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# Income Tax (Earnings and Pensions) Act 2003

## CHAPTER 1

### INCOME TAX (EARNINGS AND PENSIONS) ACT 2003

#### PART 1

##### OVERVIEW

- 1 Overview of contents of this Act
- 2 Abbreviations and general index in Schedule 1

#### PART 2

##### EMPLOYMENT INCOME: CHARGE TO TAX

#### CHAPTER 1

##### INTRODUCTION

- 3 Structure of employment income Parts
- 4 “Employment” for the purposes of the employment income Parts
- 5 Application to offices and office-holders

#### CHAPTER 2

##### TAX ON EMPLOYMENT INCOME

- 6 Nature of charge to tax on employment income
- 7 Meaning of “employment income”, “general earnings” and “specific employment income”
- 8 Meaning of “exempt income”

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---

### CHAPTER 3

#### OPERATION OF TAX CHARGE

- 9 Amount of employment income charged to tax
- 10 Meaning of “taxable earnings” and “taxable specific income”
- 11 Calculation of “net taxable earnings”
- 12 Calculation of “net taxable specific income”
- 13 Person liable for tax

### CHAPTER 4

#### TAXABLE EARNINGS: UK RESIDENT EMPLOYEES

##### *Taxable earnings*

- 14 Taxable earnings under this Chapter: introduction

##### *UK resident employees*

- 15 Earnings for year when employee UK resident

##### *Year for which general earnings are earned*

- 16 Meaning of earnings “for” a tax year
- 17 Treatment of earnings for year in which employment not held

##### *When general earnings are received*

- 18 Receipt of money earnings
- 19 Receipt of non-money earnings

### CHAPTER 5

#### TAXABLE EARNINGS: REMITTANCE BASIS RULES AND RULES FOR NON-UK RESIDENT EMPLOYEES

##### *Taxable earnings*

- 20 Taxable earnings under this Chapter: introduction

##### *Remittance basis rules for employees outside section 26*

- 21 Earnings for year when employee resident and ordinarily resident, but not domiciled, in UK, except chargeable overseas earnings
- 22 Chargeable overseas earnings for year when remittance basis applies and employee outside section 26
- 23 Calculation of “chargeable overseas earnings”
- 24 Limit on chargeable overseas earnings where duties of associated employment performed in UK
- 24A Restrictions on remittance basis
- 24B Definitions of “C” and “I” for the purposes of section 24A(14)

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*Remittance basis rules: employees who meet section 26A requirement*

- 25 UK-based earnings for year when employee resident, but not ordinarily resident, in UK
- 26 Foreign earnings for year when remittance basis applies and employee meets section 26A requirement
- 26A Section 26: requirement for 3-year period of non-residence

*Employees not resident in UK*

- 27 UK-based earnings for year when employee not resident in UK

*Special class of earnings for purposes of sections 25 to 27*

- 28 Meaning of “general earnings from overseas Crown employment subject to UK tax”

*Year for which general earnings are earned*

- 29 Meaning of earnings “for” a tax year
- 30 Treatment of earnings for year in which employment not held

...

- 31 Receipt of money earnings
- 32 Receipt of non-money earnings
- 33 Earnings remitted to UK
- 34 Earnings remitted to UK: further provisions about UK-linked debts

*Relief for delayed remittances*

- 35 Relief for delayed remittances
- 36 Election in respect of delayed remittances
- 37 Claims for relief on delayed remittances

*Place of performance of duties of employment*

- 38 Earnings for period of absence from employment
- 39 Duties in UK merely incidental to duties outside UK
- 40 Duties on board vessel or aircraft
- 41 Employment in UK sector of continental shelf

*Apportionment of earnings*

- 41ZA Basis of apportionment

## CHAPTER 5A

### TAXABLE SPECIFIC INCOME: EFFECT OF REMITTANCE BASIS

- 41A Taxable specific income from employment-related securities: effect of remittance basis
- 41B Section 41A: the relevant period
- 41C Section 41A: foreign securities income
- 41D Limit on foreign securities income where duties of associated employment performed in UK
- 41E Foreign securities income: just and reasonable apportionment

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## CHAPTER 5B

### TAXABLE SPECIFIC INCOME FROM EMPLOYMENT-RELATED SECURITIES ETC: INTERNATIONALLY MOBILE EMPLOYEES

- 41F Taxable specific income: internationally mobile employees etc
- 41G Section 41F: the relevant period
- 41H Section 41F: chargeable and unchargeable foreign securities income
- 41I Limit on “chargeable foreign securities income” where duties of associated employment performed in UK
- 41J Location of employment duties
- 41K Securities income from overseas Crown employment
- 41L Chargeable and unchargeable foreign securities income: just and reasonable apportionment

## CHAPTER 6

### DISPUTES AS TO DOMICILE OR ORDINARY RESIDENCE

- 42 Commissioners to determine dispute as to domicile or ordinary residence
- 43 Appeal against Commissioners' decision on domicile or ordinary residence

## CHAPTER 7

### APPLICATION OF PROVISIONS TO AGENCY WORKERS

#### *Agency workers*

- 44 Treatment of workers supplied by agencies
- 45 Arrangements with agencies
- 46 Cases involving unincorporated bodies etc.

#### *Anti-avoidance*

- 46A Anti-avoidance

#### *Supplementary*

- 47 Interpretation of this Chapter

## CHAPTER 8

### APPLICATION OF PROVISIONS TO WORKERS UNDER ARRANGEMENTS MADE BY INTERMEDIARIES

#### *Application of this Chapter*

- 48 Scope of this Chapter
- 49 Engagements to which this Chapter applies
- 50 Worker treated as receiving earnings from employment
- 51 Conditions of liability where intermediary is a company
- 52 Conditions of liability where intermediary is a partnership
- 53 Conditions of liability where intermediary is an individual

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---

### *The deemed employment payment*

- 54 Calculation of deemed employment payment
- 55 Application of rules relating to earnings from employment
- 56 Application of Income Tax Acts in relation to deemed employment

### *Supplementary provisions*

- 57 Earlier date of deemed employment payment in certain cases
- 58 Relief in case of distributions by intermediary
- 59 Provisions applicable to multiple intermediaries
- 60 Meaning of “associate”
- 61 Interpretation

## **CHAPTER 9**

### MANAGED SERVICE COMPANIES

#### *Application of this Chapter*

- 61A Scope of this Chapter
- 61B Meaning of “managed service company”
- 61C Section 61B: supplementary

#### *The deemed employment payment*

- 61D Worker treated as receiving earnings from employment
- 61E Calculation of deemed employment payment
- 61F Sections 61D and 61E: application of rules relating to earnings from employment
- 61G Application of Income Tax Acts in relation to deemed employment

#### *Supplementary provisions*

- 61H Relief in case of distributions by managed service company
- 61I Meaning of “associate”
- 61J Interpretation of Chapter

## **CHAPTER 10**

### WORKERS' SERVICES PROVIDED TO PUBLIC SECTOR THROUGH INTERMEDIARIES

- 61K Scope of this Chapter
- 61L Meaning of “public authority”
- 61M Engagements to which Chapter applies
- 61N Worker treated as receiving earnings from employment
- 61O Conditions where intermediary is a company
- 61P Conditions where intermediary is a partnership
- 61Q Calculation of deemed direct payment
- 61R Application of Income Tax Acts in relation to deemed employment
- 61S Deductions from chain payments
- 61T Information to be provided by clients and consequences of failure
- 61U Information to be provided by worker and consequences of failure
- 61V Consequences of providing fraudulent information
- 61W Prevention of double charge to tax and allowance of certain deductions

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---

## 61X Interpretation

### PART 3

#### EMPLOYMENT INCOME: EARNINGS AND BENEFITS ETC. TREATED AS EARNINGS

#### CHAPTER 1

##### EARNINGS

## 62 Earnings

#### CHAPTER 2

#### TAXABLE BENEFITS: THE BENEFITS CODE

##### *The benefits code*

- 63 The benefits code
- 64 Relationship between earnings and benefits code
- 65 Dispensations relating to benefits within provisions not applicable to lower-paid employment

##### *General definitions for benefits code*

- 66 Meaning of “employment” and related expressions
- 67 Meaning of “director” and “full-time working director”
- 68 Meaning of “material interest” in a company
- 69 Extended meaning of “control”
- 69A Optional remuneration arrangements
- 69B Optional remuneration arrangements: supplementary

#### CHAPTER 3

#### TAXABLE BENEFITS: EXPENSES PAYMENTS

- 70 Sums in respect of expenses
- 71 Meaning of paid or put at disposal by reason of the employment
- 72 Sums in respect of expenses treated as earnings

#### CHAPTER 4

#### TAXABLE BENEFITS: VOUCHERS AND CREDIT-TOKENS

##### *Cash vouchers: introduction*

- 73 Cash vouchers to which this Chapter applies
- 74 Provision for, or receipt by, member of employee’s family

##### *Meaning of “cash voucher”*

- 75 Meaning of “cash voucher”
- 76 Sickness benefits-related voucher
- 77 Apportionment of cost of provision of voucher

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---

*Cash vouchers: exceptions*

- 78 Voucher made available to public generally
- 79 Voucher issued under approved scheme
- 80 Vouchers where payment of sums exempt from tax

*Benefit of cash voucher treated as earnings*

- 81 Benefit of cash voucher treated as earnings

*Non-cash vouchers: introduction*

- 82 Non-cash vouchers to which this Chapter applies
- 83 Provision for, or receipt by, member of employee's family

*Meaning of "non-cash voucher"*

- 84 Meaning of "non-cash voucher"

*Non-cash voucher: exceptions*

- 85 Non-cash voucher made available to public generally
- 86 Transport vouchers under pre-26th March 1982 arrangements

