



# Income Tax Act 2007

## 2007 CHAPTER 3

### PART 15

#### DEDUCTION OF INCOME TAX AT SOURCE

### CHAPTER 2

#### DEDUCTION BY DEPOSIT-TAKERS AND BUILDING SOCIETIES

*Investments which are not relevant investments: non-UK resident beneficiaries*

#### **858 Declarations of non-UK residence: individuals**

- (1) This section applies to an investment with a deposit-taker or building society which meets the individual interest condition in section 856(3).
- (2) The investment is not a relevant investment if—
  - (a) an appropriate person has made the declaration set out in subsection (3) to the deposit-taker or building society,
  - (b) the declaration contains the undertaking set out in subsection (4),
  - (c) the declaration contains the name and principal residential address of the individual or (as the case may be) each of the individuals entitled to the interest,
  - (d) the declaration contains such other information as the Commissioners for Her Majesty's Revenue and Customs may reasonably require, and
  - (e) the declaration is in such form as the Commissioners may prescribe or authorise.
- (3) The declaration is that, at the time when the declaration is made—
  - (a) the person who is beneficially entitled to the interest is [<sup>F1</sup>non-UK resident], or
  - (b) (as the case may be) all the persons who are so entitled are [<sup>F1</sup>non-UK resident].

*Status: Point in time view as at 17/07/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Income Tax Act 2007, Cross Heading: Investments which are not relevant investments: non-UK resident beneficiaries. (See end of Document for details)*

- (4) The undertaking is an undertaking by the person making it to notify the person to whom it is made if any individual in respect of whom it is made becomes <sup>F2</sup>... UK resident.
- (5) In this section “appropriate person” means—
- (a) a person who is beneficially entitled to interest on the investment, or
  - (b) a person to whom any such interest is payable.

#### Textual Amendments

- F1** Words in s. 858(3)(a)(b) substituted (with effect in accordance with Sch. 46 para. 72 of the amending Act) by [Finance Act 2013 \(c. 29\)](#), [Sch. 46 para. 68\(1\)\(a\)](#) (with [Sch. 46 para. 68\(2\)](#))
- F2** Word in s. 858(4) 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. 68\(1\)\(b\)](#) (with [Sch. 46 para. 68\(2\)](#))

### 859 Declarations of non-UK residence: Scottish partnerships

- (1) This section applies to an investment with a deposit-taker or building society which meets the Scottish partnership condition in section 856(4).
- (2) The investment is not a relevant investment if—
- (a) an appropriate person has made the declaration set out in subsection (3) to the deposit-taker or building society,
  - (b) the declaration contains the undertaking set out in subsection (4),
  - (c) the declaration contains the name and principal residential address of each of the partners,
  - (d) the declaration contains such other information as the Commissioners for Her Majesty's Revenue and Customs may reasonably require, and
  - (e) the declaration is in such form as the Commissioners may prescribe or authorise.
- (3) The declaration is that, at the time when the declaration is made, all of the partners of the partnership are [<sup>F3</sup>non-UK resident].
- (4) The undertaking is an undertaking by the person making it to notify the person to whom it is made if any partner in respect of whom it is made becomes <sup>F4</sup>... UK resident.
- (5) In this section “appropriate person” means—
- (a) the partnership that is beneficially entitled to the interest on the investment, or
  - (b) a person to whom any such interest is payable.

#### Textual Amendments

- F3** Words in s. 859(3) substituted (with effect in accordance with Sch. 46 para. 72 of the amending Act) by [Finance Act 2013 \(c. 29\)](#), [Sch. 46 para. 69\(1\)\(a\)](#) (with [Sch. 46 para. 69\(2\)](#))
- F4** Word in s. 859(4) 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. 69\(1\)\(b\)](#) (with [Sch. 46 para. 69\(2\)](#))

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## 860 Declarations of non-UK residence: personal representatives

- (1) This section applies to an investment with a deposit-taker or building society which meets the personal representative condition in section 856(5).
- (2) The investment is not a relevant investment if—
  - (a) an appropriate person has made the declaration set out in subsection (3) to the deposit-taker or building society,
  - (b) the declaration contains such information as the Commissioners for Her Majesty's Revenue and Customs may reasonably require, and
  - (c) the declaration is in such form as the Commissioners may prescribe or authorise.
- (3) The declaration is that the deceased was [<sup>F5</sup>non-UK resident] immediately before the deceased's death.
- (4) In this section “appropriate person” means—
  - (a) any of the personal representatives who are entitled to receive interest on the investment, or
  - (b) a person to whom any such interest is payable.

