



Income Tax Act 2007

2007 CHAPTER 3

PART 15

DEDUCTION OF INCOME TAX AT SOURCE

CHAPTER 18

OTHER REGIMES INVOLVING THE DEDUCTION OF INCOME TAX AT SOURCE

Visiting performers

965 Overview of sections 966 to 970

(1) Sections 966 to 970 make provision for the payment of sums representing income tax to the Commissioners for Her Majesty's Revenue and Customs where certain payments or transfers are made in connection with activities performed in the United Kingdom by non-UK resident entertainers, sportsmen and sportswomen.

(2) See also—

[^{F1}section 1309 of CTA 2009] (entertainers and sportsmen) which makes provision in relation to such payments or transfers for the purposes of corporation tax,

Chapter 8 of Part 2 of ITEPA 2003 (application of provisions to workers under arrangements made by intermediaries), in particular section 48(2) (exclusions from the scope of the Chapter), and

sections 13 and 14 of ITTOIA 2005 (trades and trade profits: visiting performers).

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Textual Amendments

- F1** Words in s. 965(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. 715** (with Sch. 2 Pts. 1, 2)

966 Duty to deduct and account for sums representing income tax

- (1) This section applies if—
 - (a) an entertainer, sportsman or sportswoman of a prescribed description (“a performer”) who is non-UK resident for a tax year performs a relevant activity in the United Kingdom in the tax year, and
 - (b) a payment or transfer connected with the relevant activity is made.
- (2) It does not matter—
 - (a) whether the payment or transfer is made to the performer or anyone else, or
 - (b) when the payment or transfer is made.
- (3) If a payment within subsection (1)(b) is made the person who makes the payment must, on making it, deduct from it a sum representing income tax and account to the Commissioners for Her Majesty's Revenue and Customs for the sum.
- (4) If a transfer within subsection (1)(b) is made the person who makes the transfer must account to the Commissioners for Her Majesty's Revenue and Customs for a sum representing income tax.
- (5) See section 967 as to the calculation of the sums representing income tax mentioned in subsections (3) and (4).
- (6) This section does not apply to payments or transfers of such a kind as may be prescribed.
- (7) In this section—
 - (a) “relevant activity” means an activity of a prescribed description, and
 - (b) a payment or transfer is connected with a relevant activity if it has a connection of a prescribed kind with that activity.

Modifications etc. (not altering text)

- C1** S. 966 excluded (8.4.2010) by Finance Act 2010 (c. 13), **Sch. 20 para. 4**
- C2** S. 966 excluded (1.1.2011) by The London Olympic Games and Paralympic Games Tax Regulations 2010 (S.I. 2010/2913), regs. 1, **3(3)** (with regs. 9, 11)
- C3** S. 966 excluded (17.7.2012) by Finance Act 2012 (c. 14), **s. 13(5)**
- C4** S. 966 excluded (17.7.2013) by Finance Act 2013 (c. 29), **s. 9(4)**
- C5** S. 966 excluded (6.4.2014) by Finance Act 2014 (c. 26), **s. 47(4)(6)**
- C6** S. 966 excluded (retrospective to 8.7.2015) by Finance (No. 2) Act 2015 (c. 33), **s. 30(4)(6)**
- C7** S. 966 excluded (19.7.2016) by The Major Sporting Events (Income Tax Exemption) Regulations 2016 (S.I. 2016/771), regs. 1, **10**
- C8** S. 966 excluded (19.7.2016) by The Major Sporting Events (Income Tax Exemption) Regulations 2016 (S.I. 2016/771), regs. 1, **6**
- C9** S. 966 excluded (31.5.2017) by The Major Sporting Events (Income Tax Exemption) Regulations 2017 (S.I. 2017/614), regs. 1, **2(3)**