*Benefit of non-cash voucher treated as earnings*

- 87 Benefit of non-cash voucher treated as earnings
- 87A Benefit of non-cash voucher treated as earnings: optional remuneration arrangements
- 88 Year in which earnings treated as received
- 89 Reduction for meal vouchers

*Credit-tokens: introduction*

- 90 Credit-tokens to which this Chapter applies
- 91 Provision for, or use by, member of employee's family

*Meaning of "credit-token"*

- 92 Meaning of "credit-token"

*Credit-tokens: exception*

- 93 Credit-token made available to public generally

*Benefit of credit-token treated as earnings*

- 94 Benefit of credit-token treated as earnings
- 94A Benefit of credit-token treated as earnings: optional remuneration arrangements

*General supplementary provisions*

- 95 Disregard for money, goods or services obtained
- 96 Dispensations relating to vouchers or credit-tokens
- 96A Power to exempt use of non-cash vouchers or credit-tokens to obtain exempt benefits

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---

## CHAPTER 5

### TAXABLE BENEFITS: LIVING ACCOMMODATION

#### *Living accommodation*

- 97 Living accommodation to which this Chapter applies

#### *Exceptions*

- 98 Accommodation provided by local authority  
99 Accommodation provided for performance of duties  
100 Accommodation provided as result of security threat  
100A Homes outside UK owned through company etc  
100B Section 100A(1): exceptions  
101 Chevening House

#### *Benefit of living accommodation treated as earnings*

- 102 Benefit of living accommodation treated as earnings

#### *Calculation of cash equivalent*

- 103 Method of calculating cash equivalent  
103A Accommodation provided pursuant to optional remuneration arrangements: relevant amount  
104 General rule for calculating cost of providing accommodation

#### *Accommodation costing £75,000 or less*

- 105 Cash equivalent: cost of accommodation not over £75,000  
105A Lease premiums  
105B Lease premiums in the case of leases with break clauses

#### *Accommodation costing more than £75,000*

- 106 Cash equivalent: cost of accommodation over £75,000  
107 Special rule for calculating cost of providing accommodation

#### *Apportionment of cash equivalent*

- 108 Cash equivalent: accommodation provided for more than one employee

#### *Other tax implications*

- 109 Priority of this Chapter over Chapter 1 of this Part

#### *Supplementary*

- 110 Meaning of “annual value”  
111 Disputes as to annual value  
112 Meaning of “person involved in providing the accommodation”  
113 Meaning of “the property”

## CHAPTER 6

### TAXABLE BENEFITS: CARS, VANS AND RELATED BENEFITS



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### *General*

- 114 Cars, vans and related benefits
- 115 Meaning of “car” and “van”
- 116 Meaning of when car or van is available to employee
- 117 Meaning of car or van made available by reason of employment
- 118 Availability for private use
- 119 Where alternative to benefit of low emission car or van offered

### *Cars: benefit treated as earnings*

- 120 Benefit of car treated as earnings
- 120A Benefit of car treated as earnings: optional remuneration arrangements
- 121 Method of calculating the cash equivalent of the benefit of a car
- 121A Optional remuneration arrangements: method of calculating relevant amount
- 121B Meaning of “modified cash equivalent”

### *Cars: the price of a car*

- 122 The price of the car
- 123 The list price of a car
- 124 The notional price of a car with no list price
- 124A Automatic car for a disabled employee

### *Cars: treatment of accessories*

- 125 Meaning of “accessory” and related terms
- 125A Security features not to be regarded as accessories
- 126 Amounts taken into account in respect of accessories
- 127 The list price of an accessory
- 128 Accessory: published price of the car manufacturer etc.
- 129 Accessory: published price of the accessory manufacturer etc.
- 130 The notional price of an accessory
- 131 Replacement accessories

### *Cars: capital contributions by employee*

- 132 Capital contributions by employee
- 132A Capital contributions by employee: optional remuneration arrangements

### *Cars: the appropriate percentage*

- 133 How to determine the “appropriate percentage”
- 134 Meaning of car with or without a CO2 emissions figure

### *Cars: appropriate percentage: first registered on or after 1st January 1998*

- 135 Car with a CO2 emissions figure: pre-October 1999 registration
- 136 Car with a CO2 emissions figure: post-September 1999 registration
- 137 Car with a CO2 emissions figure: bi-fuel cars
- 138 Car with a CO2 emissions figure: automatic car for a disabled employee
- 139 Cars with a CO2 emissions figure: the appropriate percentage
- 140 Car without a CO2 emissions figure: the appropriate percentage
- 141 Diesel cars: the appropriate percentage

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*Cars: appropriate percentage: first registered before 1st January 1998*

142 Car first registered before 1st January 1998: the appropriate percentage

*Cars: unavailability or payments for private use*

143 Deduction for periods when car unavailable

144 Deduction for payments for private use

145 Modification of provisions where car temporarily replaced

*Cars: special cases*

146 Cars that run on road fuel gas

147 Classic cars: 15 years of age or more

147A Classic cars: optional remuneration arrangements

*Cars: reduction where shared car*

148 Reduction of cash equivalent where car is shared

*Car fuel: benefit treated as earnings*

149 Benefit of car fuel treated as earnings

149A Benefit of car fuel treated as earnings: optional remuneration arrangements

150 Car fuel: calculating the cash equivalent

151 Car fuel: nil cash equivalent

152 Car fuel: proportionate reduction of cash equivalent

153 Car fuel: reduction of cash equivalent

*Vans: benefit treated as earnings*

154 Benefit of van treated as earnings

154A Benefit of van treated as earnings: optional remuneration arrangements

155 Cash equivalent of the benefit of a van

*Vans: reductions of cash equivalent*

156 Meaning of “shared van”

*Reduction of cash equivalent where van is shared*

157 Reduction of cash equivalent where van is shared

*Reduction for payments for private use*

158 Reduction for payments for private use

158A Van provided pursuant to optional remuneration arrangements: private use

*Modification of provisions where van temporarily replaced*

159 Modification of provisions where van temporarily replaced

*Van fuel: benefit treated as earnings*

160 Benefit of van fuel treated as earnings

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- 160A Benefit of van fuel treated as earnings: optional remuneration arrangements
- 161 Van fuel: the cash equivalent
- 162 Van fuel: nil cash equivalent
- 163 Van fuel: proportionate reduction of cash equivalent
- 164 Van fuel: reduction of cash equivalent

*Cars and vans: exceptions*

- 167 Pooled cars
- 168 Pooled vans
- 169 Car available to more than one member of family or household employed by same employer
- 169A Van available to more than one member of family or household employed by same employer

*Orders*

- 170 Orders etc. relating to this Chapter

*Supplementary*

- 171 Minor definitions: general
- 172 Minor definitions: equipment to enable a disabled person to use a car

**CHAPTER 7**

TAXABLE BENEFITS: LOANS

*Introduction*

- 173 Loans to which this Chapter applies
- 173A Alternative finance arrangements
- 174 Employment-related loans

*Benefit of taxable cheap loan treated as earnings*

- 175 Benefit of taxable cheap loan treated as earnings
- 175A Optional remuneration arrangements: “relevant amount” and “modified cash equivalent”
- 176 Exception for loans on ordinary commercial terms
- 177 Exceptions for loans at fixed rate of interest
- 178 Exception for loans where interest qualifies for tax relief
- 179 Exception for certain advances for necessary expenses
- 180 Threshold for benefit of loan to be treated as earnings

*Calculation of amount of interest at official rate*

- 181 The official rate of interest
- 182 Normal method of calculation: averaging
- 183 Alternative method of calculation

*Supplementary provisions relating to taxable cheap loans*

- 184 Interest treated as paid
- 185 Apportionment of cash equivalent in case of joint loan etc.

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- 186 Replacement loans
- 187 Aggregation of loans by close company to director

*Loan released or written off*

- 188 Loan released or written off: amount treated as earnings
- 189 Exception where double charge

*General supplementary provisions*

- 190 Exclusion of charge after death of employee
- 191 Claim for relief to take account of event after assessment

## CHAPTER 8

### TAXABLE BENEFITS: NOTIONAL LOANS IN RESPECT OF ACQUISITIONS OF SHARES

*Introduction*

- 192 Application of this Chapter

*Acquisition of shares for less than market value*

- 193 Notional loan where acquisition for less than market value
- 194 The amount of the notional loan
- 195 Discharge of notional loan: amount treated as earnings

*Supplementary provisions*

- 196 Effects on other income tax charges
- 197 Minor definitions

## CHAPTER 9

### TAXABLE BENEFITS: DISPOSALS OF SHARES FOR MORE THAN MARKET VALUE

- 198 Shares to which this Chapter applies
- 199 Disposal for more than market value: amount treated as earnings
- 200 Minor definitions

## CHAPTER 10

### TAXABLE BENEFITS: RESIDUAL LIABILITY TO CHARGE

*Introduction*

- 201 Employment-related benefits
- 202 Excluded benefits

*Cash equivalent of benefit treated as earnings*

- 203 Cash equivalent of benefit treated as earnings
- 203A Employment-related benefit provided under optional remuneration arrangements

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### *Determination of the cost of the benefit*

- 204 Cost of the benefit: basic rule
- 205 Cost of the benefit: asset made available without transfer
- 205A Deduction for periods when asset unavailable for private use
- 205B Reduction of cost of taxable benefit where asset is shared
- 206 Cost of the benefit: transfer of used or depreciated asset

### *Supplementary provisions*

- 207 Meaning of “annual rental value”
- 208 Meaning of “market value”
- 209 Meaning of “persons providing benefit”
- 210 Power to exempt minor benefits

