



# Income and Corporation Taxes Act 1988

## 1988 CHAPTER 1

### PART V

#### PROVISIONS RELATING TO THE SCHEDULE E CHARGE

#### CHAPTER I

#### SUPPLEMENTARY CHARGING PROVISIONS OF GENERAL APPLICATION

##### *Miscellaneous provisions*

#### 131 Chargeable emoluments.

F1 .....

##### Textual Amendments

F1 Ss. 131-134 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 14, **Sch. 8 Pt. 1** (with Sch. 7)

#### 132 Place of performance, and meaning of emoluments received in the U.K.

F2 .....

##### Textual Amendments

F2 Ss. 131-134 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 14, **Sch. 8 Pt. 1** (with Sch. 7)

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### 133 Voluntary pensions.

F3 .....

#### Textual Amendments

- F3** Ss. 131-134 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 14, **Sch. 8 Pt. 1** (with Sch. 7)

### 134 Workers supplied by agencies.

F4 .....

#### Textual Amendments

- F4** Ss. 131-134 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 14, **Sch. 8 Pt. 1** (with Sch. 7)

*Shareholdings, loans etc.*

### 135 Gains by directors and employees from share options.

F5 .....

#### Textual Amendments

- F5** Ss. 135-137 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 15, **Sch. 8 Pt. 1** (with Sch. 7)

### 136 Provisions supplementary to section 135.

F6 .....

#### Textual Amendments

- F6** Ss. 135-137 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 15, **Sch. 8 Pt. 1** (with Sch. 7)

### 137 Payment of tax under section 135 by instalments.

F7 .....

#### Textual Amendments

- F7** Ss. 135-137 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 15, **Sch. 8 Pt. 1** (with Sch. 7)

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## 138 Share acquisitions by directors and employees.

F8 .....

### Textual Amendments

F8 Ss. 138, 139 omitted (with effect in accordance with s. 50(3) of the repealing Act) by virtue of Finance Act 2008 (c. 9), s. 50(1)

## F9 139 Provisions supplementary to section 138.

.....

### Textual Amendments

F9 Ss. 138, 139 omitted (with effect in accordance with s. 50(3) of the repealing Act) by virtue of Finance Act 2008 (c. 9), s. 50(1)

## 140 Further interpretation of sections 135 to 139.

F10 .....

### Textual Amendments

F10 S. 140 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 17, Sch. 8 Pt. 1 (with s. 418(4), Sch. 7)

## [F11 140A Conditional acquisition of shares.

F12 .....

### Textual Amendments

F11 Ss. 140A-140C inserted (with application in accordance with s. 50(4) of the amending Act) by Finance Act 1998 (c. 36), s. 50(1)  
F12 Ss. 140A-140H repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 18, Sch. 8 Pt. 1 (with Sch. 7)

## 140B Consideration for shares conditionally acquired.

F13 .....

### Textual Amendments

F11 Ss. 140A-140C inserted (with application in accordance with s. 50(4) of the amending Act) by Finance Act 1998 (c. 36), s. 50(1)  
F13 Ss. 140A-140H repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 18, Sch. 8 Pt. 1 (with Sch. 7)

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#### 140C Cases where interest to be treated as only conditional.

F14 ..... ]

##### Textual Amendments

- F11** Ss. 140A-140C inserted (with application in accordance with s. 50(4) of the amending Act) by Finance Act 1998 (c. 36), s. 50(1)
- F14** Ss. 140A-140H repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 18, Sch. 8 Pt. 1 (with Sch. 7)

#### [<sup>F15</sup>140D Convertible shares.

F16 .....

##### Textual Amendments

- F15** Ss. 140D-140F inserted (with application in accordance with s. 51(3) of the amending Act) by Finance Act 1998 (c. 36), s. 51(1)
- F16** Ss. 140A-140H repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 18, Sch. 8 Pt. 1 (with Sch. 7)

#### 140E Consideration for convertible shares.

F17 .....

##### Textual Amendments

- F15** Ss. 140D-140F inserted (with application in accordance with s. 51(3) of the amending Act) by Finance Act 1998 (c. 36), s. 51(1)
- F17** Ss. 140A-140H repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 18, Sch. 8 Pt. 1 (with Sch. 7)

#### 140F Supplemental provision with respect to convertible shares.

F18 ..... ]

##### Textual Amendments

- F15** Ss. 140D-140F inserted (with application in accordance with s. 51(3) of the amending Act) by Finance Act 1998 (c. 36), s. 51(1)
- F18** Ss. 140A-140H repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 18, Sch. 8 Pt. 1 (with Sch. 7)

#### [<sup>F19</sup>140G Information for the purposes of sections 140A to 140F.

F20 ..... ]

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**Textual Amendments**

- F19** S. 140G inserted (31.7.1998) by Finance Act 1998 (c. 36), s. 52(1)
- F20** Ss. 140A-140H repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 18, Sch. 8 Pt. 1 (with Sch. 7)

[<sup>F21</sup> **140H Construction of sections 140A to 140G.**

<sup>F22</sup> .....

**Textual Amendments**

- F21** S. 140H inserted (31.7.1998) by Finance Act 1998 (c. 36), s. 53
- F22** Ss. 140A-140H repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 18, Sch. 8 Pt. 1 (with Sch. 7)

*Vouchers etc.*

**141 Non-cash vouchers.**

<sup>F23</sup> .....

**Textual Amendments**

- F23** Ss. 141-144 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 19, Sch. 8 Pt. 1 (with Sch. 7)

**142 Credit-tokens.**

<sup>F24</sup> .....

**Textual Amendments**

- F24** Ss. 141-144 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 19, Sch. 8 Pt. 1 (with Sch. 7)

**143 Cash vouchers taxable under P.A.Y.E.**

<sup>F25</sup> .....

**Textual Amendments**

- F25** Ss. 141-144 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 19, Sch. 8 Pt. 1 (with Sch. 7)

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## 144 Supplementary provisions.

F26 .....

### Textual Amendments

**F26** Ss. 141-144 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 19, **Sch. 8 Pt. 1** (with Sch. 7)

## [<sup>F27</sup>144A Payments etc. received free of tax.

F28 .....]

### Textual Amendments

**F27** S. 144A inserted (3.5.1994) by Finance Act 1994 (c. 9), s. 132

**F28** S. 144A repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 20, **Sch. 8 Pt. 1** (with Sch. 7)

## *Living accommodation*

## 145 Living accommodation provided for employee.

F29 .....

### Textual Amendments

**F29** Ss. 145-147 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 21, **Sch. 8 Pt. 1** (with Sch. 7)

## 146 Additional charge in respect of certain living accommodation.

F30 .....

### Textual Amendments

**F30** Ss. 145-147 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 21, **Sch. 8 Pt. 1** (with Sch. 7)

## [<sup>F31</sup>146A Priority of rules applying to living accommodation.

F32 .....]

### Textual Amendments

**F31** S. 146A inserted (with application in accordance with s. 106(3) of the amending Act) by Finance Act 1996 (c. 8), s. 106(2)

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**F32** Ss. 145-147 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 21, **Sch. 8 Pt. 1** (with Sch. 7)

## 147 Occupation of Chevening House.

F33 .....

### Textual Amendments

**F33** Ss. 145-147 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 21, **Sch. 8 Pt. 1** (with Sch. 7)

*Payments on retirement, sick pay etc.*

## 148 Payments and other benefits in connection with termination of employment, etc.

F34 .....

### Textual Amendments

**F34** Ss. 148-151A repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 22, **Sch. 8 Pt. 1** (with Sch. 7)

## 149 Sick pay.

F35 .....

### Textual Amendments

**F35** Ss. 148-151A repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 22, **Sch. 8 Pt. 1** (with Sch. 7)

## 150 Job release scheme allowances, maternity pay and statutory sick pay.

F36 .....

### Textual Amendments

**F36** Ss. 148-151A repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 22, **Sch. 8 Pt. 1** (with Sch. 7)

## 151 Income support etc.

F37 .....

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**Textual Amendments**

**F37** Ss. 148-151A repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), [Sch. 6 para. 22](#), [Sch. 8 Pt. 1](#) (with [Sch. 7](#))

**[<sup>F38</sup>151A Jobseeker’s allowance.**

<sup>F39</sup> .....

**Textual Amendments**

**F38** S. 151A inserted (2.9.1996) by [Jobseekers Act 1995 \(c. 18\)](#), s. 41(2)(4), [Sch. 2 para. 12](#); S.I. 1996/2208, [art. 2\(a\)](#)

**F39** Ss. 148-151A repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), [Sch. 6 para. 22](#), [Sch. 8 Pt. 1](#) (with [Sch. 7](#))

**152 [<sup>F40</sup>Notification of taxable amount of certain benefits].**

<sup>F41</sup> .....

