragraph 12 of Schedule 3 (approved SAYE option schemes);

(c) paragraph 10 of Schedule 4 (approved CSOP schemes);

(d) paragraph 29 of Schedule 5 (enterprise management incentives).

## PART 9

SOCIAL SECURITY INCOME

*Disabled person's and working families' tax credits*

88 (1) This paragraph applies if, on 6th April 2003, the repeals made by TCA 2002 of the provisions listed in sub-paragraph (3) have not come fully into force.

(2) Until the repeal of those provisions has come fully into force, Table B in section 677(1) of this Act is to be read as if it included references to disabled person's tax credit and working families' tax credit.

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(3) The provisions referred to in this paragraph are—

(a) in SSCBA 1992, section 128 (working families' tax credit) and section 129 (disabled person's tax credit), and

(b) in SSCB(NI)A 1992, section 127 (working families' tax credit) and section 128 (disabled person's tax credit).

## PART 10

PAYE

*PAYE regulations*

89 (1) In relation to any time before the commencement of the repeals in Part 7 of Schedule 20 to FA 1999, section 684(2) (PAYE regulations) has effect with the following modification.

(2) At the end of item 5 insert " including the proving of the contents or transmission of anything that the regulations allow to be transmitted to any person in electronic form or by electronic means ".

## PART 11

CONSEQUENCES FOR CORPORATION TAX

90 (1) This paragraph applies where—

(a) a company is charged to corporation tax by reference to an accounting period which begins before and ends on or after 6th April 2003, and

(b) because of a change in the law made by this Act, the income tax law relating to the accounting period is different from what it would have been if that change had not been made.

(2) If the company so elects, this Act applies with such modifications as may be necessary to secure that the income tax law relating to the accounting period is the same as it would have been if the change in the law had not been made.

(3) An election under this paragraph must be made by notice given to **[**F154an officer of Revenue and Customs**]** no later than the end of the period of two years beginning with the day following the last day of the accounting period.

(4) In this paragraph "income tax law" has the same meaning as in section 9 of ICTA.

**Textual Amendments**

**F154** Words in Act substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 102(1)**; S.I. 2005/1126, art. 2(2)(h)

91 (1) This paragraph applies in relation to corporation tax charged by reference to an accounting period which begins before and ends on or after 6th April 2003.

(2) In its application for the purposes of corporation tax, any provision of this Schedule is to be read as if—

**Changes to legislation:** *Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 October 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(a) any reference to the tax year 2003-04 were a reference to that accounting period, and

(b) any reference to 6th April 2003 were a reference to the first day of that accounting period.

92 (1) The provisions of this Act mentioned in sub-paragraph (2) do not have effect for corporation tax purposes for so much of any accounting period as falls before 6th April 2003.

(2) The provisions are—

(a) in Schedule 6 (consequential amendments)—

(i) paragraph 11 (which replaces references in section 84A of ICTA to share option schemes approved under Schedule 9 to that Act with references to SAYE option schemes and CSOP schemes approved under this Act), and

(ii) paragraphs 12 and 109 (which insert Schedule 4AA to ICTA (share incentive plans: corporation tax deductions)), and

(b) the repeal by Schedule 8 (repeals) of—

(i) Part 12 of Schedule 8 to FA 2000 (corporation tax deductions in relation to employee share option plans), and

(ii) so much of any other provision of Schedule 8 to that Act as is necessary for the operation of Part 12.

(3) This paragraph has effect as an exception to the provision made by section 723(1)(b) (commencement of this Act for purposes of corporation tax).