### *Special rules for scholarships*

- 211 Special rules for scholarships: introduction
- 212 Scholarships provided under arrangements entered into by employer or connected person
- 213 Exception for certain scholarships under trusts or schemes
- 214 Scholarships: cost of the benefit
- 215 Limitation of exemption for scholarship income in section 776(1) of ITTOIA 2005

## **CHAPTER 11**

### **TAXABLE BENEFITS: EXCLUSION OF LOWER-PAID EMPLOYMENTS FROM PARTS OF BENEFITS CODE**

#### *Introduction*

- 216 Provisions not applicable to lower-paid employments

#### *What is lower-paid employment*

- 217 Meaning of “lower-paid employment”
- 218 Calculation of earnings rate for a tax year
- 219 Extra amounts to be added in connection with a car

#### *Treatment of related employments*

- 220 Related employments

## **CHAPTER 12**

### **OTHER AMOUNTS TREATED AS EARNINGS**

#### *Payments*

- 221 Payments where employee absent because of sickness or disability
- 222 Payments by employer on account of tax where deduction not possible
- 223 Payments on account of director’s tax other than by the director
- 224 Payments to non-approved personal pension arrangements
- 225 Payments for restrictive undertakings
- 226 Valuable consideration given for restrictive undertakings

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---

### *Shares of employee shareholders*

- 226A Amount treated as earnings
- 226B Deemed payment for employee shareholder shares
- 226C Only one payment deemed to be made under associated agreements
- 226D Shareholder or connected person having material interest in company

### *Sporting testimonial payments*

- 226E Sporting testimonial payments

## **PART 4**

### EMPLOYMENT INCOME: EXEMPTIONS

#### **CHAPTER 1**

##### EXEMPTIONS: GENERAL

- 227 Scope of Part 4
- 228 Effect of exemptions on liability under provisions outside Part 2
- 228A General exclusion from exemptions: optional remuneration arrangements

#### **CHAPTER 2**

##### EXEMPTIONS: MILEAGE ALLOWANCES AND PASSENGER PAYMENTS

### *Mileage allowances*

- 229 Mileage allowance payments
- 230 The approved amount for mileage allowance payments
- 231 Mileage allowance relief
- 232 Giving effect to mileage allowance relief

### *Passenger payments*

- 233 Passenger payments
- 234 The approved amount for passenger payments

### *Supplementary*

- 235 Vehicles to which this Chapter applies
- 235A Journeys made by members of local authorities etc
- 236 Interpretation of this Chapter

#### **CHAPTER 3**

##### EXEMPTIONS: OTHER TRANSPORT, TRAVEL AND SUBSISTENCE

- 237 Parking provision and expenses
- 238 Modest private use of heavy goods vehicles
- 239 Payments and benefits connected with taxable cars and vans and exempt heavy goods vehicles
- 240 Incidental overnight expenses and benefits
- 241 Incidental overnight expenses and benefits: overall exemption limit

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- 241A Travel by unpaid directors of not-for-profit companies
- 241B Travel where directorship held as part of trade or profession
- 242 Works transport services
- 243 Support for public bus services
- 244 Cycles and cyclist's safety equipment
- 245 Travelling and subsistence during public transport strikes
- 246 Transport between work and home for disabled employees: general
- 247 Provision of cars for disabled employees
- 248 Transport home: late night working and failure of car-sharing arrangements
- 248A Emergency vehicles
- 249 Interpretation of this Chapter

## CHAPTER 4

### EXEMPTIONS: EDUCATION AND TRAINING

#### *Work-related training*

- 250 Exemption of work-related training provision
- 251 Meaning of "work-related training"
- 252 Exception for non-deductible travel expenses
- 253 Exception where provision for excluded purposes
- 254 Exception where unrelated assets are provided

#### *Individual learning account training*

- 255 Exemption for contributions to individual learning account training
- 256 Meaning of "individual learning account training"
- 257 Exception for non-deductible travel expenses
- 258 Exception where provision for excluded purposes
- 259 Exception where unrelated assets are provided
- 260 Exception where training not generally available to staff

## CHAPTER 5

### EXEMPTIONS: RECREATIONAL BENEFITS

#### *Recreational facilities*

- 261 Exemption of recreational benefits
- 262 Benefits not exempted by section 261
- 263 Power to alter benefits to which section 261 applies

#### *Annual parties and functions*

- 264 Annual parties and functions

#### *Entertainment*

- 265 Third party entertainment

## CHAPTER 6

### EXEMPTIONS: NON-CASH VOUCHERS AND CREDIT-TOKENS

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*General exemptions: use for exempt benefits*

- 266 Exemption of non-cash vouchers for exempt benefits
- 267 Exemption of credit-tokens used for exempt benefits

*Exemptions for particular non-cash vouchers and credit-tokens*

- 268 Exemption of vouchers and tokens for incidental overnight expenses
- 269 Exemption where benefits or money obtained in connection with taxable car or van or exempt heavy goods vehicle
- 270 Exemption for small gifts of vouchers and tokens from third parties
- 270A Limited exemption for qualifying childcare vouchers
- 270AA Meaning of “eligible employee”
- 270B Meaning of “relevant earnings amount” and “required time”

## CHAPTER 7

### EXEMPTIONS: REMOVAL BENEFITS AND EXPENSES

*Exemption of removal benefits and expenses: general*

- 271 Limited exemption of removal benefits and expenses: general
- 272 Removal benefits and expenses to which section 271 applies
- 273 Conditions applicable to change of residence
- 274 Meaning of “the limitation day”
- 275 Meaning of “the employment change”
- 276 Meaning of “residence”, “former residence” and “new residence” etc.

*Benefits and expenses within this Chapter*

- 277 Acquisition benefits and expenses
- 278 Abortive acquisition benefits and expenses
- 279 Disposal benefits and expenses
- 280 Transporting belongings
- 281 Travelling and subsistence
- 282 Exclusion from section 281 of benefits and expenses where deduction allowed
- 283 Exclusion from section 281 of taxable car and van facilities
- 284 Bridging loan expenses
- 285 Replacement of domestic goods
- 286 Power to amend sections 277 to 285

*Limit on exemption*

- 287 Limit on exemption

*Special exemption and relief for bridging loans*

- 288 Limited exemption of certain bridging loans connected with employment moves
- 289 Relief for certain bridging loans not qualifying for exemption under section 288



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## CHAPTER 7A

### EXEMPTIONS: AMOUNTS WHICH WOULD OTHERWISE BE DEDUCTIBLE

- 289A Exemption for paid or reimbursed expenses
- 289B Approval to pay or reimburse expenses at a flat rate
- 289C Revocation of approvals
- 289D Exemption for other benefits
- 289E Anti-avoidance

## CHAPTER 8

### EXEMPTIONS: SPECIAL KINDS OF EMPLOYEES

#### *Ministers of religion*

- 290 Accommodation benefits of ministers of religion
- 290A Accommodation outgoings of lower-paid ministers of religion
- 290B Allowances paid to lower-paid ministers of religion in respect of accommodation outgoings
- 290C Provisions of benefits code not applicable to lower-paid ministers of religion
- 290D Meaning of “lower-paid employment as a minister of religion”
- 290E Calculation of earnings rate for a tax year
- 290F Extra amounts to be added in connection with a car
- 290G Related employments

#### *MPs, government ministers etc.*

- 291 Termination payments to MPs and others ceasing to hold office
- 292 Accommodation expenses of MPs
- 293 Overnight expenses of other elected representatives
- 293A UK travel and subsistence expenses of MPs
- 293B UK travel expenses of other elected representatives
- 294 European travel expenses of MPs and other representatives
- 295 Transport and subsistence for Government ministers etc.

#### *Members of local authorities etc*

- 295A Travel expenses of members of local authorities etc

#### *Armed forces*

- 296 Armed forces' leave travel facilities
- 297 Armed forces' food, drink and mess allowances
- 297A Armed forces: the Operational Allowance
- 297B Armed forces: the Council Tax Relief
- 297C Armed forces: Continuity of Education Allowance
- 298 Reserve and auxiliary forces' training allowances

#### *Crown employees*

- 299 Crown employees' foreign service allowances

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*Consuls, foreign agents etc.*

- 300 Consuls
- 301 Official agents
- 302 Consular employees

*Visiting forces and staff of designated allied headquarters*

- 303 Visiting forces etc

*Detached national experts*

- 304 Experts seconded to European Commission
- 304A Experts seconded to other European Union bodies

*Offshore oil and gas workers*

- 305 Offshore oil and gas workers: mainland transfers

*Miners etc.*

- 306 Miners etc: coal and allowances in lieu of coal

*Carers*

- 306A Carers: board and lodging

*Professional sportspersons*

- 306B Limited exemption for sporting testimonial payments

## CHAPTER 9

### EXEMPTIONS: PENSION PROVISION

- 307 Death or retirement benefit provision
- 308 Exemption of contributions to registered pension scheme
- 308A Exemption of contributions to overseas pension scheme
- 308B Independent advice in respect of conversions and transfers of pension scheme benefits
- 308C Provision of pensions advice: limited exemption

## CHAPTER 10

### EXEMPTIONS: TERMINATION OF EMPLOYMENT

*Redundancy payments*

- 309 Limited exemptions for statutory redundancy payments

*Outplacement benefits*

- 310 Counselling and other outplacement services
- 311 Retraining courses
- 312 Recovery of tax

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## CHAPTER 10A

### EXEMPTIONS: BONUS PAYMENTS BY CERTAIN EMPLOYERS

- 312A Limited exemption for qualifying bonus payments
- 312B “Qualifying bonus payments”
- 312C Section 312B: the participation and equality requirements
- 312D Section 312B: the trading requirement
- 312E Section 312B: the indirect employee-ownership requirement
- 312F Section 312B: the office-holder requirement
- 312G “Service company”
- 312H Excluded payments
- 312I Interpretation of Chapter 10A