**Textual Amendments**

**F40** S. 152 sidenote substituted (6.4.2003 with effect in accordance with s. 723(1) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), [Sch. 6 para. 23](#) (with [Sch. 7](#))

**F41** S. 152 repealed (1.4.2010 with effect in accordance with s. 381(1) of the repealing Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\)](#), [Sch. 7 para. 34](#), [Sch. 10 Pt. 12](#) (with [Sch. 9](#))

**CHAPTER II**

**[<sup>F42</sup>EMPLOYEES EARNING £8,500 OR MORE AND DIRECTORS]**

**Textual Amendments**

**F42** Pt. 5 Ch. 2 heading substituted by [Finance Act 1989 \(c. 26\)](#), [s. 53\(2\)\(a\)](#)

*Expenses*

**153 Payments in respect of expenses.**

<sup>F43</sup> .....

**Textual Amendments**

**F43** Ss. 153-159AC repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), [Sch. 6 para. 24](#), [Sch. 8 Pt. 1](#) (with [Sch. 7](#))



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### *Benefits in kind*

#### **154 General charging provision.**

F44 .....

##### **Textual Amendments**

**F44** Ss. 153-159AC repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 24, **Sch. 8 Pt. 1** (with Sch. 7)

#### **155 Exceptions from the general charge.**

F45 .....

##### **Textual Amendments**

**F45** Ss. 153-159AC repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 24, **Sch. 8 Pt. 1** (with Sch. 7)

#### **[<sup>F46</sup>155ZA Accommodation, supplies or services used in performing duties of employment.**

F47 .....]

##### **Textual Amendments**

**F46** S. 155ZA inserted (with effect in accordance with s. 57(2) of the amending Act) by Finance Act 2000 (c. 17), s. 57(1), **Sch. 10 para. 2(1)**

**F47** Ss. 153-159AC repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 24, **Sch. 8 Pt. 1** (with Sch. 7)

#### **[<sup>F48</sup>155ZBower to provide for exemption of minor benefits.**

F49 .....]

##### **Textual Amendments**

**F48** S. 155ZB inserted (with effect in accordance with s. 57(2) of the amending Act) by Finance Act 2000 (c. 17), s. 57(1), **Sch. 10 para. 3(1)**

**F49** Ss. 153-159AC repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 24, **Sch. 8 Pt. 1** (with Sch. 7)

#### **[<sup>F50</sup>155AMobile telephones.**

F51 .....]

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#### Textual Amendments

- F50** S. 155AA inserted (with effect in accordance with s. 44(6) of the amending Act) by [Finance Act 1999 \(c. 16\), s. 44\(1\)](#)
- F51** Ss. 153-159AC repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 24, Sch. 8 Pt. 1](#) (with Sch. 7)

### [<sup>F52</sup> 155A Care for children.

F53 .....

#### Textual Amendments

- F52** S. 155A inserted (1990-91 and subsequent years of assessment) by [Finance Act 1990 \(c. 29\), s. 21\(1\) \(3\)](#)
- F53** Ss. 153-159AC repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 24, Sch. 8 Pt. 1](#) (with Sch. 7)

### 156 Cash equivalent of benefits charged under section 154.

F54 .....

#### Textual Amendments

- F54** Ss. 153-159AC repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 24, Sch. 8 Pt. 1](#) (with Sch. 7)

### [<sup>F55</sup> 156A Limited exemption for computer equipment.

F56 .....

#### Textual Amendments

- F55** S. 156A inserted (with application in accordance with s. 45(3) of the amending Act) by [Finance Act 1999 \(c. 16\), s. 45\(1\)](#)
- F56** Ss. 153-159AC repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 24, Sch. 8 Pt. 1](#) (with Sch. 7)

### 157 Cars available for private use.

F57 .....

#### Textual Amendments

- F57** Ss. 153-159AC repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 24, Sch. 8 Pt. 1](#) (with Sch. 7)

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[<sup>F58</sup>**157A**Cars available for private use: cash alternative, etc.

<sup>F59</sup> .....

**Textual Amendments**

**F58** S. 157A inserted (with effect in accordance with s. 43(4) of the amending Act) by [Finance Act 1995 \(c. 4\), s. 43\(1\)](#)

**F59** Ss. 153-159AC repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 24, Sch. 8 Pt. 1](#) (with [Sch. 7](#))

**158 Car fuel.**

<sup>F60</sup> .....

**Textual Amendments**

**F60** Ss. 153-159AC repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 24, Sch. 8 Pt. 1](#) (with [Sch. 7](#))

**159 Pooled cars.**

<sup>F61</sup> .....

**Textual Amendments**

**F61** Ss. 153-159AC repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 24, Sch. 8 Pt. 1](#) (with [Sch. 7](#))

[<sup>F62</sup>**159AA**Vans available for private use.

<sup>F63</sup> .....

**Textual Amendments**

**F62** Ss. 159AA, 159AB inserted after s. 159 (27.7.1993 with effect for the year 1993-94 and subsequent years of assessment) by [1993 c. 34, s. 73, Sch. 4 paras. 4, 8](#)

**F63** Ss. 153-159AC repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 24, Sch. 8 Pt. 1](#) (with [Sch. 7](#))

<sup>F64</sup>**159AB**ooled vans.

<sup>F65</sup> .....

**Textual Amendments**

**F64** Ss. 159AA, 159AB inserted after s. 159 (27.7.1993 with effect for the year 1993-94 and subsequent years of assessment) by [1993 c. 34, s. 73, Sch. 4 paras. 4, 8](#)

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**F65** Ss. 153-159AC repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 24, **Sch. 8 Pt. 1** (with Sch. 7)

**[<sup>F66</sup>159A] Heavier commercial vehicles available for private use.**

**F67** .....

**Textual Amendments**

- F66** S. 159AC inserted (27.7.1993 with effect for the year 1993-94 and subsequent years of assessment) by 1993 c. 34, s. 74(1)(3)
- F67** Ss. 153-159AC repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 24, **Sch. 8 Pt. 1** (with Sch. 7)

**[<sup>F68</sup>159A] .....**

**F69** .....

**Textual Amendments**

- F68** S. 159A inserted (1991-92 and subsequent years of assessment) by Finance Act 1991 (c. 31), s. 30(2)(3)
- F69** S. 159A repealed (with effect in accordance with s. 44(6) of the repealing Act) by Finance Act 1999 (c. 16), ss. 44(2), 139, **Sch. 20 Pt. 3(9)**, Note

**160 Beneficial loan arrangements.**

**F70** .....

**Textual Amendments**

- F70** Ss. 160-168G repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 24, **Sch. 8 Pt. 1** (with Sch. 7)

**161 Exceptions from section 160.**

**F71** .....

**Textual Amendments**

- F71** Ss. 160-168G repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 24, **Sch. 8 Pt. 1** (with Sch. 7)

**[<sup>F72</sup>161A] Treatment of qualifying loans.**

**F73** .....

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**Textual Amendments**

- F72** S. 161A inserted (with effect in accordance with s. 57(2) of the amending Act) by [Finance Act 2000](#) (c. 17), s. 57(1), **Sch. 10 para. 4(1)**
- F73** Ss. 160-168G repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003](#) (c. 1), Sch. 6 para. 24, **Sch. 8 Pt. 1** (with Sch. 7)

[<sup>F74</sup> **161B Beneficial loans: loans on ordinary commercial terms.**

<sup>F75</sup> .....

**Textual Amendments**

- F74** S. 161B inserted (with effect in accordance with s. 57(2) of the amending Act) by [Finance Act 2000](#) (c. 17), s. 57(1), **Sch. 10 para. 5(1)**
- F75** Ss. 160-168G repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003](#) (c. 1), Sch. 6 para. 24, **Sch. 8 Pt. 1** (with Sch. 7)

**162 Employee shareholdings.**

<sup>F76</sup> .....

**Textual Amendments**

- F76** Ss. 160-168G repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003](#) (c. 1), Sch. 6 para. 24, **Sch. 8 Pt. 1** (with Sch. 7)

**163 Expenses connected with living accommodation.**

<sup>F77</sup> .....

**Textual Amendments**

- F77** Ss. 160-168G repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003](#) (c. 1), Sch. 6 para. 24, **Sch. 8 Pt. 1** (with Sch. 7)

**164 Director's tax paid by employer.**

<sup>F78</sup> .....

**Textual Amendments**

- F78** Ss. 160-168G repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003](#) (c. 1), Sch. 6 para. 24, **Sch. 8 Pt. 1** (with Sch. 7)

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## 165 Scholarships.

F79

### Textual Amendments

**F79** Ss. 160-168G repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 24, **Sch. 8 Pt. 1** (with Sch. 7)

*General supplementary provisions*

## 166 Notice of nil liability under this Chapter.

F80

### Textual Amendments

**F80** Ss. 160-168G repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 24, **Sch. 8 Pt. 1** (with Sch. 7)

## 167 Employment to which this Chapter applies.

F81

### Textual Amendments

**F81** Ss. 160-168G repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 24, **Sch. 8 Pt. 1** (with Sch. 7)

## 168 Other interpretative provisions.

F82

### Textual Amendments

**F82** Ss. 160-168G repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 24, **Sch. 8 Pt. 1** (with Sch. 7)

## [<sup>F83</sup>168A Price of a car as regards a year.

F84

### Textual Amendments

**F83** Ss. 168A-168G inserted (with effect for the year 1994-95 and subsequent years of assessment) by 1993 c. 34, s. 72, Sch. 3 paras. 4, 7

**F84** Ss. 160-168G repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 24, **Sch. 8 Pt. 1** (with Sch. 7)

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[<sup>F85</sup>**168AA** Equipment to enable disabled person to use car.