### Textual Amendments

- F5** Words in s. 860(3) substituted (with effect in accordance with Sch. 46 para. 72 of the amending Act) by [Finance Act 2013 \(c. 29\)](#), [Sch. 46 para. 70\(1\)](#) (with [Sch. 46 para. 70\(2\)](#))

## 861 Declarations of non-UK residence: settlements

- (1) This section applies to an investment with a deposit-taker or building society which meets the settlement condition in section 856(6).
- (2) The investment is not a relevant investment if—
  - (a) an appropriate person has made the declaration set out in subsection (3) to the deposit-taker or building society,
  - (b) the declaration contains the undertaking set out in subsection (4),
  - (c) the declaration contains such information as the Commissioners for Her Majesty's Revenue and Customs may reasonably require, and
  - (d) the declaration is in such form as the Commissioners may prescribe or authorise.
- (3) The declaration is that, at the time when the declaration is made—
  - (a) the trustees who are entitled to the interest are non-UK resident (see section 475), and
  - (b) no person who is a trustee has reasonable grounds for believing that any beneficiary under the settlement is—
    - (i) an individual who is <sup>F6</sup>... UK resident,
    - (ii) a company which is UK resident, or
    - (iii) a Scottish partnership any of the partners of which is an individual who is <sup>F7</sup>... UK resident or a company which is UK resident.
- (4) The undertaking is an undertaking by the person making it to notify the person to whom it is made if—

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- (a) the trustees become UK resident,
  - (b) an individual in respect of whom it is made becomes <sup>F8</sup>... UK resident,
  - (c) a company in respect of which it is made becomes UK resident,
  - (d) an individual partner in any Scottish partnership in respect of which it is made becomes <sup>F9</sup>... UK resident,
  - (e) a company partner in any Scottish partnership in respect of which it is made becomes UK resident,
  - (f) a partner who is [<sup>F10</sup>a] UK resident individual or a UK resident company joins any Scottish partnership in respect of which it is made, or
  - (g) a person within any of sub-paragraphs (i) to (iii) of subsection (3)(b) becomes or is found to be a beneficiary under the settlement to which the declaration relates.
- (5) In this section “appropriate person” means—
- (a) any person who is a trustee entitled to receive interest on the investment, or
  - (b) a person to whom any such interest is payable.
- (6) References in this section to a beneficiary under the settlement are to be construed in accordance with section 873(3) (meaning of “beneficiary under a discretionary or accumulation settlement”).

#### Textual Amendments

- F6** Word in s. 861(3)(b)(i) 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. 71\(2\)](#) (with [Sch. 46 para. 71\(4\)](#))
- F7** Word in s. 861(3)(b)(iii) 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. 71\(2\)](#) (with [Sch. 46 para. 71\(4\)](#))
- F8** Word in s. 861(4)(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. 71\(3\)\(a\)](#) (with [Sch. 46 para. 71\(4\)](#))
- F9** Word in s. 861(4)(d) 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. 71\(3\)\(a\)](#) (with [Sch. 46 para. 71\(4\)](#))
- F10** Word in s. 861(4)(f) substituted (with effect in accordance with Sch. 46 para. 72 of the amending Act) by [Finance Act 2013 \(c. 29\)](#), [Sch. 46 para. 71\(3\)\(b\)](#) (with [Sch. 46 para. 71\(4\)](#))

#### <sup>F11</sup>862 Inspection of declarations

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#### Textual Amendments

- F11** S. 862 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. 51](#)

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**Changes to legislation:**

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