## CHAPTER 11

### MISCELLANEOUS EXEMPTIONS

#### *Living accommodation*

- 313 Repairs and alterations to living accommodation
- 314 Council tax etc. paid for certain living accommodation
- 315 Limited exemption for expenses connected with certain living accommodation

#### *Work accommodation, supplies etc.*

- 316 Accommodation, supplies and services used in employment duties
- 316A Homeworker’s additional household expenses

#### *Workplace meals*

- 317 Subsidised meals

#### *Childcare*

- 318 Childcare: exemption for employer-provided care
- 318A Childcare: limited exemption for other care
- 318AZA Meaning of “eligible employee”
- 318AA Meaning of “relevant earnings amount” and “required time”
- 318B Childcare: meaning of “care”, “child” and “parental responsibility”
- 318C Childcare: meaning of “qualifying child care”
- 318D Childcare: power to vary amounts which are the exempt amount and qualifying conditions

#### *Telephones and computer equipment*

- 319 Mobile telephones
- 320 Limited exemption for computer equipment

#### *Eye tests and special corrective appliances*

- 320A Eye tests and special corrective appliances

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### *Health-screening and medical check-ups*

320B Health-screening and medical check-ups

### *Recommended medical treatment*

320C Recommended medical treatment

### *Awards and gifts*

- 321 Suggestion awards
- 322 Suggestion awards: “the permitted maximum”
- 323 Long service awards
- 323A Trivial benefits provided by employers
- 323B Section 323A: calculation of available exempt amount
- 323C Power to amend sections 323A and 323B
- 324 Small gifts from third parties

### *Overseas medical treatment*

- 325 Overseas medical treatment
- 325A Health and employment insurance payments

### *Expenses incidental to sale etc. of asset*

- 326 Expenses incidental to transfer of a kind not normally met by transferor

### *Monitoring schemes*

- 326A Fees relating to monitoring schemes relating to vulnerable persons

### *Employee shareholder agreements*

- 326B Advice relating to proposed employee shareholder agreements

## **PART 5**

### EMPLOYMENT INCOME: DEDUCTIONS ALLOWED FROM EARNINGS

## **CHAPTER 1**

### DEDUCTIONS ALLOWED FROM EARNINGS: GENERAL RULES

#### *Introduction*

- 327 Deductions from earnings: general

#### *General rules*

- 328 The income from which deductions may be made
- 329 Deductions from earnings not to exceed earnings
- 330 Prevention of double deductions
- 331 Order for making deductions
- 332 Meaning of “the deductibility provisions”

## **CHAPTER 2**

### DEDUCTIONS FOR EMPLOYEE’S EXPENSES

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### *Introduction*

- 333 Scope of this Chapter: expenses paid by the employee
- 334 Effect of reimbursement etc.
- 335 Application of deductions provisions: “earnings charged on receipt” and “earnings charged on remittance”

### *General rule for deduction of employee’s expenses*

- 336 Deductions for expenses: the general rule

### *Travel expenses*

- 337 Travel in performance of duties
- 338 Travel for necessary attendance
- 339 Meaning of “workplace” and “permanent workplace”
- 339A Travel for necessary attendance: employment intermediaries
- 340 Travel between group employments
- 340A Travel between linked employments
- 341 Travel at start or finish of overseas employment
- 342 Travel between employments where duties performed abroad

### *Fees and subscriptions*

- 343 Deduction for professional membership fees
- 344 Deduction for annual subscriptions
- 345 Decisions of an officer of Revenue and Customs under section 344

### *Employee liabilities and indemnity insurance*

- 346 Deduction for employee liabilities and expenses
- 347 Payments made after leaving the employment
- 348 Liabilities related to the employment
- 349 Meaning of “qualifying insurance contract”
- 350 Connected contracts

### *Expenses of ministers of religion*

- 351 Expenses of ministers of religion

### *Agency fees paid by entertainers*

- 352 Limited deduction for agency fees paid by entertainers

### *Special rules for earnings with a foreign element*

- 353 Deductions from earnings charged on remittance
- 354 Disallowance of expenses relating to earnings taxed on different basis or untaxed
- 355 Deductions for corresponding payments by non-domiciled employees with foreign employers

### *Disallowance of business entertainment and gifts expenses*

- 356 Disallowance of business entertainment and gifts expenses
- 357 Business entertainment and gifts: exception where employer’s expenses disallowed

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358 Business entertainment and gifts: other exceptions

*Other rules preventing deductions of particular kinds*

359 Disallowance of travel expenses: mileage allowances and reliefs  
360 Disallowance of certain accommodation expenses of MPs and other representatives  
360A Social security contributions

### CHAPTER 3

#### DEDUCTIONS FROM BENEFITS CODE EARNINGS

*Introduction*

361 Scope of this Chapter: cost of benefits deductible as if paid by employee

*Deductions where amounts treated as earnings under the benefits code*

362 Deductions where non-cash voucher provided  
363 Deductions where credit-token provided  
364 Deductions where living accommodation provided  
365 Deductions where certain employment-related benefits provided

### CHAPTER 4

#### FIXED ALLOWANCES FOR EMPLOYEE'S EXPENSES

*Introduction*

366 Scope of this Chapter: amounts fixed by Treasury

*Fixed sum deductions*

367 Fixed sum deductions for repairing and maintaining work equipment  
368 Fixed sum deductions from earnings payable out of public revenue

### CHAPTER 5

#### DEDUCTIONS FOR EARNINGS REPRESENTING BENEFITS OR REIMBURSED EXPENSES

*Introduction*

369 Scope of this Chapter: earnings representing benefits or reimbursed expenses

*Travel costs and expenses where duties performed abroad*

370 Travel costs and expenses where duties performed abroad: employee's travel  
371 Travel costs and expenses where duties performed abroad: visiting spouse's, civil partner's or child's travel  
372 Where seafarers' duties are performed

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*Travel costs and expenses of non-domiciled employees where duties performed in UK*

- 373 Non-domiciled employee's travel costs and expenses where duties performed in UK
- 374 Non-domiciled employee's spouse's , civil partner's or child's travel costs and expenses where duties performed in UK
- 375 Meaning of "qualifying arrival date"

*Foreign accommodation and subsistence costs and expenses*

- 376 Foreign accommodation and subsistence costs and expenses (overseas employments)

*Personal security assets and services*

- 377 Costs and expenses in respect of personal security assets and services

**CHAPTER 6**

DEDUCTIONS FROM SEAFARERS' EARNINGS

- 378 Deduction from seafarers' earnings: eligibility
- 379 Calculating the deduction
- 380 Limit on deduction where UK duties etc. make amount unreasonable
- 381 Taking account of other deductions
- 382 Duties on board ship
- 383 Place of performance of incidental duties
- 384 Meaning of employment "as a seafarer"
- 385 Meaning of "ship"

**PART 6**

EMPLOYMENT INCOME: INCOME WHICH IS NOT EARNINGS OR SHARE-RELATED

**CHAPTER 1**

PAYMENTS TO NON-APPROVED PENSION SCHEMES

- 386 Charge on payments to non-approved retirement benefits schemes
- 387 Meaning of "non-approved retirement benefits scheme"
- 388 Apportionment of payments in respect of more than one employee
- 389 Exception: employments where earnings charged on remittance
- 390 Exception: non-domiciled employees with foreign employers
- 391 Exception: seafarers with overseas earnings
- 392 Relief where no benefits are paid or payable

**CHAPTER 2**

BENEFITS FROM EMPLOYER-FINANCED RETIREMENT BENEFITS

*Benefits treated as employment income*

- 393 Application of this Chapter
- 393A Employer-financed retirement benefits scheme
- 393B Relevant benefits
- 394 Charge on benefit to which this Chapter applies

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- 394A Temporary non-residents
- 395 Reduction where employee has contributed
- 395A Benefits under old section 222 schemes not taxed by virtue of section 394
- 395B Exemption or reduction for foreign service
- 395C Meaning of “foreign service” in section 395B
- 396 Certain lump sums not taxed by virtue of section 394
- 397 Certain lump sums: calculation of amount taxed by virtue of section 394

*Valuation of benefits etc.*

- 398 Valuation of benefits
- 399 Employment-related loans: interest treated as paid

*Interpretation*

- 399A Responsible person
- 400 Interpretation

**CHAPTER 3**

PAYMENTS AND BENEFITS ON TERMINATION OF EMPLOYMENT ETC.

*Preliminary*

- 401 Application of this Chapter
- 402 Meaning of “benefit”

*Payments and benefits treated as employment income*

- 402A Split of payments and other benefits between sections 402B and 403
- 402B Termination awards not benefiting from threshold to be treated as earnings
- 402C The termination awards to which section 402B applies
- 402D “Post-employment notice pay”
- 402E Meaning of “trigger date” and “post-employment notice period” in section 402D
- 403 Charge on payment or other benefit where threshold applies
- 404 How the £30,000 threshold applies
- 404A Amounts charged to be treated as highest part of total income
- 404B Power to vary threshold

*Exceptions and reductions*

- 405 Exception for certain payments exempted when received as earnings
- 406 Exception for death or disability payments and benefits
- 407 Exception for payments and benefits under tax-exempt pension schemes
- 408 Exception for contributions to registered pension schemes
- 409 Exception for payments and benefits in respect of certain legal expenses etc and indemnity insurance
- 410 Exception for payments and benefits in respect of certain legal expenses etc and indemnity insurance: individual deceased
- 411 Exception for payments and benefits for forces
- 412 Exception for payments and benefits provided by foreign governments etc.