<sup>F86</sup> .....

**Textual Amendments**

**F85** S. 168AA inserted (with effect in accordance with s. 44(3) of the amending Act) by Finance Act 1995 (c. 4), s. 44(2)

**F86** Ss. 160-168G repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 24, **Sch. 8 Pt. 1** (with Sch. 7)

[<sup>F87</sup>**168AB** Equipment etc. to enable car to run on road fuel gas.

<sup>F88</sup> .....

**Textual Amendments**

**F87** S. 168AB inserted (with effect in accordance with s. 60(6) of the amending Act) by Finance Act 1998 (c. 36), s. 60(3)

**F88** Ss. 160-168G repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 24, **Sch. 8 Pt. 1** (with Sch. 7)

<sup>F89</sup>**168B** Price of a car: accessories not included in list price.

<sup>F90</sup> .....

**Textual Amendments**

**F89** Ss. 168A-168G inserted (with effect for the year 1994-95 and subsequent years of assessment) by 1993 c. 34, s. 72, Sch. 3 paras. 4, 7

**F90** Ss. 160-168G repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 24, **Sch. 8 Pt. 1** (with Sch. 7)

<sup>F91</sup>**168C** Price of a car: accessories available after car first made available.

<sup>F92</sup> .....

**Textual Amendments**

**F91** Ss. 168A-168G inserted (with effect for the year 1994-95 and subsequent years of assessment) by 1993 c. 34, s. 72, Sch. 3 paras. 4, 7

**F92** Ss. 160-168G repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 24, **Sch. 8 Pt. 1** (with Sch. 7)

<sup>F93</sup>**168D** Price of a car: capital contributions.

<sup>F94</sup> .....

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#### Textual Amendments

- F93** Ss. 168A-168G inserted (with effect for the year 1994-95 and subsequent years of assessment) by 1993 c. 34, s. 72, Sch. 3 paras. 4, 7
- F94** Ss. 160-168G repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 24, **Sch. 8 Pt. 1** (with Sch. 7)

#### <sup>F95</sup> 168E Price of a car: replacement accessories.

<sup>F96</sup> .....

#### Textual Amendments

- F95** Ss. 168A-168G inserted (with effect for the year 1994-95 and subsequent years of assessment) by 1993 c. 34, s. 72, Sch. 3 paras. 4, 7
- F96** Ss. 160-168G repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 24, **Sch. 8 Pt. 1** (with Sch. 7)

#### <sup>F97</sup> 168F Price of a car: classic cars.

<sup>F98</sup> .....

#### Textual Amendments

- F97** Ss. 168A-168G inserted (with effect for the year 1994-95 and subsequent years of assessment) by 1993 c. 34, s. 72, Sch. 3 paras. 4, 7
- F98** Ss. 160-168G repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 24, **Sch. 8 Pt. 1** (with Sch. 7)

#### <sup>F99</sup> 168G Price of a car: cap for expensive car.

<sup>F100</sup> .....

#### Textual Amendments

- F99** Ss. 168A-168G inserted (with effect for the year 1994-95 and subsequent years of assessment) by 1993 c. 34, s. 72, Sch. 3 paras. 4, 7
- F100** Ss. 160-168G repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 24, **Sch. 8 Pt. 1** (with Sch. 7)



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## CHAPTER III

### PROFIT-RELATED PAY

#### *Preliminary*

#### **169 Interpretation.**

F101 .....

##### **Textual Amendments**

**F101** Ss. 169-184 (Pt. 5 Ch. 3) repealed (with effect in accordance with s. 61(2)(3) of the repealing Act) by Finance Act 1997 (c. 16), Sch. 18 Pt. 6(3), Note 1 (with saving in Note 2; and Ch. 3 modified, as so saved, by s. 61(1) of the repealing Act)

#### **170 Taxation of profit-related pay.**

F102 .....

##### **Textual Amendments**

**F102** Ss. 169-184 (Pt. 5 Ch. 3) repealed (with effect in accordance with s. 61(2)(3) of the repealing Act) by Finance Act 1997 (c. 16), Sch. 18 Pt. 6(3), Note 1 (with saving in Note 2; and Ch. 3 modified, as so saved, by s. 61(1) of the repealing Act)

#### *The relief*

#### **171 Relief from tax.**

F103 .....

##### **Textual Amendments**

**F103** Ss. 169-184 (Pt. 5 Ch. 3) repealed (with effect in accordance with s. 61(2)(3) of the repealing Act) by Finance Act 1997 (c. 16), Sch. 18 Pt. 6(3), Note 1 (with saving in Note 2; and Ch. 3 modified, as so saved, by s. 61(1) of the repealing Act)

#### **172 Exceptions from tax.**

F104 .....

##### **Textual Amendments**

**F104** Ss. 169-184 (Pt. 5 Ch. 3) repealed (with effect in accordance with s. 61(2)(3) of the repealing Act) by Finance Act 1997 (c. 16), Sch. 18 Pt. 6(3), Note 1 (with saving in Note 2; and Ch. 3 modified, as so saved, by s. 61(1) of the repealing Act)

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## *Registration*

### **173 Persons who may apply for registration.**

F105 .....

#### **Textual Amendments**

**F105** Ss. 169-184 (Pt. 5 Ch. 3) repealed (with effect in accordance with s. 61(2)(3) of the repealing Act) by Finance Act 1997 (c. 16), **Sch. 18 Pt. 6(3)**, Note 1 (with saving in Note 2; and Ch. 3 modified, as so saved, by s. 61(1) of the repealing Act)

### **174 Excluded employments.**

F106 .....

#### **Textual Amendments**

**F106** Ss. 169-184 (Pt. 5 Ch. 3) repealed (with effect in accordance with s. 61(2)(3) of the repealing Act) by Finance Act 1997 (c. 16), **Sch. 18 Pt. 6(3)**, Note 1 (with saving in Note 2; and Ch. 3 modified, as so saved, by s. 61(1) of the repealing Act)

### **175 Applications for registration.**

F107 .....

#### **Textual Amendments**

**F107** Ss. 169-184 (Pt. 5 Ch. 3) repealed (with effect in accordance with s. 61(2)(3) of the repealing Act) by Finance Act 1997 (c. 16), **Sch. 18 Pt. 6(3)**, Note 1 (with saving in Note 2; and Ch. 3 modified, as so saved, by s. 61(1) of the repealing Act)

### **176 Registration.**

F108 .....

#### **Textual Amendments**

**F108** Ss. 169-184 (Pt. 5 Ch. 3) repealed (with effect in accordance with s. 61(2)(3) of the repealing Act) by Finance Act 1997 (c. 16), **Sch. 18 Pt. 6(3)**, Note 1 (with saving in Note 2; and Ch. 3 modified, as so saved, by s. 61(1) of the repealing Act)

### **177 Change of scheme employer.**

F109 .....

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**Textual Amendments**

**F109** Ss. 169-184 (Pt. 5 Ch. 3) repealed (with effect in accordance with s. 61(2)(3) of the repealing Act) by Finance Act 1997 (c. 16), **Sch. 18 Pt. 6(3)**, Note 1 (with saving in Note 2; and Ch. 3 modified, as so saved, by s. 61(1) of the repealing Act)

[<sup>F110</sup>**177A** **Death of scheme employer.**

<sup>F111</sup> .....

**Textual Amendments**

**F110** Ss. 177A, 177B inserted by Finance Act 1989 (c. 26), **Sch. 4 para. 3**  
**F111** Ss. 169-184 (Pt. 5 Ch. 3) repealed (with effect in accordance with s. 61(2)(3) of the repealing Act) by Finance Act 1997 (c. 16), **Sch. 18 Pt. 6(3)**, Note 1 (with saving in Note 2; and Ch. 3 modified, as so saved, by s. 61(1) of the repealing Act)

**177B** **Alteration of scheme’s terms.**

<sup>F112</sup> .....

**Textual Amendments**

**F112** Ss. 169-184 (Pt. 5 Ch. 3) repealed (with effect in accordance with s. 61(2)(3) of the repealing Act) by Finance Act 1997 (c. 16), **Sch. 18 Pt. 6(3)**, Note 1 (with saving in Note 2; and Ch. 3 modified, as so saved, by s. 61(1) of the repealing Act)

**178** **Cancellation of registration.**

<sup>F113</sup> .....