## SCHEDULE 8 Section 724

### REPEALS AND REVOCATIONS

### PART 1

### ACTS OF PARLIAMENT

| *Short title and chapter* | *Extent of repeal* |
|---|---|
| Taxes Management Act 1970 (c. 9) | In section 98, the entries in the first column of the Table relating to—<br>(a) regulations under section 202 of ICTA;<br>(b) paragraph 117 of Schedule 8 to FA 2000;<br>(c) paragraph 64 of Schedule 14 to that Act.<br><br>In section 98, the entries in the second column of the Table relating to—<br>(a) section 136(6) of ICTA;<br>(b) section 140G of ICTA;<br>(c) regulations under section 202 of ICTA;<br>(d) regulations under section 203 of ICTA; |

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| | (e) section 313(5) of ICTA;<br>(f) section 85(1) and (2) of FA 1988;<br>(g) paragraph 65 of Schedule 14 to FA 2000. |
| Income and Corporation Taxes Act 1988 (c. 1) | Section 19. |
| | Section 58. |
| | In section 65(2), the words "Subject to section 330,". |
| | Sections 131 to 137. |
| | Sections 140 to 151A. |
| | Sections 153 to 159AC. |
| | Sections 160 to 168G. |
| | Section 185. |
| | In section 186—<br>(a) in subsection (3), the words "the participant shall be chargeable to income tax under Schedule E for the year of assessment in which the entitlement arises on";<br>(b) in subsection (4), the words "the participant shall be chargeable to income tax under Schedule E for the year of assessment in which the disposal takes place on". |
| | In section 187, subsections (1) to (4), (6) and (7), except so far as relating to profit sharing schemes. |
| | Section 187A. |
| | Sections 189 to 198. |
| | Sections 199 to 207. |
| | Section 313. |
| | Sections 315 to 319. |
| | Section 321. |
| | Section 322(2). |
| | In section 323—<br>(a) subsection (1);<br>(b) in subsection (6), paragraph (b) and the word "and" preceding it;<br>(c) subsection (7). |
| | Section 330. |
| | Section 332(1), (2), (3A), (3B) and (4). |

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| | In section 577—<br>(a) in subsection (1), paragraph (b) and the word "and" preceding it;<br>(b) in subsection (3), the words from "but where-" to the end. |
| | Section 579(1). |
| | Section 580(3). |
| | In section 585—<br>(a) in subsection (1), the words ", or under Case III of Schedule E,";<br>(b) in subsection (9), paragraph (b) and the word "and" preceding it. |
| | In section 588, in subsection (5), paragraph (a) and the word "or" preceding paragraph (b). |
| | Section 589. |
| | Section 589A(2) to (6), (10). |
| | In section 589B—<br>(a) subsections (1) to (4A);<br>(b) in subsection (5), the words "this section or". |
| | Section 591D(6). |
| | Section 595. |
| | Section 596. |
| | Sections 596A to 596C. |
| | Section 597. |
| | Section 599A(5), (6) and (8). |
| | Section 600. |
| | In section 607(3)(b), sub-paragraph (iv) and the word "and" preceding it. |
| | Section 608(4). |
| | Section 613(1) to (3). |
| | Section 615(1), (2), (4), (5) and (8). |
| | Section 616. |
| | Section 617(1) and (2). |
| | Section 617A. |
| | In section 638(13), the definition of "employee share ownership plan". |
| | In section 643—<br>(a) subsection (1); |

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| | (b) in subsection (5), the words "shall be assessable to tax under Schedule E (and section 203 shall apply accordingly) and". |
| | Sections 647 to 648A. |
| | Section 830(5). |
| | Schedules 6, 6A, 7 and 7A. |
| | In Schedule 9—<br>(a) Parts 1, 2 and 6, except so far as relating to profit sharing schemes;<br>(b) Parts 3 and 4. |
| | In Schedule 10, in paragraph 7(7)(b), the second "to". |
| | Schedules 11, 11A, 12, 12AA and 12A. |
| | In Schedule 29, paragraph 6. |
| Social Security Act 1988 (c. 7) | In Schedule 4, paragraph 1. |
| Finance Act 1988 (c. 39) | Section 46. |
| | Section 47(1). |
| | Section 48(1). |
| | Section 49(1). |
| | Section 57. |
| | Section 68. |
| | Section 69. |
| | Section 73(1). |
| | Sections 77 to 88. |
| | In section 89—<br>(a) in paragraph (a), the words "section 185(3)(a) (approved share option schemes) and";<br>(b) paragraph (b). |
| | Section 128. |
| | In Schedule 3, paragraph 4. |
| | In Schedule 13, paragraph 3. |
| Finance Act 1989 (c. 26) | Sections 36 to 42. |
| | Section 45. |
| | Sections 50 to 52. |
| | Section 53, except subsection (2)(f) so far as relating to section 418(3) of ICTA. |
| | Section 62. |