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- C10** S. 966 excluded (31.5.2021) by The Major Sporting Events (Income Tax Exemption) Regulations 2021 (S.I. 2021/224), regs. 1, **3(4)**
- C11** S. 966 excluded (31.7.2021) by The Major Sporting Events (Income Tax Exemption) (2021 UEFA Super Cup) Regulations 2021 (S.I. 2021/882), regs. 1(1), **3(4)**
- C12** S. 966 excluded (27.5.2022) by The Major Sporting Events (Income Tax Exemption) (Finalissima Football Match) Regulations 2022 (S.I. 2022/487), regs. 1, **3(4)**
- C13** S. 966 excluded (30.6.2022) by The Major Sporting Events (Income Tax Exemption) (UEFA Women’s EURO 2022 Finals) Regulations 2022 (S.I. 2022/489), regs. 1, **3(4)**
- C14** S. 966 excluded (30.6.2022) by The Major Sporting Events (Income Tax Exemption) (2022 Birmingham Commonwealth Games) Regulations 2022 (S.I. 2022/493), regs. 1, **3(4)**
- C15** S. 966 excluded (1.4.2023) by The Major Sporting Events (Income Tax Exemption) (Women’s Finalissima Football Match) Regulations 2023 (S.I. 2023/393), regs. 1, **3(4)**
- C16** S. 966 excluded (temp.) (22.2.2024) by The Major Sporting Events (Income Tax Exemption) (World Athletics Indoor Championships Glasgow 24) Regulations 2023 (S.I. 2023/1381), regs. 1(1), **2(4)**

967 Calculation of sums representing income tax

- (1) The sums representing income tax mentioned in section 966(3) and (4) are to be calculated in accordance with prescribed rules.
- (2) But the sums must not exceed the relevant proportion of the payment concerned or of the value of what is transferred.

“Relevant proportion” means a proportion equal to the basic rate of income tax for the tax year in which the payment or transfer is made.
- (3) Regulations made by the Treasury may provide, in relation to a transfer to which section 966 applies, that for the purposes of the Tax Acts the value of what is transferred is to be calculated in accordance with prescribed rules.
- (4) In particular, rules may include provision—
 - (a) for the calculation of an amount representing the actual value of what is transferred,
 - (b) for that amount to be treated as a net amount corresponding to a gross amount from which income tax at the basic rate has been deducted, and
 - (c) for the gross amount to be taken to be the value of what is transferred.

968 Treatment of sums representing income tax

- (1) This section applies if, in accordance with section 966(3) or (4), a person pays a sum to the Commissioners for Her Majesty's Revenue and Customs.
- (2) The sum is treated as paid on account of a liability of another person to income tax or corporation tax.
- (3) The liability and the other person are to be found in accordance with prescribed rules.
- (4) If the sum exceeds the liability concerned, the Commissioners must pay so much of the sum as is appropriate to the other person.
- (5) If no liability is found, the Commissioners must pay the sum to the recipient of the relevant payment or transfer.
- (6) The relevant payment or transfer is the payment or transfer—
 - (a) to which section 966 applies, and

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(b) which gave rise to the payment of the sum.

(7) A reference to a sum in this section does not include anything representing interest.

969 Regulations

(1) The Treasury may by regulations—

- (a) make provision enabling the Commissioners for Her Majesty's Revenue and Customs to serve notices requiring persons who make payments or transfers to which section 966 applies to give them prescribed information in respect of such payments or transfers,
- (b) make provision requiring persons who make payments or transfers to which section 966 applies to make, at prescribed times and for prescribed periods, returns to the Commissioners containing prescribed information about payments or transfers and the income tax for which those persons are accountable in respect of them,
- (c) make provision for the collection and recovery of such income tax, for assessments and claims to be made in respect of it, and for the payment of interest on it, and
- (d) adapt, or modify the effect of, any enactment relating to income tax for the purpose of making any provision mentioned in paragraphs (a) to (c).

(2) The Treasury may also by regulations make provision generally for giving effect to this section and sections 966 to 968 (including different provision for different cases or descriptions of case).

970 Supplementary

- (1) For the purposes of the Tax Acts a payment to which section 966 applies is treated as if it were not reduced by the deduction of a sum representing income tax under that section.
- (2) An officer of Revenue and Customs may disclose, to any person who appears to the officer to have an interest in the matter, information relevant to determining whether section 966 applies to a payment or transfer.
- (3) An officer is not precluded from doing so by any obligation as to secrecy imposed by statute or otherwise.
- (4) In this section and sections 966 to 969—
 - (a) references to a payment include references to a payment by way of loan of money, and
 - (b) references to a transfer do not include references to a transfer of money but, subject to that, include references to—
 - (i) a temporary transfer (as by way of loan), and
 - (ii) a transfer of a right (whether or not a right to receive money).
- (5) In sections 966 to 969 “prescribed” means prescribed by regulations made by the Treasury.

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