**Textual Amendments**

**F113** Ss. 169-184 (Pt. 5 Ch. 3) repealed (with effect in accordance with s. 61(2)(3) of the repealing Act) by Finance Act 1997 (c. 16), **Sch. 18 Pt. 6(3)**, Note 1 (with saving in Note 2; and Ch. 3 modified, as so saved, by s. 61(1) of the repealing Act)

*Administration*

**179** **Recovery of tax from scheme employer.**

<sup>F114</sup> .....

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**Textual Amendments**

**F114** Ss. 169-184 (Pt. 5 Ch. 3) repealed (with effect in accordance with s. 61(2)(3) of the repealing Act) by Finance Act 1997 (c. 16), **Sch. 18 Pt. 6(3)**, Note 1 (with saving in Note 2; and Ch. 3 modified, as so saved, by s. 61(1) of the repealing Act)

**180 Annual returns etc.**

**F115** .....

**Textual Amendments**

**F115** Ss. 169-184 (Pt. 5 Ch. 3) repealed (with effect in accordance with s. 61(2)(3) of the repealing Act) by Finance Act 1997 (c. 16), **Sch. 18 Pt. 6(3)**, Note 1 (with saving in Note 2; and Ch. 3 modified, as so saved, by s. 61(1) of the repealing Act)

**181 Other information.**

**F116** .....

**Textual Amendments**

**F116** Ss. 169-184 (Pt. 5 Ch. 3) repealed (with effect in accordance with s. 61(2)(3) of the repealing Act) by Finance Act 1997 (c. 16), **Sch. 18 Pt. 6(3)**, Note 1 (with saving in Note 2; and Ch. 3 modified, as so saved, by s. 61(1) of the repealing Act)

**182 Appeals.**

**F117** .....

**Textual Amendments**

**F117** Ss. 169-184 (Pt. 5 Ch. 3) repealed (with effect in accordance with s. 61(2)(3) of the repealing Act) by Finance Act 1997 (c. 16), **Sch. 18 Pt. 6(3)**, Note 1 (with saving in Note 2; and Ch. 3 modified, as so saved, by s. 61(1) of the repealing Act)

*Supplementary*

**183 Partnerships.**

**F118** .....

**Textual Amendments**

**F118** Ss. 169-184 (Pt. 5 Ch. 3) repealed (with effect in accordance with s. 61(2)(3) of the repealing Act) by Finance Act 1997 (c. 16), **Sch. 18 Pt. 6(3)**, Note 1 (with saving in Note 2; and Ch. 3 modified, as so saved, by s. 61(1) of the repealing Act)

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## 184 Independent accountants.

F119 .....

### Textual Amendments

**F119** Ss. 169-184 (Pt. 5 Ch. 3) repealed (with effect in accordance with s. 61(2)(3) of the repealing Act) by Finance Act 1997 (c. 16), Sch. 18 Pt. 6(3), Note 1 (with saving in Note 2; and Ch. 3 modified, as so saved, by s. 61(1) of the repealing Act)

## CHAPTER IV

### OTHER EXEMPTIONS AND RELIEFS

#### *Share option and profit sharing schemes*

## 185 Approved share option schemes.

F120 .....

### Textual Amendments

**F120** S. 185 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 25, Sch. 8 Pt. 1 (with Sch. 7)

## 186 Approved profit sharing schemes.

- (1) <sup>M1</sup>The provisions of this section apply where, after 5th April 1979 [<sup>F121</sup>and before 1st January 2003], the trustees of an approved profit sharing scheme appropriate shares—
  - (a) which have previously been acquired by the trustees, and
  - (b) as to which the conditions in Part II of Schedule 9 are fulfilled,to an individual who participates in the scheme (“the participant”).
- (2) <sup>M2</sup>Notwithstanding that, by virtue of such an appropriation of shares as is mentioned in subsection (1) above, the beneficial interest in the shares passes to the participant to whom they are appropriated—
  - (a) the value of the shares at the time of the appropriation shall be treated as not being income of his chargeable to tax under Schedule E; and
  - (b) he shall not be chargeable to income tax under that Schedule by virtue of [<sup>F122</sup>section 78 or 79 of the Finance Act 1988 in respect of the shares] or by virtue of section 162 in any case where the shares are appropriated to him at an undervalue within the meaning of that section.
- (3) <sup>M3</sup>Subject to the provisions of this section and paragraph 4 of Schedule 10, if, in respect of or by reference to any of a participant’s shares, the trustees become or the participant becomes entitled, before the release date, to receive any money or money’s worth (“a capital receipt”), <sup>F123</sup> . . . the appropriate percentage (determined as at the time the trustees become or the participant becomes so entitled) of so much of the amount or value of the receipt as exceeds the appropriate allowance for that year, as determined

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- under subsection (12) below<sup>F124</sup> counts as employment income of the participant for the year of assessment in which the entitlement arises].
- (4)<sup>M4</sup> If the trustees dispose of any of a participant's shares at any time before the release date or, if it is earlier, the date of the participant's death, then, subject to subsections (6) and (7) below,<sup>F125</sup> . . . the appropriate percentage of the locked-in value of the shares at the time of the disposal<sup>F126</sup> counts as employment income of the participant for the year of assessment in which the disposal takes place].
- (5)<sup>M5</sup> Subject to paragraphs 5 and 6(6) of Schedule 10, the locked-in value of a participant's shares at any time is—
- (a) if prior to that time he has become<sup>F127</sup> 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,]
 

the amount by which their initial market value exceeds the amount or value of that capital receipt or, if there has been more than one such receipt, the aggregate of them; and
  - (b) in any other case, their initial market value.
- (6) Subject to subsection (7) below, if, on a disposal of shares falling within subsection (4) above, the proceeds of the disposal are less than the locked-in value of the shares at the time of the disposal, subsection (4) above shall have effect as if that locked-in value were reduced to an amount equal to the proceeds of the disposal.
- (7) If, at any time prior to the disposal of any of a participant's shares, a payment was made to the trustees to enable them to exercise rights arising under a rights issue, then, subject to subsection (8) below, subsections (4) and (6) above shall have effect as if the proceeds of the disposal were reduced by an amount equal to that proportion of that payment or, if there was more than one, of the aggregate of those payments which, immediately before the disposal, the market value of the shares disposed of bore to the market value of all the participant's shares held by the trustees at that time.
- (8)<sup>M6</sup> For the purposes of subsection (7) above—
- (a) no account shall be taken of any payment to the trustees if or to the extent that it consists of the proceeds of a disposal of rights arising under a rights issue; and
  - (b) in relation to a particular disposal the amount of the payment or, as the case may be, of the aggregate of the payments referred to in that subsection shall be taken to be reduced by an amount equal to the total of the reduction (if any) previously made under that subsection in relation to earlier disposals;
- and any reference in subsection (7) or paragraph (a) above to the rights arising under a rights issue is a reference to rights conferred in respect of a participant's shares, being rights to be allotted, on payment, other shares or securities or rights of any description in the same company.
- (9)<sup>M7</sup> 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 relevant provisions as having been disposed of at that time by the trustees for (subject to subsection (10) below) the like consideration as was obtained for the disposal of the beneficial

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interest; and for the purposes of this subsection 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 on the participant's sequestrated estate or in a trustee for the benefit of the participant's creditors.

(10) If—

- (a) a disposal of shares falling within subsection (4) above is a transfer to which paragraph 2(2)(c) of Schedule 9 applies, or
- <sup>F128</sup>(b) any other disposal falling within that subsection is not at arm's length,
- (c) a disposal of shares falling within <sup>F129</sup>that subsection] is one which is treated as taking place by virtue of subsection (9) above and takes place within the period of retention,

then for the purposes of the relevant provisions the proceeds of the disposal shall be taken to be equal to the market value of the shares at the time of the disposal.

(11) <sup>M8</sup>Where the trustees of an approved scheme acquire any shares as to which the requirements of Part II of Schedule 9 are fulfilled and, within the period of 18 months beginning with the date of their acquisition, those shares are appropriated in accordance with the scheme, section 686 shall not apply to income consisting of dividends on those shares received by the trustees; and, for the purpose of determining whether any shares are appropriated within that period, shares which were acquired at an earlier time shall be taken to be appropriated before shares of the same class which were acquired at a later time.

(12) <sup>M9</sup>For the purposes of subsection (3) above, “the appropriate allowance”, in relation to any year of assessment, means a sum which, subject to a maximum of <sup>F130</sup>£60], is the product of multiplying £20 by 1 plus the number of years which fall within the period of <sup>F131</sup>three years] immediately preceding the year in question and in which shares were appropriated to the participant under the scheme; and if in any year (and before the release date) the trustees become or the participant becomes entitled, in respect of or by reference to any of his shares, to more than one capital receipt, the receipts shall be set against the appropriate allowance for that year in the order in which they are received.

(13) Schedule 10 shall have effect with respect to profit sharing schemes.