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|---|---|
| | Sections 64 and 66. |
| | In section 178(2)—<br>(a) in paragraph (m), the words "160,";<br>(b) at the end of the first paragraph (p), the word "and". |
| | Section 179(1)(g) and (5). |
| | In Schedule 6—<br>(a) paragraphs 7 to 9;<br>(b) paragraph 13;<br>(c) in paragraph 18(1), the words "8(2)(b)";<br>(d) paragraph 18(5) to (7). |
| | In Schedule 12, paragraph 8. |
| Companies Act 1989 (c. 40) | In Schedule 18, paragraph 46. |
| Finance Act 1990 (c. 29) | Section 21. |
| | Section 77. |
| | Section 79. |
| | In Schedule 14, paragraph 4(2). |
| Oversea Superannuation Act 1991 (c. 16) | Section 2. |
| Disability Living Allowance and Disability Working Allowance Act 1991 (c. 21) | In Schedule 2, paragraph 18. |
| Finance Act 1991 (c. 31) | Section 38(2). |
| | Sections 39 to 40. |
| | Section 44. |
| | Section 69. |
| | In Schedule 6, paragraphs 1 and 3. |
| Social Security Contributions and Benefits Act 1992 (c. 4) | Section 10(10). |
| | In section 150(2), in paragraph (b) of the definition of "unemployability supplement or allowance", sub-paragraph (v). |
| Social Security (Consequential Provisions) Act 1992 (c. 6) | In Schedule 2, paragraph 93. |
| Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) | Section 10(10). |
| | In section 146(2), in paragraph (b) of the definition of "unemployability supplement or allowance", sub-paragraph (v). |
| Social Security (Consequential Provisions) (Northern Ireland) Act 1992 (c. 9) | In Schedule 2, paragraph 33. |
| Taxation of Chargeable Gains Act 1992 (c. 12) | Section 120(6). |

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|---|---|
| | In Schedule 10, paragraphs 14(9) to (12) and 16(3) to (5). |
| Finance (No. 2) Act 1992 (c. 48) | Section 37. |
| | Section 54. |
| Finance Act 1993 (c. 34) | Section 68. |
| | Sections 73 to 76. |
| | Section 105(1) and (2). |
| | Section 124. |
| | Schedules 3, 4 and 5. |
| Finance Act 1994 (c. 9) | Sections 88 and 89. |
| | Section 108(1) to (6) and (7)(b). |
| | Sections 109 and 110. |
| | Sections 125 to 132. |
| | Section 139. |
| Vehicle Excise and Registration Act 1994 (c. 22) | In Schedule 3, paragraph 22. |
| Finance Act 1995 (c. 4) | Sections 43 to 45. |
| | Sections 91 to 93. |
| | Section 108. |
| | Section 111. |
| | Section 137(2), (3) and (8). |
| | Section 141. |
| Jobseekers Act 1995 (c. 18) | In Schedule 2, paragraphs 12, 14 and 16. |
| Child Support Act 1995 (c. 34) | In Schedule 3, paragraph 1. |
| Finance Act 1996 (c. 8) | Sections 106 to 110. |
| | Sections 113 to 115. |
| | Section 120(11)(b). |
| | Section 152. |
| | In Schedule 7, paragraph 5. |
| | Schedule 16. |
| | In Schedule 20, paragraphs 6 to 10, 41 and 42. |
| Finance Act 1997 (c. 16) | Sections 62 and 63. |
| | In Schedule 18, in Part 6(3), Note 3(b). |
| Finance Act 1998 (c. 36) | Sections 49 to 53. |
| | Section 55(1). |