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- 413 Exception in certain cases of foreign service
- 413A Exception for payment of certain legal costs
- 414 Reduction in other cases of foreign service
- 414A Exception for payments and benefits under section 615(3) schemes

*General and supplementary provisions*

- 415 Valuation of benefits
- 416 Notional interest treated as paid if amount charged for beneficial loan

**PART 7**

EMPLOYMENT INCOME: INCOME AND EXEMPTIONS RELATING TO SECURITIES

**CHAPTER 1**

INTRODUCTION

*General*

- 417 Scope of Part 7
- 418 Other related provisions
- 419 Negative amounts treated as nil

*Interpretation of Chapters 1 to 5*

- 420 Meaning of “securities” etc
- 421 Meaning of “market value” etc
- 421A Meaning of “consideration”

*Application of Chapters 2 to 4A*

- 421B Application of Chapters 2 to 4A
- 421C Associated persons
- 421D Replacement and additional securities and changes in interests
- 421E Exclusions: residence etc
- 421F Exclusions: public offers
- 421G Exclusions: approved plan or scheme securities
- 421H Meaning of “employee-controlled” etc
- 421I Consideration for acquisition of employment-related securities

*Information*

- 421J Duty to provide information
- 421JA Annual returns
- 421JB Returns to be given electronically
- 421JC Penalties for late returns
- 421JD Penalty if information not given correctly
- 421JE Assessment of penalties
- 421JF Appeals
- 421K Reportable events
- 421L Persons to whom section 421J applies

**CHAPTER 2**

RESTRICTED SECURITIES

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### *Introduction*

- 422 Application of this Chapter
- 423 “Restricted securities” and “restricted interest in securities”
- 424 Exceptions

### *Tax exemption on acquisition*

- 425 No charge in respect of acquisition in certain cases

### *Tax charge on post-acquisition chargeable events*

- 426 Charge on occurrence of chargeable event
- 427 Chargeable events
- 428 Amount of charge
- 428A Relief for secondary Class 1 contributions met by employee
- 429 Case outside charge under section 426
- 430 Election for outstanding restrictions to be ignored
- 430A Application of this Chapter where securities exchanged for further securities
- 431 Election for full or partial disapplication of this Chapter
- 431A Shares under tax advantaged plan or scheme
- 431B Securities acquired for purpose of avoidance
- 432 Definitions

## **CHAPTER 3**

### CONVERTIBLE SECURITIES

#### *Introduction*

- 435 Application of this Chapter
- 436 “Convertible securities”

#### *Tax relief on acquisition*

- 437 Adjustment of charge

#### *Tax charge on post-acquisition chargeable events*

- 438 Charge on occurrence of chargeable event
- 439 Chargeable events
- 440 Amount of charge
- 441 Amount of gain realised on occurrence of chargeable event
- 442 Amount of consideration given for entitlement to convert
- 442A Relief for secondary Class 1 contributions met by employee
- 443 Case outside charge under section 438

#### *Supplementary*

- 444 Definitions

## **CHAPTER 3A**

### SECURITIES WITH ARTIFICIALLY DEPRESSED MARKET VALUE

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### *Introduction*

446A Application of this Chapter

#### *Tax charge on acquisition*

446B Charge on acquisition  
446C Amount of charge  
446D Restricted securities and convertible securities

#### *Other tax charges*

446E Charge on restricted securities  
446F Adjustment of market value: conditional interests  
446G Adjustment of market value: consideration for entitlement to convert  
446H Adjustment of market value: charge on conversion  
446I Adjustment of consideration or benefit received  
446IA Disapplication of exceptions from charges

#### *Supplementary*

446J Definitions

## **CHAPTER 3B**

### SECURITIES WITH ARTIFICIALLY ENHANCED MARKET VALUE

#### *Introduction*

446K Application of this Chapter

#### *Charge on non-commercial increases*

446L Charge on non-commercial increases  
446M Securities subject to restriction on valuation date  
446N Securities subject to restriction during relevant period  
446NA Disapplication of exceptions from charges

#### *Supplementary*

446O “Relevant period” and “valuation date”  
446P Definitions

## **CHAPTER 3C**

### SECURITIES ACQUIRED FOR LESS THAN MARKET VALUE

446Q Application of this Chapter  
446R Case outside this Chapter  
446S Notional loan  
446T Amount of notional loan  
446U Discharge of notional loan  
446UA Pre-acquisition avoidance cases  
446V Chapter to be additional to other income tax charges  
446W Definitions

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### CHAPTER 3D

#### SECURITIES DISPOSED OF FOR MORE THAN MARKET VALUE

- 446X Application of this Chapter
- 446Y Amount treated as income
- 446Z Definitions

### CHAPTER 4

#### POST-ACQUISITION BENEFITS FROM SECURITIES

- 447 Charge on other chargeable benefits from securities
- 448 Amount of charge
- 449 Case outside this Chapter
- 450 Definitions

##### *Tax charge where restrictions or rights varied*

- 451 Amount of charge
- 452 Cases outside charge under section 449

##### *Tax charge on increase in value of shares of dependent subsidiaries*

- 453 Charge on increase in value of shares of dependent subsidiary
- 454 Chargeable increases
- 455 Amount of charge
- 456 Cases outside charge under section 453

##### *Tax charge on other benefits from shares*

- 457 Charge on other chargeable benefits from shares
- 458 Chargeable benefits
- 459 Amount of charge
- 460 Cases outside charge under section 457

##### *Supplementary provisions*

- 461 Related acquisitions of additional shares
- 462 Company reorganisations etc.
- 463 Disposals of shares to connected persons etc. ignored
- 464 Application to interests in shares
- 465 Duty to notify acquisitions of shares or interests in shares
- 466 Duty to notify chargeable events and chargeable benefits

##### *Interpretation*

- 467 Meaning of “dependent subsidiary”
- 468 Meaning of “employee-controlled”
- 469 Shares “held by outside shareholders”
- 470 Minor definitions

### CHAPTER 4A

#### SHARES IN RESEARCH INSTITUTION SPIN-OUT COMPANIES

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### *Introduction*

451 Application of this Chapter

#### *Tax relief on acquisition*

452 Market value on acquisition

#### *Tax relief following acquisition*

453 Taxable amount under Chapter 4

#### *Disapplication of Chapters 2 and 3B*

454 Deemed election for disapplication of Chapter 2

455 Disapplication of Chapter 3B

### *Supplementary*

456 Meaning of “intellectual property” and “transfer”

457 Meaning of “research institution”

458 Meaning of “involved in research”

459 Transfer of intellectual property by controlled company

460 Definitions

## **CHAPTER 5**

### **SECURITIES OPTIONS**

#### *Introduction*

471 Options to which this Chapter applies

472 Associated persons

473 Introduction to taxation of securities options

474 Cases where this Chapter does not apply

#### *Tax relief on acquisition of option*

475 No charge in respect of acquisition of option

#### *Tax charge on post-acquisition chargeable events*

476 Charge on occurrence of chargeable event

477 Chargeable events

478 Amount of charge

479 Amount of gain realised on occurrence of chargeable event

480 Deductible amounts

481 Relief for secondary Class 1 contributions met by employee

482 Relief for special contribution met by employee

#### *Supplementary provisions*

483 Application of this Chapter where option exchanged for another

484 Definitions

#### *Supplementary provisions*

485 Application of this Chapter where share option exchanged for another

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- 486 Duty to notify matters relating to share options
- 487 Minor definitions

## CHAPTER 6

### APPROVED SHARE INCENTIVE PLANS

#### *Introduction*

- 488 ... Share incentive plans (SIPs)

#### *Scope of tax advantages*

- 489 Operation of tax advantages in connection with Schedule 2 SIP

#### *Tax advantages connected with award of shares*

- 490 No charge on award or acquisition of shares: general
- 491 No charge on award of shares as taxable benefit
- 492 No charge on partnership share money deducted from salary
- 493 No charge on acquisition of dividend shares

#### *Tax advantages connected with holding of shares*

- 494 No charge on removal of restrictions applying to shares
- 495 No charge on increase in value of shares of dependent subsidiary
- 496 No charge on cash dividend retained for reinvestment

#### *Tax advantages connected with shares ceasing to be subject to plan*

- 497 Limitations on charges on shares ceasing to be subject to plan
- 498 No charge on shares ceasing to be subject to plan in certain circumstances

#### *Tax advantages: supplementary*

- 499 No charge in respect of incidental expenditure

#### *Scope of tax charges*

- 500 Operation of tax charges in connection with Schedule 2 SIP

#### *Charges connected with holding of shares*

- 501 Charge on capital receipts in respect of plan shares
- 502 Meaning of “capital receipt” in section 501
- 503 Charge on partnership share money paid over to employee
- 504 Charge on cancellation payments in respect of partnership share agreement

#### *Charges connected with shares ceasing to be subject to plan*

- 505 Charge on free or matching shares ceasing to be subject to plan
- 506 Charge on partnership shares ceasing to be subject to plan
- 507 Charge on disposal of beneficial interest during holding period
- 508 Identification of shares ceasing to be subject to plan

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### *PAYE*

- 509 Modification of section 696 where charge on shares ceasing to be subject to plan
- 510 Payments by trustees to employer company on shares ceasing to be subject to plan
- 511 PAYE deductions to be made by trustees on shares ceasing to be subject to plan
- 512 Disposal of beneficial interest by participant
- 513 Capital receipts: payments by trustees to employer company
- 514 Capital receipts: PAYE deductions to be made by trustees

### *Other tax consequences*

- 515 Tax advantages and charges under other Acts

## **CHAPTER 7**

### APPROVED SAYE OPTION SCHEMES

#### *Introduction*

- 516 ... SAYE option schemes
- 517 Share options to which this Chapter applies

#### *Tax advantages*

- 518 No charge in respect of receipt of option
- 519 No charge in respect of exercise of option
- 520 No charge in respect of post-acquisition benefits