#### Textual Amendments

**F121** Words in s. 186(1) inserted (28.7.2000) by Finance Act 2000 (c. 17), s. 49(3)

**F122** Words in s. 186(2)(b) substituted (in respect of acquisitions of shares on or after 26.10.1987) by Finance Act 1988 (c. 39), s. 89

**F123** Words in s. 186(3) repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 26(2)(a), Sch. 8 Pt. 1 (with Sch. 7)

**F124** Words in s. 186(3) added (6.4.2003 with effect in accordance with s. 723(1) of the amending Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 26(2)(b) (with Sch. 7)

**F125** Words in s. 186(4) repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 26(3)(a), Sch. 8 Pt. 1 (with Sch. 7)

**F126** Words in s. 186(4) added (6.4.2003 with effect in accordance with s. 723(1) of the amending Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 26(3)(b) (with Sch. 7)

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- F127** Words in s. 186(5)(a) substituted (6.4.2003 with effect in accordance with s. 723(1) of the amending Act) by **Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 26(4)** (with Sch. 7)
- F128** S. 186(10)(b) substituted (with effect in accordance with s. 134(2) of the amending Act) by **Finance Act 1996 (c. 8), s. 134(1), Sch. 20 para. 11(a)**
- F129** Words in s. 186(10)(c) substituted (with effect in accordance with s. 134(2) of the amending Act) by **Finance Act 1996 (c. 8), s. 134(1), Sch. 20 para. 11(b)**
- F130** Words in s. 186(12) substituted (with effect in accordance with s. 118(2) of the amending Act) by **Finance Act 1996 (c. 8), s. 118(1)(a)**
- F131** Words in s. 186(12) substituted (with effect in accordance with s. 118(2) of the amending Act) by **Finance Act 1996 (c. 8), s. 118(1)(b)**

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

- C1** S. 186 modified (29.4.1996) by **Finance Act 1996 (c. 8), ss. 115(1), 116(3)**
- C2** S. 186 continued (6.4.2003 with effect in accordance with s. 723(1) of the affecting Act) by **Income Tax (Earnings and Pensions) Act 2003 (c. 1), s. 418(3)** (with Sch. 7)

#### **Marginal Citations**

- M1** Source—1978 s.53(1)
- M2** Source—1978 s.53(3)
- M3** Source—1978 s.56(1); 1982 s.42(1)
- M4** Source—1978 s.55(1)
- M5** Source—1978 s.55(2)-(4)
- M6** Source—1978 s.55(5), (9)
- M7** Source—1978 s.55(7), (8)
- M8** Source—1978 s.53(6)
- M9** Source—1978 s.56(6); 1980 s.46(6); 1982 s.42(2); 1985 s.45(4)

### **187 Interpretation of sections 185 and 186 and Schedules 9 and 10.**

- (1) [<sup>F132M10</sup>In sections 185 and 186, this section and Schedules 9 and 10 “the relevant provisions” means those sections (including this section) and Schedules.]
- (2) [<sup>F132</sup>For the purposes of the relevant provisions, except where the context otherwise requires—
- “appropriate percentage” shall be construed in accordance with paragraph 3 of Schedule 10;
- “approved”, in relation to a scheme, means approved under Schedule 9;
- “associated company” has the same meaning as in section 416, except that, for the purposes of paragraph 23 of Schedule 9, subsection (1) of that section shall have effect with the omission of the words “ or at any time within one year previously ”;
- “bonus date” has the meaning given by paragraph 17 of Schedule 9;
- “capital receipt” means money or money’s worth to which the trustees of or a participant in a profit sharing scheme become or becomes entitled as mentioned in section 186(3), but subject to paragraph 4 of Schedule 10;
- “certified contractual savings scheme” has the meaning given by section 326;
- “control” has the same meaning as in section 840;
- “grantor”, in relation to any scheme, means the company which has established the scheme;



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“group scheme” and, in relation to such a scheme, “participating company” have the meanings given by paragraph 1(3) and (4) of Schedule 9;

“initial market value”, in relation to shares in a profit sharing scheme, has the meaning given by paragraph 30(4) of Schedule 9;

“locked-in value”, in relation to any shares, shall be construed in accordance with section 186(5);

“market value” has the same meaning as in Part VIII of the <sup>F133</sup>1992 Act];

“new holding” has the meaning given by section <sup>F133</sup>126(1)(b) of the 1992 Act];

“participant”, in relation to a profit sharing scheme, means an individual to whom the trustees of the scheme have appropriated shares;

“participant’s shares”, in relation to a participant in a profit sharing scheme, means, subject to paragraph 5(4) of Schedule 10, shares which have been appropriated to the participant by the trustees;

<sup>F134</sup> .....

“period of retention” has the meaning given by paragraph 2 of Schedule 10;

“release date”, in relation to any of the shares of a participant in a profit sharing scheme, means the <sup>F135</sup>third anniversary of the date on which they were appropriated to him;

“relevant amount”, in relation to a participant in a profit sharing scheme, means an amount which is <sup>F136</sup>not less than £3,000 and not more than £8,000 but which, subject to that, is 10 per cent. of his salary (determined under subsection (5) below) for the year of assessment in question or the preceding year of assessment, whichever is the greater;

“relevant requirements” has the meaning given by paragraph 1 of Schedule 9;

“savings-related share option scheme” has the meaning given by paragraph 1 of Schedule 9;

“scheme” means a savings-related share option scheme, a share option scheme which is not a savings-related share option scheme or a profit sharing scheme, as the context may require;

“shares” includes stock;

<sup>F137</sup>“specified age”, in relation to a scheme, means the age specified in pursuance of paragraph 8A of Schedule 9 as the specified age for the purposes of the scheme;]

“the trustees”, in relation to an approved profit sharing scheme or the shares of a participant in such a scheme, means the body of persons for the establishment of which the scheme must provide as mentioned in paragraph 30 of Schedule 9; and

“just instrument”, in relation to an approved profit sharing scheme, means the instrument referred to in paragraph 30(1)(c) of Schedule 9.]

(3) <sup>F132M11</sup>For the purposes of the application of the relevant provisions in relation to any share option scheme or profit sharing scheme, a person has a material interest <sup>F138</sup>in a company if he, either on his own or with one or more associates, or if any associate of his with or without such other associates,—

(a) is the beneficial owner of, or able, directly or through the medium of other companies, or by any other indirect means to control, more than 25 per cent., or in the case of a share option scheme which is not a savings-related share

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option scheme more than 10 per cent., of the ordinary share capital of the company, or

- (b) where the company is a close company, possesses, or is entitled 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 25 per cent., or in the case of a share option scheme which is not a savings-related share option scheme more than 10 per cent., of the assets which would then be available for distribution among the participants.]

In this subsection “associate” has the meaning given by section 417(3) and (4) [F138 and “participator” has the meaning given by section 417(1)].]

- (4) [F132M12 Subsection (3) above shall have effect subject to the provisions of Part VI of Schedule 9.]
- (5) M13 For the purposes of subsection (2) above, a participant’s salary for a year of assessment means such of the emoluments of the office or employment by virtue of which he is entitled to participate in a profit sharing scheme as are liable to be paid in that year under deduction of tax pursuant to section 203 after deducting therefrom amounts included by virtue of Chapter II of this Part.
- (6) [F132M14 Section 839 shall apply for the purposes of the relevant provisions.]
- (7) [F132M15 For the purposes of the relevant provisions 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 three-quarters of the other company’s ordinary share capital and each of which beneficially owns not less than one-twentieth of that capital.]
- (8) M16 Where the disposal referred to in section 186(4) is made from a holding of shares which were appropriated to the participant at different times, then, in determining for the purposes of the relevant provisions—
- (a) the initial market value and the locked-in value of each of those shares, F139 . . .
- (b) F139 . . . . .
- (9) M17 Any of the relevant provisions with respect to—
- (a) the order in which any of a participant’s shares are to be treated as disposed of for the purposes of those provisions, or
- (b) the shares in relation to which an event is to be treated as occurring for any such purpose,
- shall have effect in relation to a profit sharing scheme notwithstanding any direction given to the trustees with respect to shares of a particular description or to shares appropriated to the participant at a particular time.
- (10) M18 In the relevant provisions “workers’ cooperative” means a [F140 registered society][F141], as defined in [F142 section 1119 of CTA 2010]], which is a cooperative society and the rules of which include provisions which secure—
- (a) that the only persons who may be members of it are those who are employed by, or by a subsidiary of, the society and those who are the trustees of its profit sharing scheme; and
- (b) that, subject to any provision about qualifications for membership which is from time to time made by the members of the society by reference to age, length of service or other factors of any description, all such persons may be members of the society;

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and in this subsection “cooperative society” has the same meaning as in [F143section 2 of the Co-operative and Community Benefit Societies Act 2014] or, as the case may be, [F144section 1 of] the M19Industrial and Provident Societies Act (Northern Ireland) 1969.

