

SCHEDULES

SCHEDULE 39

ENACTMENT OF CERTAIN INLAND REVENUE EXTRA-STATUTORY CONCESSIONS

PART I

INCOME TAX AND CORPORATION TAX

Contributions to overseas pension schemes

- 2 (1) Section 76 of the Finance Act 1989 (non-approved retirement benefits schemes) shall be amended as follows.
- (2) At the beginning of each of subsections (2), (3), (5) and (6), for “Expenses” there shall be substituted “Subject to subsection (6A) below, expenses”.
- (3) The following subsections shall be inserted after subsection (6):
- “(6A) Expenses to which subsection (6B) or (6C) below applies shall be treated as not falling within any of subsections (2), (3), (5) or (6) above.
- (6B) This subsection applies to expenses of paying any sum, or of providing benefits, pursuant to a superannuation fund which satisfies the requirements of section 615(6) of the Taxes Act 1988.
- (6C) This subsection applies to expenses of paying any sum, or of providing benefits, pursuant to a retirement benefits scheme which is established outside the United Kingdom and which the Board are satisfied corresponds to such a scheme as is mentioned in paragraphs (a), (b) or (c) of section 596(1) of the Taxes Act 1988, where the expenses are incurred for the benefit of:
- (a) employees whose emoluments are foreign emoluments within the meaning of section 192 of the Taxes Act 1988; or
- (b) employees who are not resident in the United Kingdom and whose duties are performed wholly outside the United Kingdom (and for this purpose duties performed in the United Kingdom the performance of which is merely incidental to the performance of other duties outside the United Kingdom shall be treated as performed outside the United Kingdom).”
- (4) The amendments made by this paragraph shall have effect in relation to expenses incurred on or after the day on which this Act is passed.