## **CHAPTER 8**

### APPROVED CSOP SCHEMES

#### *Introduction*

- 521 ... CSOP schemes
- 522 Share options to which this Chapter applies

#### *Tax advantages*

- 523 No charge in respect of receipt of option
- 524 No charge in respect of receipt of option
- 525 No charge in respect of post-acquisition benefits

#### *Tax charge*

- 526 Charge where option granted at a discount

## **CHAPTER 9**

### ENTERPRISE MANAGEMENT INCENTIVES

#### *Introduction*

- 527 Enterprise management incentives: qualifying options

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*Tax advantages: receipt of option*

528 No charge on receipt of qualifying option

*Tax advantages: exercise of option*

529 Scope of tax advantages: option must be exercised within 10 years

530 No charge on exercise of option to acquire shares at market value

531 Limitation of charge on exercise of option to acquire shares below market value

*Tax advantages where disqualifying events*

532 Modified tax consequences following disqualifying events

533 Disqualifying events

534 Disqualifying events relating to relevant company

535 Disqualifying events relating to employee

536 Other disqualifying events

537 Alterations of share capital for purposes of section 536

538 Share conversions excluded for purposes of section 536

539 CSOP and other options relevant for purposes of section 536

*Tax advantages: taxable benefits*

540 No charge on acquisition of shares as taxable benefit

*Other income tax consequences*

541 Effects on other income tax charges

## CHAPTER 10

### PRIORITY SHARE ALLOCATIONS

*Exemption where offer made to both public and employees*

542 Exemption: offer made to public and employees

543 Discount not covered by exemption in section 542

*Exemption where different offers made to public and employees*

544 Exemption: different offers made to public and employees

545 Discount not covered by exemption in section 544

*Supplementary provisions*

546 Meaning of being entitled “on similar terms”

547 Meaning and amount or value of “registrant discount”

548 Minor definitions

## CHAPTER 11

### SUPPLEMENTARY PROVISIONS ABOUT EMPLOYEE BENEFIT TRUSTS

*Introduction*

549 Application of this Chapter



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### *Employee benefit trusts*

- 550 Meaning of “employee benefit trust”
- 551 “Qualifying disposals” for purposes of section 550

### *Attribution of interests in company*

- 552 Attribution of interest in company to beneficiary or associate
- 553 Meaning of “appropriate percentage” for purposes of section 552
- 554 Attribution of further interest in company

## **PART 7A**

### EMPLOYMENT INCOME PROVIDED THROUGH THIRD PARTIES

## **CHAPTER 1**

### APPLICATION ETC

#### *Application*

- 554A Application of Chapter 2

#### *Relevant steps*

- 554B Relevant steps: earmarking etc of sum of money or asset
- 554C Relevant steps: payment of sum, transfer of asset etc
- 554D Relevant steps: making asset available

#### *Exclusions*

- 554E Exclusions: steps under certain schemes etc
- 554F Exclusions: commercial transactions
- 554G Exclusions: transactions under employee benefit packages
- 554H Exclusions: earmarking of deferred remuneration
- 554I Exclusions: introduction to sections 554J to 554M
- 554J Exclusions: earmarking for employee share schemes (1)
- 554K Exclusions: earmarking for employee share schemes (2)
- 554L Exclusions: earmarking for employee share schemes (3)
- 554M Exclusions: earmarking for employee share schemes (4)
- 554N Exclusions: other cases involving employment-related securities etc
- 554O Exclusions: employee car ownership schemes
- 554OA Exclusions: transfer of employment-related loans
- 554P Exclusions: employment income exemptions under Part 4
- 554Q Exclusions: income arising from earmarked sum or asset
- 554R Exclusions: acquisitions out of sums or assets
- 554RA Exclusions: relevant repayments
- 554S Exclusions: pension income chargeable under Part 9 etc
- 554T Exclusions: employee pension contributions
- 554U Exclusions: pre-6 April 2006 contributions to employer-financed retirement benefit schemes
- 554V Exclusions: purchases of annuities out of pension scheme rights
- 554W Exclusions: certain retirement benefits etc
- 554X Exclusions: transfers between certain foreign pension schemes
- 554XA Exclusions: payments in respect of a tax liability
- 554Y Power to exclude other relevant steps

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### *Interpretation*

- 554Z Interpretation: general
- 554Z1 Interpretation: persons linked with A

## **CHAPTER 2**

### TREATMENT OF RELEVANT STEP FOR INCOME TAX PURPOSES

#### *Employment income*

- 554Z2 Value of relevant step to count as employment income
- 554Z3 Value of relevant step
- 554Z4 Residence issues
- 554Z4A Temporary non-residents
- 554Z5 Overlap with money or asset subject to earlier tax liability
- 554Z6 Overlap with certain earnings
- 554Z7 Exercise price of share options
- 554Z8 Cases where consideration given for relevant step

#### *Remittance basis*

- 554Z9 Remittance basis: A does not meet section 26A requirement
- 554Z10 Remittance basis: A meets section 26A requirement
- 554Z11 Remittance basis: supplementary
- 554Z11A Temporary non-residents

#### *Double taxation: earlier income tax liability*

- 554Z11B Earlier income tax liability: application of section 554Z11C
- 554Z11C Earlier income tax liability: treatment of payments
- 554Z11D Earlier income tax liability: provisional payments of tax
- 554Z11E Application for provisional payments to be treated as payment of tax
- 554Z11F Provisional payments of tax: further provision
- 554Z11G Earlier income tax liability: supplementary provision

#### *Supplementary*

- 554Z12 Relevant step taken after A's death etc
- 554Z13 Subsequent income tax liability
- 554Z14 Relief where earmarking not followed by further relevant step
- 554Z15 Location of employment duties

## **CHAPTER 3**

### UNDERTAKINGS GIVEN BY EMPLOYERS ETC IN RELATION TO RETIREMENT BENEFITS ETC

- 554Z16 Application etc
- 554Z17 Employer etc to be treated as relevant third person etc
- 554Z18 Earmarking etc
- 554Z19 Provision of security
- 554Z20 Valuation of step within section 554Z19
- 554Z21 Relief for earmarking or security not followed by contribution or relevant benefit

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## **PART 8**

### FORMER EMPLOYEES: DEDUCTIONS FOR LIABILITIES

#### *Deductions in calculating net income*

- 555 Former employee entitled to deduction in calculating net income
- 556 Deductible payments made outside the time limits allowed
- 556A Deductible payments made pursuant to tax avoidance arrangements
- 557 Deductible payments wholly or partly borne by the former employer etc.

#### *Interpretation*

- 558 Meaning of “deductible payment”
- 559 Liabilities related to the former employment
- 560 Meaning of “qualifying insurance contract”
- 561 Connected contracts
- 562 Meaning of “former employee” and “employment”
- 563 Other interpretation
- 564 Application of this Part to office-holders

## **PART 9**

### PENSION INCOME

#### **CHAPTER 1**

##### INTRODUCTION

- 565 Structure of Part 9

#### **CHAPTER 2**

##### TAX ON PENSION INCOME

- 566 Nature of charge to tax on pension income and relevant definitions
- 567 Amount charged to tax
- 567A Cases in which Part 7A has applied to source of pension income
- 568 Person liable for tax

#### **CHAPTER 3**

##### UNITED KINGDOM PENSIONS: GENERAL RULES

- 569 United Kingdom pensions
- 570 “Pension”: interpretation
- 571 Taxable pension income
- 572 Person liable for tax
- 572A Temporary non-residents

#### **CHAPTER 4**

##### FOREIGN PENSIONS: GENERAL RULES

- 573 Foreign pensions

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- 574 “Pension”: interpretation
- 574A “Pension”: relevant lump sums
- 575 Taxable pension income
- 576 Person liable for tax
- 576A Temporary non-residents

## CHAPTER 5

### UNITED KINGDOM SOCIAL SECURITY PENSIONS

- 577 United Kingdom social security pensions
- 578 Taxable pension income
- 579 Person liable for tax

## CHAPTER 5A

### PENSIONS UNDER REGISTERED PENSION SCHEMES

- 579A Pensions
- 579B Taxable pension income
- 579C Person liable for tax
- 579CZA Exemption for beneficiaries' income withdrawal in some cases
- 579CA Temporary non-residents
- 579D Interpretation

## CHAPTER 6

### APPROVED RETIREMENT BENEFITS SCHEMES

#### *Pensions and annuities*

- 580 Pensions and annuities
- 581 Taxable pension income
- 582 Person liable for tax

#### *Unauthorised payments*

- 583 Unauthorised payments
- 584 Taxable pension income
- 585 Person liable for tax

#### *Interpretation etc.*

- 586 Meaning of “retirement benefits scheme” etc.
- 587 Application to marine pilots' benefit fund
- 588 Meaning of “employee”, “former civil partner and “ex-spouse”
- 589 Regulations

## CHAPTER 7

### FORMER APPROVED SUPERANNUATION FUNDS

#### *Annuities*

- 590 Annuities

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- 591 Taxable pension income
- 592 Person liable for tax

*Unauthorised payments*

- 593 Unauthorised payments: application of section 583

*Interpretation*

- 594 Meaning of “former approved superannuation fund”

**CHAPTER 8**

APPROVED PERSONAL PENSION SCHEMES

*Annuities*

- 595 Annuities
- 596 Taxable pension income
- 597 Person liable for tax

*Income withdrawals*

- 598 Income withdrawals
- 599 Taxable pension income
- 600 Person liable for tax

*Unauthorised personal pension payments*

- 601 Unauthorised personal pension payments
- 602 Taxable pension income
- 603 Person liable for tax

*Interpretation*

- 604 Meaning of “personal pension scheme” and related expressions

**CHAPTER 9**

RETIREMENT ANNUITY CONTRACTS

- 605 Annuities
- 606 Meaning of “retirement annuity contract”
- 607 Taxable pension income
- 608 Person liable for tax