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|---|---|
| | Section 58. |
| | Sections 60 and 61. |
| | Sections 63 to 69. |
| | Section 93. |
| | Schedules 9 and 10. |
| Tax Credits Act 1999 (c. 10) | In Schedule 1, paragraph 6(c). |
| Finance Act 1999 (c. 16) | Sections 42 to 45. |
| | Sections 48 to 51. |
| | In Schedule 5, paragraphs 1 to 3. |
| | In Schedule 10, paragraphs 4, 5, 6 and 8. |
| Welfare Reform and Pensions Act 1999 (c. 30) | In Schedule 8, paragraph 1(2). |
| | In Schedule 12, paragraph 75. |
| Care Standards Act 2000 (c. 14) | In Schedule 4, paragraph 13. |
| Finance Act 2000 (c. 17) | Section 38(5) and (7). |
| | Section 47. |
| | Sections 56 to 60. |
| | Section 62. |
| | Schedules 8, 10 and 11. |
| | Schedule 12, except paragraphs 17 and 18. |
| | Schedule 14. |
| Capital Allowances Act 2001 (c. 2) | In Schedule 2, paragraphs 24, 25, 51(1) and 107. |
| Finance Act 2001 (c. 9) | Section 57(1) and (2). |
| | Section 58. |
| | Sections 60 to 62. |
| | In Schedule 12—<br>(a) Part 1;<br>(b) in Part 2, paragraphs 1 to 10 and 12 to 16. |
| | Schedules 13 and 14. |
| | In Schedule 22, in paragraph 16(5), the definition of "PAYE regulations". |
| Social Security Contributions (Share Options) Act 2001 (c. 20) | Section 4. |
| International Development Act 2002 (c. 1) | In Schedule 3, paragraph 10. |
| State Pension Credit Act 2002 (c. 16) | In Schedule 2, paragraph 28. |

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|---|---|
| Tax Credits Act 2002 (c. 21) | Section 25(6).<br>In Schedule 3, paragraph 14. |
| Finance Act 2002 (c. 23) | Sections 33 to 37.<br>Section 38(2) and (3).<br>Section 39.<br>Section 41.<br>In section 103(4)(f), the words "in Schedule 14, paragraph 22(4),".<br>Schedule 6.<br>In Schedule 13, in paragraph 27(1), the definition of "PAYE regulations". |
| Employee Share Schemes Act 2002 (c. 34) | The whole Act. |

## PART 2

SUBORDINATE LEGISLATION

| *Reference and title* | *Extent of revocation* |
|---|---|
| Disability Living Allowance and Disability Working Allowance (Northern Ireland Consequential Amendments) Order 1991 (S.I. 1991/2874) | Article 5. |
| Income Tax (Car Benefits) (Replacement Accessories) Regulations 1994 (S.I. 1994/777) | The whole Regulations. |
| Income Tax (Replacement Cars) Regulations 1994 (S.I. 1994/778) | The whole Regulations. |
| Income Tax (Employments) (Notional Payments) Regulations 1994 (S.I. 1994/1212) | In regulation 2—<br>(a) in paragraph (1), all definitions except that of "the principal Regulations";<br>(b) paragraph (2).<br>Regulations 3 to 8A. |
| Income Tax (Employments) (Notional Payments) (Amendment) Regulations 1996 (S.I. 1996/2969) | The whole Regulations. |
| Income Tax (Employments) (Notional Payments) (Amendment) Regulations 1998 (S.I. 1998/1891) | Regulations 4 to 6. |
| Income Tax (Car Benefits) (Reduction of Value of Appropriate Percentage) Regulations 2001 (S.I. 2001/1123) | Regulation 8. |

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|---|---|
| Financial Services and Markets Act 2000 (Consequential Amendments) (Taxes) Order 2001 (S.I. 2001/3629) | Article 107. |
| Enterprise Management Incentives (Gross Asset Requirement) Order 2001 (S.I. 2001/3799) | The whole Order. |