#### Textual Amendments

- F132** S. 187(1)-(4)(6)(7) repealed (except so far as relating to profit sharing schemes) (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 27, Sch. 8 Pt. 1](#) (with Sch. 7)
- F133** Words in s. 187(2) substituted (6.3.1992 with effect as mentioned in s. 289(1)(2) of the amending Act) by [Taxation of Chargeable Gains Act 1992 \(c. 12\), ss. 289, 290, Sch. 10 para. 14\(13\)](#) (with ss. 60, 101(1), 171, 201(3)).
- F134** S. 187(2): definition of "pensionable age" repealed (19.7.1995) by [Pensions Act 1995 \(c. 26\), ss. 126, 177, 180\(2\)\(a\), Sch. 4 para. 12\(a\), Sch. 7 Pt. 2](#)
- F135** Word in s. 187(2) substituted (with effect in accordance with s. 116(2)(3) of the amending Act) by [Finance Act 1996 \(c. 8\), s. 116\(1\)](#)
- F136** Words in s. 187(2) substituted (for the year 1991-92 and subsequent years of assessment) by virtue of [Finance Act 1991 \(c. 31\), s. 41\(1\)\(2\)](#)
- F137** S. 187(2): definition of "specified age" inserted by [Finance Act 1991 \(c. 31\), s. 38\(4\)](#)
- F138** Words in s. 187(3) substituted (in relation to accounting periods beginning after 31.3.1989) by [Finance Act 1989 \(c. 26\), Sch. 12 para. 9](#)
- F139** S. 187(8)(b) and preceding word repealed (with effect in accordance with s. 117(3) of the repealing Act) by [Finance Act 1996 \(c. 8\), ss. 117\(2\), 205, Sch. 41 Pt. 5\(5\)](#), Note 1
- F140** Words in s. 187(10) substituted (1.8.2014 in accordance with s. 154 of the amending Act) by Co-operative and [Community Benefit Societies Act 2014 \(c. 14\), Sch. 4 para. 40\(a\)](#) (with Sch. 5)
- F141** Words in s. 187(10) substituted (1.4.2009 with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\), Sch. 1 para. 95](#) (with Sch. 2 Pts. 1, 2)
- F142** Words in s. 187(10) substituted (1.4.2010 with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\), Sch. 1 para. 13](#) (with Sch. 2)
- F143** Words in s. 187(10) substituted (1.8.2014 in accordance with s. 154 of the amending Act) by Co-operative and [Community Benefit Societies Act 2014 \(c. 14\), Sch. 4 para. 40\(b\)](#) (with Sch. 5)
- F144** Words in s. 187(10) inserted (1.8.2014 in accordance with s. 154 of the amending Act) by Co-operative and [Community Benefit Societies Act 2014 \(c. 14\), Sch. 4 para. 40\(c\)](#) (with Sch. 5)

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

- C3** S. 187 modified (29.4.1996) by [Finance Act 1996 \(c. 8\), ss. 115\(1\), 116\(3\)](#)
- C4** S. 187 applied (29.4.1996) by [Finance Act 1996 \(c. 8\), s. 114, Sch. 16 para. 5\(1\)](#)
- C5** S. 187 continued so far as relating to APS schemes (6.4.2003 with effect in accordance with s. 723(1) of the affecting Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), s. 418\(3\)](#) (with Sch. 7)

#### Marginal Citations

- M10** Source—1978 ss.53(2), 54(2), (4)(b), 6, 56(1), 57(1), (4), 61(1), Sch.9 1, 16; 1980 s.46(4), Sch.10 5(b), 8, 26(1); 1982 s.40(8); 1983 s.25(1); 1984 Sch.10 15(1), (2); 1985 s.45(2)
- M11** Source—1970 s.285(6); 1978 Sch.9 11(3)(b); 1980 Sch.10 26(2); 1984 Sch.10 4(4)
- M12** Source—1987 s.33(2)
- M13** Source—1978 s.61(4); 1983 s.25(2)
- M14** Source—1978 Sch.9 16; 1980 Sch.10 26(4); 1984 Sch.10 15(3)
- M15** Source—1978 Sch.9 17; 1980 Sch.10 26(5); 1984 Sch.10 15(4); 1986 s.23(5)
- M16** Source—1978 s.55(6)
- M17** Source—1978 s.61(2)
- M18** Source—1978 Sch.9 18; 1986 s.24(1)

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**M19** 1969 c. 24. (N.I.).

*[<sup>F145</sup> Contributions in respect of share option gains*

**Textual Amendments**

**F145** S. 187A and preceding cross-heading inserted (with application in accordance with s. 56(1) of the amending Act) by [Finance Act 2000 \(c. 17\)](#), [s. 56\(1\)](#)

**187A Relief for contributions in respect of share option gains.**

<sup>F146</sup> .....]

**Textual Amendments**

**F146** S. 187A repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), [Sch. 6 para. 28\(a\)](#), [Sch. 8 Pt. 1](#) (with [Sch. 7](#))

*Retirement benefits etc.*

**188 Exemptions from section 148.**

<sup>F147</sup> .....

**Textual Amendments**

**F147** S. 188 repealed (with application in accordance with s. 58(4) of the repealing Act) by [Finance Act 1998 \(c. 36\)](#), [s. 165](#), [Sch. 27 Pt. 3\(9\)](#), Note

**189 Lump sum benefits on retirement.**

<sup>F148</sup> .....

**Textual Amendments**

**F148** Ss. 189-198 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), [Sch. 6 para. 28\(b\)](#), [Sch. 8 Pt. 1](#) (with [Sch. 7](#))

**190 Payments to MPs and others.**

<sup>F149</sup> .....

**Textual Amendments**

**F149** Ss. 189-198 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), [Sch. 6 para. 28\(b\)](#), [Sch. 8 Pt. 1](#) (with [Sch. 7](#))

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## 191 Job release scheme allowances not to be treated as income.

F150 .....

### Textual Amendments

**F150** Ss. 189-198 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 28(b), **Sch. 8 Pt. 1** (with Sch. 7)

### *[<sup>F151</sup> Removal expenses and benefits*

### Textual Amendments

**F151** Ss. 191A, 191B and preceding cross-heading inserted (27.7.1993) by Finance Act 1993 (c. 34), s. 76, **Sch. 5 para.1**

## <sup>F152</sup>191A Removal expenses and benefits.

F153 .....

### Textual Amendments

**F152** Ss. 191A, 191B and preceding cross-heading inserted (27.7.1993) by Finance Act 1993 (c. 34), s. 76, **Sch. 5 para.1**  
**F153** Ss. 189-198 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 28(b), **Sch. 8 Pt. 1** (with Sch. 7)

## <sup>F154</sup>191B Removal benefits: beneficial loan arrangements.

F155 .....]

### Textual Amendments

**F154** Ss. 191A, 191B and preceding cross-heading inserted (27.7.1993) by Finance Act 1993 (c. 34), s. 76, **Sch. 5 para.1**  
**F155** Ss. 189-198 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 28(b), **Sch. 8 Pt. 1** (with Sch. 7)

### *Foreign emoluments and earnings, pensions and certain travel facilities*

## 192 Relief from tax for foreign emoluments.

F156 .....

*Status: Point in time view as at 16/11/2017.*

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**Textual Amendments**

**F156** Ss. 189-198 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 28\(b\), Sch. 8 Pt. 1](#) (with Sch. 7)

**[<sup>F157</sup>192A Foreign earnings deduction for seafarers.**

**F158** .....

**Textual Amendments**

**F157** S. 192A inserted (with effect in accordance with s. 63(5) of the amending Act) by [Finance Act 1998 \(c. 36\), s. 63\(2\)](#) (with s. 63(6)(7))

**F158** Ss. 189-198 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 28\(b\), Sch. 8 Pt. 1](#) (with Sch. 7)

**193 Foreign earnings and travel expenses.**

**F159** .....

**Textual Amendments**

**F159** Ss. 189-198 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 28\(b\), Sch. 8 Pt. 1](#) (with Sch. 7)

**194 Other foreign travel expenses.**

**F160** .....

**Textual Amendments**

**F160** Ss. 189-198 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 28\(b\), Sch. 8 Pt. 1](#) (with Sch. 7)

**195 Travel expenses of employees not domiciled in the United Kingdom.**

**F161** .....

**Textual Amendments**

**F161** Ss. 189-198 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 28\(b\), Sch. 8 Pt. 1](#) (with Sch. 7)

**196 Foreign pensions.**

**F162** .....

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**Textual Amendments**

**F162** Ss. 189-198 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 28\(b\), Sch. 8 Pt. 1](#) (with Sch. 7)

**197 Leave travel facilities for the armed forces.**

**F163** .....

**Textual Amendments**

**F163** Ss. 189-198 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 28\(b\), Sch. 8 Pt. 1](#) (with Sch. 7)

[<sup>F164</sup>**197A** Car parking facilities

**F165** .....]

**Textual Amendments**

**F164** S. 197A inserted (1988-89 and subsequent years of assessment) by [Finance Act 1988 \(c. 39\), s. 46\(4\)](#)  
**F165** Ss. 189-198 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 28\(b\), Sch. 8 Pt. 1](#) (with Sch. 7)

[<sup>F166</sup>**197A** Works bus services.