**CHAPTER 10**

OTHER EMPLOYMENT-RELATED ANNUITIES

- 609 Annuities for the benefit of dependants
- 610 Annuities under non-registered occupational pension schemes
- 611 Annuities in recognition of another’s services
- 611A Exemptions from sections 609 to 611
- 612 Taxable pension income: UK annuities
- 613 Taxable pension income: foreign annuities

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614 Person liable for tax

## CHAPTER 11

### CERTAIN OVERSEAS GOVERNMENT PENSIONS PAID IN THE UK

615 Certain overseas government pensions paid in the United Kingdom  
616 Taxable pension income  
617 Deduction allowed from taxable pension income  
618 Person liable for tax

## CHAPTER 12

### HOUSE OF COMMONS MEMBERS' FUND

619 The House of Commons Members' Fund  
620 Meaning of "House of Commons Members' Fund"  
621 Taxable pension income  
622 Person liable for tax

## CHAPTER 13

### RETURN OF SURPLUS EMPLOYEE ADDITIONAL VOLUNTARY CONTRIBUTIONS

623 Return of surplus employee additional voluntary contributions  
624 Taxable pension income  
625 Person liable for tax  
626 Income tax treated as paid  
627 Meaning of "grossing up"  
628 Interpretation

## CHAPTER 14

### PRE-1973 PENSIONS PAID UNDER THE OVERSEAS PENSIONS ACT 1973

629 Pre-1973 pensions paid under the Overseas Pensions Act 1973  
630 Interpretation  
631 Taxable pension income  
632 Person liable for tax

## CHAPTER 15

### VOLUNTARY ANNUAL PAYMENTS

633 Voluntary annual payments  
634 Taxable pension income: UK voluntary annual payments  
635 Taxable pension income: foreign voluntary annual payments  
636 Person liable for tax

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## CHAPTER 15A

### LUMP SUMS UNDER REGISTERED PENSION SCHEMES

- 636A Exemptions and liabilities for certain lump sums under registered pension schemes
- 636AA Taxable lump sum death benefits
- 636B Trivial commutation and winding-up lump sums
- 636C Trivial commutation and winding-up lump sum death benefits

## CHAPTER 16

### EXEMPTION FOR CERTAIN LUMP SUMS

- 637 Exemption for lump sums provided under certain pension schemes etc.

## CHAPTER 17

### EXEMPTIONS: ANY TAXPAYER

- 638 Awards for bravery
- 639 Pensions in respect of death due to military or war service
- 640 Exemption under section 639 where income withheld
- 640A Lump sums provided under armed forces early departure scheme
- 641 Wounds and disability pensions
- 642 Compensation for National-Socialist persecution
- 642A Netherlands Benefit Act for Victims of Persecution 1940-1945
- 643 Malawi, Trinidad and Tobago and Zambia government pensions
- 644 Pensions payable where employment ceased due to disablement
- 644A Health and employment insurance payments
- 645 Social security pensions: increases in respect of children
- 646 Former miners etc: coal and allowances in lieu of coal
- 646A Foreign pensions of consular employees
- 646B Registered schemes: beneficiaries' annuities from unused funds
- 646C Registered schemes: beneficiaries' annuities from drawdown funds
- 646D Non-registered schemes: beneficiaries' annuities from unused funds
- 646E Non-registered schemes: beneficiaries' annuities from drawdown funds
- 646F Interpretation of sections 646B to 646E

## CHAPTER 18

### EXEMPTIONS: NON-UK RESIDENT TAXPAYERS

- 647 Introduction and meaning of "foreign residence condition" etc.
- 648 The Central African Pension Fund
- 649 Commonwealth government pensions
- 650 Oversea Superannuation Scheme
- 651 Overseas Pensions Act 1973
- 652 Overseas Service Act 1958
- 653 Overseas Service Pensions Fund
- 654 The Pensions (India, Pakistan and Burma) Act 1955

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## **PART 10**

### SOCIAL SECURITY INCOME

#### **CHAPTER 1**

##### INTRODUCTION

655 Structure of Part 10

#### **CHAPTER 2**

##### TAX ON SOCIAL SECURITY INCOME

656 Nature of charge to tax on social security income  
657 Meaning of “social security income”, “taxable benefits” etc.  
658 Amount charged to tax  
659 Person liable for tax

#### **CHAPTER 3**

##### TAXABLE UK SOCIAL SECURITY BENEFITS

660 Taxable benefits: UK benefits – Table A  
661 Taxable social security income  
662 Person liable for tax

#### **CHAPTER 4**

##### TAXABLE UK SOCIAL SECURITY BENEFITS: EXEMPTIONS

###### *Incapacity benefit*

663 Long-term incapacity benefit: previous entitlement to invalidity benefit  
664 Short-term incapacity benefit not payable at the higher rate

###### *Income support and relevant welfare supplementary payments*

665 Exempt unless payable to a person involved in a trade dispute  
666 Child maintenance bonus  
667 Amounts in excess of taxable maximum  
668 Taxable maximum  
669 Interpretation

###### *Jobseeker’s allowance and relevant welfare supplementary payments*

670 Child maintenance bonus  
671 Amounts in excess of taxable maximum  
672 Taxable maximum: general  
673 Taxable maximum: income-based jobseeker’s allowance  
674 Taxable maximum: contribution-based jobseeker’s allowance  
675 Interpretation



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### *Increases in respect of children*

676 Increases in respect of children

#### **CHAPTER 5**

UK SOCIAL SECURITY BENEFITS WHOLLY EXEMPT FROM INCOME TAX

677 UK social security benefits wholly exempt from tax: Table B

#### **CHAPTER 6**

TAXABLE FOREIGN BENEFITS

678 Taxable benefits: foreign benefits

679 Taxable social security income

680 Person liable for tax

#### **CHAPTER 7**

TAXABLE AND OTHER FOREIGN BENEFITS: EXEMPTIONS

681 Taxable and other foreign benefits: exemptions

681A Foreign benefits of consular employees

#### **CHAPTER 8**

HIGH INCOME CHILD BENEFIT CHARGE

681B High income child benefit charge

681C The amount of the charge

681D Extension of charge in cases where child not living with claimant

681E Special cases

681F Alteration of income limit etc by Treasury order

681G Meaning of “partner”

681H Other interpretation provisions

#### **PART 11**

PAY AS YOU EARN

#### **CHAPTER 1**

INTRODUCTION

682 Scope of this Part

683 PAYE income

#### **CHAPTER 2**

PAYE: GENERAL

684 PAYE regulations

685 Tax tables

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686 Meaning of “payment”

### CHAPTER 3

#### PAYE: SPECIAL TYPES OF PAYER OR PAYEE

- 687 Payments by intermediary
- 687A Payment of employment income under Part 7A
- 688 Agency workers
- 688A Managed service companies: recovery from other persons
- 688B Travel expenses of workers providing services through intermediaries: recovery of unpaid tax
- 689 Employee of non-UK employer
- 689A Oil and gas workers on the continental shelf
- 690 Employee non-resident etc.
- 691 Mobile UK workforce
- 692 Organised arrangements for sharing tips

### CHAPTER 4

#### PAYE: SPECIAL TYPES OF INCOME

##### *Income provided by means of vouchers and tokens*

- 693 Cash vouchers
- 694 Non-cash vouchers
- 695 Credit-tokens

##### *Income provided in other ways*

- 695A Employment income under Part 7A
- 696 Readily convertible assets
- 697 Enhancing the value of an asset
- 698 PAYE: special charges on employment-related securities
- 699 PAYE: conversion of shares
- 700 PAYE: gains from securities options
- 700A Employment-related securities etc: remittance basis

##### *Supplemental*

- 701 Meaning of “asset”
- 702 Meaning of “readily convertible asset”

### CHAPTER 5

#### PAYE SETTLEMENT AGREEMENTS

- 703 Introduction
- 704 Sums payable by employers under agreements
- 705 Approximations allowed in calculations
- 706 Exclusion of general earnings from income etc.
- 707 Interpretation of this Chapter

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## CHAPTER 6

### MISCELLANEOUS AND SUPPLEMENTAL

- 708 PAYE repayments
- 709 Additional provision for certain assessments
- 710 Notional payments: accounting for tax
- 711 Right to make a return
- 712 Interpretation of this Part

### PART 12

#### PAYROLL GIVING

- 713 Donations to charity: payroll deduction scheme
- 714 Meaning of “donations”
- 715 Approval of schemes: regulation by Treasury

### PART 13

#### SUPPLEMENTARY PROVISIONS

##### *Alteration of amounts*

- 716 Alteration of amounts by Treasury order

##### *Priority rule for certain dividends etc*

- 716A Priority rule for dividends etc. of UK resident companies etc.

##### *Employment intermediaries: information powers*

- 716B Employment intermediaries to keep, preserve and provide information etc

##### *Orders and regulations*

- 717 Orders and regulations made by Treasury or Commissioners

##### *Interpretation*

- 718 Connected persons
- 719 Meaning of “control”
- 720 Meaning of “an officer of Revenue and Customs ” etc.
- 721 Other definitions

##### *Amendments, repeals, citation etc.*

- 722 Consequential amendments
- 723 Commencement and transitional provisions and savings
- 724 Repeals and revocations
- 725 Citation

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## SCHEDULES

SCHEDULE 1 — Abbreviations and defined expressions

Part 1 — ABBREVIATIONS OF ACTS AND INSTRUMENTS

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Part 2 — INDEX OF EXPRESSIONS DEFINED IN THIS ACT OR ICTA  
Note: this index does not apply to expressions used in...

SCHEDULE 2 — ... share incentive plans  
Part 1 — INTRODUCTION

*Introduction to Schedule 2 share incentive plans (SIPs)*

- 1 (A1) For the purposes of the SIP code a share...