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View outstanding changes

**Changes and effects yet to be applied to :**

- s. 114(1)(a) words omitted by 2026 c. 11 s. 17(2)(a)(5)
- s. 114(1)(a)(i)(ii) inserted by 2026 c. 11 s. 17(2)(b)(5)
- s. 116(1) words omitted by 2026 c. 11 s. 17(3)(a)(5)
- s. 116(1)(a)(b) inserted by 2026 c. 11 s. 17(3)(b)(5)
- s. 116A inserted by 2026 c. 11 s. 17(4)(5)
- s. 136A(5) repealed by 2026 c. 11 s. 19(10)
- s. 138A repealed by 2026 c. 11 s. 19(10)
- s. 139(1) Table substituted by 2023 c. 1 s. 11(7)(8)
- s. 139(1) Table substituted by 2025 c. 8 s. 5(2)(9)
- s. 139(1) Table substituted by 2025 c. 8 s. 6(2)(9)
- s. 139(2)(b) and word omitted by 2025 c. 8 s. 5(10)(a)(11)
- s. 139(3)(a) word substituted by 2025 c. 8 s. 5(3)(a)(9)
- s. 139(3)(a) word substituted by 2025 c. 8 s. 6(3)(a)(9)
- s. 139(3)(b) word substituted by 2025 c. 8 s. 5(3)(b)(9)
- s. 139(3)(b) word substituted by 2025 c. 8 s. 6(3)(b)(9)
- s. 139(5)-(5B) omitted by 2025 c. 8 s. 5(10)(b)(11)
- s. 140(2) Table substituted by 2025 c. 8 s. 5(4)(9)
- s. 140(2) Table substituted by 2025 c. 8 s. 6(4)(9)
- s. 140(3)(a) word substituted by 2025 c. 8 s. 5(5)(a)(9)
- s. 140(3)(a) word substituted by 2025 c. 8 s. 6(5)(a)(9)
- s. 140(3)(b) word substituted by 2025 c. 8 s. 5(5)(b)(9)
- s. 140(3)(b) word substituted by 2025 c. 8 s. 6(5)(b)(9)
- s. 141(2) word substituted by 2025 c. 8 s. 5(6)(9)
- s. 141(2) word substituted by 2025 c. 8 s. 6(6)(9)
- s. 142(2) Table substituted by 2025 c. 8 s. 5(7)(9)
- s. 142(2) Table substituted by 2025 c. 8 s. 6(7)(9)
- s. 142(3) word substituted by 2025 c. 8 s. 5(8)(9)
- s. 142(3) word substituted by 2025 c. 8 s. 6(8)(9)
- s. 221A inserted by 2026 c. 11 s. 22(1)
- s. 658(4) words repealed by 2007 c. 5 Sch. 8
- s. 660(1) entry repealed by 2007 c. 5 Sch. 8
- s. 661(1) words repealed by 2007 c. 5 Sch. 8
- s. 663 repealed by 2007 c. 5 Sch. 8
- s. 664 repealed by 2007 c. 5 Sch. 8
- s. 677(1)Pt. 1 words repealed by S.I. 2015/2006 (N.I.) Sch. 12 Pt. 8
- s. 677(1)Pt. 1 words repealed by 2012 c. 5 Sch. 14 Pt. 9
- Sch. 5 para. 26(3)(b) words substituted by 2025 c. 36 s. 18(12)
- Sch. 6 para. 237 omitted by 2012 c. 11 Sch. 2 para. 2
- Sch. 6 para. 200 repealed by 2010 c. 13 (N.I.) Sch. 4 Pt. 1
- Sch. 6 para. 200 repealed by S.I. 2015/2006 (N.I.) Sch. 12 Pt. 1
- Sch. 6 para. 187 repealed by 2007 c. 5 Sch. 8
- Sch. 6 para. 179 repealed by 2009 c. 24 Sch. 7 Pt. 1
- Sch. 6 para. 36 repealed by 2012 c. 14 Sch. 39 para. 28(1)
- Sch. 6 para. 119 repealed by 2012 c. 14 Sch. 39 para. 28(1)
- Sch. 6 para. 179 repealed by 2012 c. 5 Sch. 14 Pt. 1
- Sch. 6 para. 226(2) words repealed by 2010 c. 13 (N.I.) Sch. 4 Pt. 1

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 114(1)(a)(i)(ii) inserted by 2026 c. 11 s. 17(2)(b)(5)
- s. 116(1)(a)(b) inserted by 2026 c. 11 s. 17(3)(b)(5)
- s. 116A inserted by 2026 c. 11 s. 17(4)(5)
- s. 221A inserted by 2026 c. 11 s. 22(1)