**F167** .....

**Textual Amendments**

**F166** Ss. 197AA, 197AB inserted (with effect in accordance with s. 48(2) of the amending Act) by [Finance Act 1999 \(c. 16\), s. 48\(1\)](#)  
**F167** Ss. 189-198 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 28\(b\), Sch. 8 Pt. 1](#) (with Sch. 7)

**197AB Support for public transport road services.**

**F168** .....]

**Textual Amendments**

**F166** Ss. 197AA, 197AB inserted (with effect in accordance with s. 48(2) of the amending Act) by [Finance Act 1999 \(c. 16\), s. 48\(1\)](#)  
**F168** Ss. 189-198 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 28\(b\), Sch. 8 Pt. 1](#) (with Sch. 7)

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**[<sup>F169</sup>197AC Provision of cycle or cyclist's safety equipment.**

<sup>F170</sup> .....

**Textual Amendments**

**F169** S. 197AC inserted (with effect in accordance with s. 50(3) of the amending Act) by [Finance Act 1999 \(c. 16\), s. 50\(1\)](#)

**F170** Ss. 189-198 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 28\(b\), Sch. 8 Pt. 1 \(with Sch. 7\)](#)

*[<sup>F171</sup> Mileage allowances*

**Textual Amendments**

**F171** Ss. 197AD-197AH and preceding cross-heading inserted (with effect in accordance with s. 57(4) of the amending Act) by [Finance Act 2001 \(c. 9\), s. 57\(1\)](#)

**197AD Mileage allowance payments**

<sup>F172</sup> .....

**Textual Amendments**

**F172** Ss. 189-198 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 28\(b\), Sch. 8 Pt. 1 \(with Sch. 7\)](#)

**197AE Passenger payments**

<sup>F173</sup> .....

**Textual Amendments**

**F173** Ss. 189-198 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 28\(b\), Sch. 8 Pt. 1 \(with Sch. 7\)](#)

**197AF Mileage allowance relief**

<sup>F174</sup> .....

**Textual Amendments**

**F174** Ss. 189-198 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 28\(b\), Sch. 8 Pt. 1 \(with Sch. 7\)](#)

**197AG Giving effect to mileage allowance relief**

<sup>F175</sup> .....



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**Textual Amendments**

**F175** Ss. 189-198 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 28(b), **Sch. 8 Pt. 1** (with Sch. 7)

**197AH Interpretation of sections 197AD to 197AG**

**F176** .....]

**Textual Amendments**

**F176** Ss. 189-198 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 28(b), **Sch. 8 Pt. 1** (with Sch. 7)

*<sup>F177</sup> Mileage allowances*

**Textual Amendments**

**F177** Ss. 197B-197F and preceding cross-heading inserted by Finance Act 1990 (c. 29), s. 23, **Sch. 4**

**197B** .....

**F178** .....

**Textual Amendments**

**F178** Ss. 197B-197F repealed (with effect in accordance with Sch. 33 Pt. 2(1) Note of the repealing Act) by Finance Act 2001 (c. 9), **Sch. 33 Pt. 2(1)**

**197C** .....

**F179** .....

**Textual Amendments**

**F179** Ss. 197B-197F repealed (with effect in accordance with Sch. 33 Pt. 2(1) Note of the repealing Act) by Finance Act 2001 (c. 9), **Sch. 33 Pt. 2(1)**

**197D** .....

**F180** .....

**Textual Amendments**

**F180** Ss. 197B-197F repealed (with effect in accordance with Sch. 33 Pt. 2(1) Note of the repealing Act) by Finance Act 2001 (c. 9), **Sch. 33 Pt. 2(1)**

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**197E** .....

F181 .....

**Textual Amendments**

**F181** Ss. 197B-197F repealed (with effect in accordance with Sch. 33 Pt. 2(1) Note of the repealing Act) by Finance Act 2001 (c. 9), **Sch. 33 Pt. 2(1)**

**197F** .....

F182 .....]

**Textual Amendments**

**F182** Ss. 197B-197F repealed (with effect in accordance with Sch. 33 Pt. 2(1) Note of the repealing Act) by Finance Act 2001 (c. 9), **Sch. 33 Pt. 2(1)**

*[<sup>F183</sup> Sporting and recreational facilities*

**Textual Amendments**

**F183** S. 197G and preceding cross-heading inserted (27.7.1993 with application for the year 1993-94 and subsequent years of assessment) by Finance Act 1993 (c. 34), **s. 75(1)(2)**

**197G Sporting and recreational facilities.**

F184 .....]

**Textual Amendments**

**F184** Ss. 189-198 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 28(b), **Sch. 8 Pt. 1** (with Sch. 7)

*Other expenses, subscriptions etc.*

**198 Relief for necessary expenses.**

F185 .....

**Textual Amendments**

**F185** Ss. 189-198 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 28(b), **Sch. 8 Pt. 1** (with Sch. 7)

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[<sup>F186</sup> **198A** .....

<sup>F187</sup> .....]

**Textual Amendments**

**F186** S. 198A inserted (with effect in accordance with s. 62(5) of the amending Act) by [Finance Act 1997 \(c. 16\), s. 62\(2\)](#)

**F187** S. 198A repealed (with effect in accordance with Sch. 27 Pt. 3(10) Note of the repealing Act) by [Finance Act 1998 \(c. 36\), s. 165, Sch. 27 Pt. 3\(10\)](#)

**199 Expenses necessarily incurred and defrayed from official emoluments.**

<sup>F188</sup> .....

**Textual Amendments**

**F188** Ss. 199-202 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 28\(c\), Sch. 8 Pt. 1 \(with Sch. 7\)](#)

**200 Expenses of Members of Parliament.**

<sup>F189</sup> .....

**Textual Amendments**

**F189** Ss. 199-202 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 28\(c\), Sch. 8 Pt. 1 \(with Sch. 7\)](#)

[<sup>F190</sup> **200ZA Expenses of members of Scottish Parliament, National Assembly for Wales or Northern Ireland Assembly.**

<sup>F191</sup> .....]

**Textual Amendments**

**F190** S. 200ZA inserted (with effect in accordance with s. 52(2) of the amending Act) by [Finance Act 1999 \(c. 16\), s. 52\(1\), Sch. 5 para. 2\(1\)](#)

**F191** Ss. 199-202 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 28\(c\), Sch. 8 Pt. 1 \(with Sch. 7\)](#)

[<sup>F192</sup> **200AA Accidental benefits for holders of certain offices etc.**

<sup>F193</sup> .....]

**Textual Amendments**

**F192** S. 200AA inserted (with effect in accordance with s. 108(2) of the amending Act) by [Finance Act 1996 \(c. 8\), s. 108\(1\)](#)

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**F193** Ss. 199-202 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 28(c), **Sch. 8 Pt. 1** (with Sch. 7)

[<sup>F194</sup>**200A** **Incidental overnight expenses.**

<sup>F195</sup> .....

**Textual Amendments**

**F194** S. 200A inserted (with effect in accordance with s. 93(5) of the amending Act) by Finance Act 1995 (c. 4), s. **93(4)**

**F195** Ss. 199-202 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 28(c), **Sch. 8 Pt. 1** (with Sch. 7)

[<sup>F196</sup>**200B** **Work-related training provided by employers.**

<sup>F197</sup> .....

**Textual Amendments**

**F196** Ss. 200B-200D inserted (with application in accordance with s. 63(3) of the amending Act) by Finance Act 1997 (c. 16), s. **63(1)**

**F197** Ss. 199-202 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 28(c), **Sch. 8 Pt. 1** (with Sch. 7)

**200C Expenditure excluded from section 200B.**

<sup>F198</sup> .....

**Textual Amendments**

**F196** Ss. 200B-200D inserted (with application in accordance with s. 63(3) of the amending Act) by Finance Act 1997 (c. 16), s. **63(1)**

**F198** Ss. 199-202 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 28(c), **Sch. 8 Pt. 1** (with Sch. 7)

**200D Other work-related training.**

<sup>F199</sup> .....

