
Changes to legislation: There are currently no known outstanding effects for the Finance Act 2013, Cross Heading: ITTOIA 2005. (See end of Document for details)

SCHEDULES

SCHEDULE 46

ORDINARY RESIDENCE

PART 2

INCOME TAX: ARISING BASIS OF TAXATION

ITTOIA 2005

- 43 ITTOIA 2005 is amended as follows.
- 44 In section 154A (certain non-UK residents with interest on 3½% War Loan 1952 Or After), in subsection (1)(a), omit “ordinarily”.
- 45 In section 459 (transfer of assets abroad), in subsection (2), for “an individual ordinarily UK resident” substitute “ a UK resident individual ”.
- 46 In section 468 (non-UK resident trustees and foreign institutions), for subsection (2) substitute—
- “(2) Chapter 2 of Part 13 of ITA 2007 (which prevents avoidance of tax where a UK resident individual benefits from a transfer of assets) applies with the modifications specified in subsection (3) or (4).”
- 47 In section 569 (anti-avoidance: transfer of assets abroad), in subsection (2), for “an individual ordinarily UK resident” substitute “ a UK resident individual ”.
- 48 (1) In section 636 (calculation of undistributed income), in subsection (2)(b), for “, resident and ordinarily resident” substitute “ and resident ”.
- (2) The amendment made by this paragraph does not apply in calculating income arising under a settlement in tax years ending before 6 April 2013.
- 49 In section 648 (income arising under a settlement), in subsection (1)(b), for “, resident and ordinarily resident” substitute “ and resident ”.
- 50 In section 651 (meaning of “UK estate” and “foreign estate”), in subsection (3), omit “or not ordinarily UK resident”.
- 51 In section 664 (the aggregate income of the estate), in subsection (2)(b)(i), omit “who was ordinarily UK resident”.
- 52 (1) Section 715 (interest from FOTRA securities held on trust) is amended as follows.
- (2) In subsection (1)(b), for “person not ordinarily UK resident” substitute “ non-UK resident person ”.
- (3) In subsection (2)—

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- (a) for “person not ordinarily UK resident” substitute “ non-UK resident person ”, and
 - (b) for “is ordinarily UK resident at the time when” substitute “ is UK resident for the tax year in which ”.
 - (4) In relation to a FOTRA security issued before 6 April 2013, the amendments made by this paragraph apply only if the security was acquired by the trust on or after that date.
- 53 (1) In section 771 (relevant foreign income of consular officers and employees), for subsection (4) substitute—
- “(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.”
 - (2) The amendment made by this paragraph does not apply to a person who became a consular officer or employee in the United Kingdom before 6 April 2013.

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