
STATUTORY INSTRUMENTS

2003 No. 2682

The Income Tax (Pay As You Earn) Regulations 2003

PART 3

DEDUCTION AND REPAYMENT OF TAX

CHAPTER 1

DEDUCTION AND REPAYMENT

Employee's duty to provide Form P45

Duty of employee to give new employer Form P45

40.—(1) An employee who has Parts 2 and 3 of Form P45 must give them to the new employer on commencing a new employment.

(2) If an employee receives Parts 2 and 3 of Form P45 after commencing a new employment, the employee must immediately give them to the new employer.

(3) [^{F1}But paragraphs (4) and (6) apply] if an employee objects to the disclosure of the total payments to date to the new employer.

(4) [^{F2}If the employer is a non-Real Time Information employer or a Real Time Information employer to whom HMRC has given a notice requiring the employer to send to HMRC Form P45 or Form P46 on the commencement of a new employee's employment, the] employee may, instead of complying with paragraph (1) or (2), send Parts 2 and 3 of Form P45 to the Inland Revenue before commencing the new employment or as soon as the employee receives Form P45 (as the case may be).

(5) The Inland Revenue—

(a) must then issue a code in respect of the employee to the new employer, and

(b) may direct that the non-cumulative basis is to apply to all relevant payments which the new employer makes to the employee.

[^{F3}(6) If the employer is a Real Time Information employer, the employee need not comply with paragraphs (1) and (2).]

Textual Amendments

F1 Words in [reg. 40\(3\)](#) substituted (6.4.2012) by [The Income Tax \(Pay As You Earn\) \(Amendment\) Regulations 2012 \(S.I. 2012/822\)](#), [regs. 1\(1\), 9\(a\)](#)

F2 Words in [reg. 40\(4\)](#) substituted (6.4.2012) by [The Income Tax \(Pay As You Earn\) \(Amendment\) Regulations 2012 \(S.I. 2012/822\)](#), [regs. 1\(1\), 9\(b\)](#)

F3 [Reg. 40\(6\)](#) inserted (6.4.2012) by [The Income Tax \(Pay As You Earn\) \(Amendment\) Regulations 2012 \(S.I. 2012/822\)](#), [regs. 1\(1\), 9\(c\)](#)

[^{F4}Duty of employee to assist with completion of new employee fields in returns under regulations 67B and 67D

40A.—(1) An employee who commences employment with a Real Time Information employer must provide the information required to allow the employer to complete the new employee fields in the first return required by regulation 67B (real time returns of information about relevant payments) or 67D (exceptions to regulation 67B) which includes information in respect of the employee.

(2) The employer must verify the information given under paragraph (1) before making that return.

(3) In this regulation, “the new employee fields” means the information required under paragraphs 36 to 44 of Schedule A1.]

Textual Amendments

F4 Reg. 40A inserted (6.4.2012) by [The Income Tax \(Pay As You Earn\) \(Amendment\) Regulations 2012](#) (S.I. 2012/822), regs. 1(1), **10**

Changes to legislation:

There are currently no known outstanding effects for the The Income Tax (Pay As You Earn) Regulations 2003, Cross Heading: Employee's duty to provide Form P45.