**Textual Amendments**

**F196** Ss. 200B-200D inserted (with application in accordance with s. 63(3) of the amending Act) by Finance Act 1997 (c. 16), s. **63(1)**

**F199** Ss. 199-202 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 28(c), **Sch. 8 Pt. 1** (with Sch. 7)

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**[<sup>F200</sup>200E Education and training funded by employers.**

**F201** .....

**Textual Amendments**

**F200** Ss. 200E-200H, 200J inserted (with application in accordance with s. 58(3) of the amending Act) by Finance Act 2000 (c. 17), s. 58(1)

**F201** Ss. 199-202 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 28(c), **Sch. 8 Pt. 1** (with Sch. 7)

**200F Section 200E: exclusion of expenditure not directly related to training.**

**F202** .....

**Textual Amendments**

**F200** Ss. 200E-200H, 200J inserted (with application in accordance with s. 58(3) of the amending Act) by Finance Act 2000 (c. 17), s. 58(1)

**F202** Ss. 199-202 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 28(c), **Sch. 8 Pt. 1** (with Sch. 7)

**200G Section 200E: exclusion of expenditure if contributions not generally available to staff.**

**F203** .....

**Textual Amendments**

**F200** Ss. 200E-200H, 200J inserted (with application in accordance with s. 58(3) of the amending Act) by Finance Act 2000 (c. 17), s. 58(1)

**F203** Ss. 199-202 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 28(c), **Sch. 8 Pt. 1** (with Sch. 7)

**200H Section 200E: exclusion of expenditure otherwise relieved.**

**F204** .....

**Textual Amendments**

**F200** Ss. 200E-200H, 200J inserted (with application in accordance with s. 58(3) of the amending Act) by Finance Act 2000 (c. 17), s. 58(1)

**F204** Ss. 199-202 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 28(c), **Sch. 8 Pt. 1** (with Sch. 7)

**200J Education or training funded by third parties.**

**F205** .....]

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**Textual Amendments**

- F200** Ss. 200E-200H, 200J inserted (with application in accordance with s. 58(3) of the amending Act) by Finance Act 2000 (c. 17), **s. 58(1)**
- F205** Ss. 199-202 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 28(c), **Sch. 8 Pt. 1** (with Sch. 7)

**201 Fees and subscriptions to professional bodies, learned societies etc.**

**F206** .....

**Textual Amendments**

- F206** Ss. 199-202 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 28(c), **Sch. 8 Pt. 1** (with Sch. 7)

[<sup>F207</sup>**201A Employee liabilities and indemnity insurance.**

**F208** .....]

**Textual Amendments**

- F207** S. 201AA inserted (with effect in accordance with s. 91(3) of the amending Act) by Finance Act 1995 (c. 4), **s. 91(1)**
- F208** Ss. 199-202 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 28(c), **Sch. 8 Pt. 1** (with Sch. 7)

[<sup>F209</sup>**201A Expense of entertainers.**

**F210** .....]

**Textual Amendments**

- F209** S. 201A inserted by Finance Act 1990 (c. 29), **s. 77**
- F210** Ss. 199-202 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 28(c), **Sch. 8 Pt. 1** (with Sch. 7)

**202 Donations to charity: payroll deduction scheme.**

**F211** .....

**Textual Amendments**

- F211** Ss. 199-202 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 28(c), **Sch. 8 Pt. 1** (with Sch. 7)

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## CHAPTER V

### ASSESSMENT, COLLECTION, RECOVERY AND APPEALS

#### [<sup>F212</sup>202A Assessment on receipts basis.

F213 .....]

##### Textual Amendments

**F212** Ss. 202A, 202B inserted by Finance Act 1989 (c. 26), s. 37

**F213** Ss. 202A, 202B repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 29, Sch. 8 Pt. 1 (with Sch. 7)

#### 202B Receipts basis: meaning of receipt.

F214 .....

##### Textual Amendments

**F214** Ss. 202A, 202B repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 29, Sch. 8 Pt. 1 (with Sch. 7)

#### 203 Pay as you earn.

F215 .....

##### Textual Amendments

**F215** Ss. 203-204 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 30, Sch. 8 Pt. 1 (with Sch. 7)

#### [<sup>F216</sup>203A P.A.Y.E.: meaning of payment.

F217 .....]

##### Textual Amendments

**F216** S. 203A inserted by Finance Act 1989 (c. 26), s. 37(2)(4)(5)

**F217** Ss. 203-204 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 30, Sch. 8 Pt. 1 (with Sch. 7)

#### [<sup>F218</sup>203B PAYE: payment by intermediary.

F219 .....]

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**Textual Amendments**

- F218** S. 203B inserted (3.5.1994) by [Finance Act 1994 \(c. 9\), s. 125](#)
- F219** Ss. 203-204 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 30, Sch. 8 Pt. 1](#) (with Sch. 7)

**[<sup>F220</sup>203CPAYE: employee of non-UK employer.**

<sup>F221</sup> .....

**Textual Amendments**

- F220** Ss. 203C-203E inserted (3.5.1994) by [Finance Act 1994 \(c. 9\), s. 126](#)
- F221** Ss. 203-204 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 30, Sch. 8 Pt. 1](#) (with Sch. 7)

**203D PAYE: employee non-resident, etc.**

<sup>F222</sup> .....

**Textual Amendments**

- F220** Ss. 203C-203E inserted (3.5.1994) by [Finance Act 1994 \(c. 9\), s. 126](#)
- F222** Ss. 203-204 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 30, Sch. 8 Pt. 1](#) (with Sch. 7)

**203E PAYE: mobile UK workforce.**

<sup>F223</sup> .....]

**Textual Amendments**

- F220** Ss. 203C-203E inserted (3.5.1994) by [Finance Act 1994 \(c. 9\), s. 126](#)
- F223** Ss. 203-204 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 30, Sch. 8 Pt. 1](#) (with Sch. 7)

**[<sup>F224</sup>203FPAYE: tradeable assets.**

<sup>F225</sup> .....]

**Textual Amendments**

- F224** S. 203F inserted (3.5.1994) by [Finance Act 1994 \(c. 9\), s. 127](#)
- F225** Ss. 203-204 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 30, Sch. 8 Pt. 1](#) (with Sch. 7)



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[<sup>F226</sup>203FA] **Y**E: enhancing the value of an asset.

F227 .....]

**Textual Amendments**

**F226** S. 203FA inserted (with effect in accordance with s. 66(2) of the amending Act) by Finance Act 1998 (c. 36), s. 66(1) (with s. 66(3))

**F227** Ss. 203-204 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 30, Sch. 8 Pt. 1 (with Sch. 7)

[<sup>F228</sup>203FB] **Y**E: gains from share options etc.

F229 .....]

**Textual Amendments**

**F228** S. 203FB inserted (with effect in accordance with s. 67(2) of the amending Act) by Finance Act 1998 (c. 36), s. 67(1) (with s. 67(3))

**F229** Ss. 203-204 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 30, Sch. 8 Pt. 1 (with Sch. 7)

[<sup>F230</sup>203G] **Y**E: non-cash vouchers.

F231 .....]

**Textual Amendments**

**F230** S. 203G inserted (3.5.1994) by Finance Act 1994 (c. 9), s. 128

**F231** Ss. 203-204 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 30, Sch. 8 Pt. 1 (with Sch. 7)

[<sup>F232</sup>203H] **Y**E: credit-tokens.

F233 .....]

**Textual Amendments**

**F232** S. 203H inserted (3.5.1994) by Finance Act 1994 (c. 9), s. 129

**F233** Ss. 203-204 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 30, Sch. 8 Pt. 1 (with Sch. 7)

[<sup>F234</sup>203I] **Y**E: cash vouchers.

F235 .....]

**Textual Amendments**

**F234** S. 203I inserted (3.5.1994) by Finance Act 1994 (c. 9), s. 130

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**F235** Ss. 203-204 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 30, **Sch. 8 Pt. 1** (with Sch. 7)

**[<sup>F236</sup>203JS.203B to s.203I: accounting for tax.**

**F237** .....

**Textual Amendments**

**F236** Ss. 203J-203L inserted (3.5.1994) by Finance Act 1994 (c. 9), s. 131

**F237** Ss. 203-204 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 30, **Sch. 8 Pt. 1** (with Sch. 7)

**203K Trading arrangements.**

**F238** .....

**Textual Amendments**

**F236** Ss. 203J-203L inserted (3.5.1994) by Finance Act 1994 (c. 9), s. 131

**F238** Ss. 203-204 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 30, **Sch. 8 Pt. 1** (with Sch. 7)

**203L S.203B to s.203K: interpretation, etc.**

**F239** .....]

**Textual Amendments**

**F236** Ss. 203J-203L inserted (3.5.1994) by Finance Act 1994 (c. 9), s. 131

**F239** Ss. 203-204 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 30, **Sch. 8 Pt. 1** (with Sch. 7)

**204 P.A.Y.E repayments.**

**F240** .....

**Textual Amendments**

**F240** Ss. 203-204 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 30, **Sch. 8 Pt. 1** (with Sch. 7)

**205 Assessments unnecessary in certain circumstances.**

**F241** .....

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**Textual Amendments**

**F241** Ss. 205, 206 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 31, Sch. 8 Pt. 1](#) (with Sch. 7)

**206 Additional provision for certain assessments.**

**F242** .....

**Textual Amendments**

**F242** Ss. 205, 206 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 31, Sch. 8 Pt. 1](#) (with Sch. 7)

**[<sup>F243</sup>206 APAYE settlement agreements.**

**F244** .....]

**Textual Amendments**

**F243** S. 206A inserted (29.4.1996) by [Finance Act 1996 \(c. 8\), s. 110](#)  
**F244** S. 206A repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 32, Sch. 8 Pt. 1](#) (with Sch. 7)

**207 Disputes as to domicile or ordinary residence.**

**F245** .....

**Textual Amendments**

**F245** S. 207 repealed (6.4.2003 with effect in accordance with s. 723(1) of the repealing Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 32, Sch. 8 Pt. 1](#) (with Sch. 7)

**Status:**

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