*SIPs: free shares and partnership shares*

- 2 (1) In the SIP code a “share incentive plan” (or...

*Matching shares*

- 3 (1) A SIP that provides for partnership shares may also...

*Group plans*

- 4 (1) A SIP established by a company that controls other...

*Meaning of “award of shares”, “participant” etc.*

- 5 (1) For the purposes of the SIP code an “award...

Part 2 — GENERAL REQUIREMENTS

*General requirements for approval: introduction*

- 6 (1) A SIP must meet the plan requirements contained in—...

*The purpose of the plan*

- 7 (1) The purpose of the plan must be to provide,...

*All-employee nature of plan*

- 8 (1) The plan must provide that every employee who—

*Participation on same terms*

- 9 (1) The requirement of this paragraph is that—

*No preferential treatment for directors and senior employees*

- 10 (1) The first requirement of this paragraph is that no...

*No further conditions*

- 11 No conditions apart from those required or authorised by this...

*No loan arrangements*

- 12 (1) The arrangements for the plan must not make any...

Part 3 — ELIGIBILITY OF INDIVIDUALS

*Eligibility of individuals: introduction*

- 13 A SIP must meet the plan requirements contained in— paragraph...

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*Time of eligibility to participate*

14 (1) The plan must provide that an individual may only...

*The employment requirement*

15 (1) The plan must provide that an individual is not...

*Qualifying periods*

16 (1) This paragraph applies if the plan provides for a...

*Meaning of “qualifying company”*

17 (1) For the purposes of paragraph 15(2) “qualifying company” has...

*Requirement not to participate in other SIPs*

18 (1) The plan must provide that an individual is not...

*Participation in more than one connected SIP in a tax year*

18A (1) The plan must provide that, if an individual participates...

*The “no material interest” requirement*

19 .....

*Meaning of “material interest”*

20 .....

*Material interest: options and interests in SIPs*

21 .....

*Meaning of “associate”*

22 .....

*Meaning of “associate”: trustees of employee benefit trust*

23 .....

*Meaning of “associate”: trustees of discretionary trust*

24 .....

**Part 4 — TYPES OF SHARES THAT MAY BE AWARDED**

*Types of share that may be awarded: introduction*

25 (1) The requirements of the following paragraphs must be met...

*Shares must be part of ordinary share capital of certain companies*

26 Eligible shares must form part of the ordinary share capital...

*Requirement as to listing etc.*

27 (1) Eligible shares must be— (a) shares of a class...

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*Shares must be fully paid up and not redeemable*

- 28 (1) Eligible shares must be— (a) fully paid up, and...

*Prohibited shares*

- 29 (1) Eligible shares must not be shares in—

*Only certain kinds of restriction allowed*

- 30 (1) Eligible shares must not be subject to any restrictions...

*Permitted restrictions: voting rights*

- 31 Eligible shares may be shares carrying no voting rights or...

*Permitted restrictions: provision for forfeiture*

- 32 (1) Free or matching shares may be subject to provision...

*Permitted restrictions: pre-emption conditions*

- 33 (1) If the requirements of this paragraph are met, eligible...  
Part 5 — FREE SHARES

*Free shares: introduction*

- 34 (1) If a SIP provides for free shares, it must...

*Maximum annual award*

- 35 (1) The plan must provide that the initial market value...

*The holding period*

- 36 (1) The plan must require the company in respect of...

*Holding period: power of participant to direct trustees to accept general offers etc.*

- 37 (1) A participant may direct the trustees to do any...

*Performance allowances: general application*

- 38 A plan that provides for performance allowances in relation to...

*Performance allowances: targets and measures*

- 39 (1) A plan that provides for performance allowances must comply...

*Performance allowances: information to be given to employees*

- 40 (1) A plan that provides for performance allowances in relation...

*Performance allowances: method one*

- 41 (1) The requirements of this paragraph are those contained in...

*Performance allowances: method two*

- 42 (1) The requirements of this paragraph are those contained in...

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## Part 6 — PARTNERSHIP SHARES

### *Partnership shares: introduction*

- 43 (1) If a SIP provides for partnership shares, the following...

### *Partnership share agreements*

- 44 (1) The plan must provide for qualifying employees to enter...

### *Deductions from salary*

- 45 (1) The plan must provide for a partnership share agreement...

### *Maximum amount of deductions*

- 46 (1) The amount of partnership share money deducted from an...

### *Minimum amount of deductions*

- 47 (1) The plan may provide that the amount to be...

### *Notice of possible effect of deductions on benefit entitlement*

- 48 (1) The plan must provide that the company may not...

### *Partnership share money held for employee*

- 49 (1) The plan must provide that partnership share money deducted...

### *Application of money deducted where no accumulation periods*

- 50 (1) If the plan does not provide for an accumulation...

### *Accumulation periods*

- 51 (1) The plan may provide for accumulation periods not exceeding...

### *Application of money deducted in accumulation period*

- 52 (1) This paragraph applies if the plan provides for one...

### *Restriction on number of shares awarded*

- 53 (1) The plan may authorise the company to specify the...

### *Stopping and re-starting deductions*

- 54 (1) The plan must provide that an employee may at...

### *Withdrawal from partnership share agreement*

- 55 (1) The plan must provide that an employee may at...

### *Repayment of partnership share money on plan ceasing to be a Schedule 2 SIP or termination*

- 56 (1) The plan must provide that, where the plan is...

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*Access to partnership shares*

- 57 (1) The plan must provide that when partnership shares have...  
Part 7 — MATCHING SHARES

*Matching shares: introduction*

- 58 If a SIP provides for matching shares it must meet...

*General requirements for matching shares*

- 59 (1) The plan must provide for the matching shares to...

*Ratio of matching shares to partnership shares*

- 60 (1) The partnership share agreement must specify—

*Holding period for matching shares*

- 61 Paragraphs 36 and 37 (the holding period and related matters)...  
Part 8 — CASH DIVIDENDS AND DIVIDEND SHARES

*Reinvestment of cash dividends*

- 62 (1) A SIP may provide that, where the company so...

*Requirements to be met as regards cash dividends*

- 63 (1) If a SIP makes the provision authorised by paragraph...

*Limit on amount reinvested*

- 64 (1) The plan must provide that the total dividend reinvestment...

*General requirements as to dividend shares*

- 65 (1) The plan must provide that dividend shares are to...

*Acquisition of dividend shares*

- 66 (1) The plan must provide that the trustees must treat...

*Holding period for dividend shares*

- 67 Paragraphs 36 and 37 (the holding period and related matters)...

*Reinvestment: amounts to be carried forward*

- 68 (1) This paragraph applies where an amount is not reinvested...

*Cash dividends where no requirement to reinvest*

- 69 (1) The plan must require any distributable cash dividends in...  
Part 9 — TRUSTEES

*Requirements etc. relating to trustees: introduction*

- 70 (1) A SIP must meet the plan requirements contained in—...



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*Establishment of trustees*

71 (1) The plan must provide for the establishment of a...

*Duty to monitor participants in connected schemes*

71A The trust instrument must require the trustees to maintain records...

*Duty to act in accordance with participant's directions*

72 (1) The trust instrument must require the trustees—

*Duty not to dispose of plan shares*

73 (1) This paragraph applies to a participant's plan shares that...

*Duty to make payments to participants*

74 (1) The trust instrument must require the trustees to pay...

*Duty to give notice of award of shares etc.*

75 (1) The trust instrument must make the following provision regarding...

*Power of trustees to borrow*

76 The trust instrument may provide that the trustees have power...

*Power of trustees to raise funds to subscribe for rights issue*

77 (1) The trustees may dispose of some of the rights...

*Acquisition by trustees of shares from employee share ownership trust*

78 (1) The trust instrument must provide that, where there is...

*Meeting by trustees of PAYE obligations*

79 (1) The plan must make provision to ensure that, where...

*Other duties of trustees in relation to tax liabilities*

80 (1) The trust instrument must require the trustees to maintain...

PART 10 — NOTIFICATION OF PLANS, ANNUAL RETURNS AND ENQUIRIES

*Notice of SIP to be given to HMRC*

81A (1) For a SIP to be a Schedule 2 SIP...

*Annual returns*

81B (1) This paragraph applies if notice is given in relation...

81C (1) This paragraph applies if the company fails to give...

*Notices and returns to be given electronically etc*

81D (1) A notice under paragraph 81A, and any information accompanying...

81E (1) This paragraph applies if a return under paragraph 81B,...

*Status: Point in time view as at 17/01/2018.*

*Changes to legislation: Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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### *Enquiries*

- 81F (1) This paragraph applies if notice is given in relation...
- 81G (1) An enquiry under paragraph 81F(2), (3) or (5) is...
- 81H (1) This paragraph applies if HMRC decide—
- 81I (1) This paragraph applies if HMRC decide—

### *Assessment of penalties*

- 81J (1) This paragraph applies if the company is liable for...

### *Appeals*

- 81K (A1) The company may appeal against a decision of HMRC...  
PART 10A — DISQUALIFYING EVENTS
- 85A (1) A SIP ceases to be a Schedule 2 SIP...  
Part 11 — SUPPLEMENTARY PROVISIONS

### *Company reconstructions*

- 86 (1) In this Part of this Schedule a “company reconstruction”...

### *Consequences of company reconstructions*

- 87 (1) In the SIP code references to a participant’s plan...

### *Treatment of shares acquired under rights issue*

- 88 (1) This paragraph applies for the purposes of the SIP...

### *Termination of plan*

- 89 (1) The plan may provide for the company to issue...

### *Effect of plan termination notice*

- 90 (1) This paragraph applies if the company has issued a...

### *Jointly owned companies*

- 91 (1) This paragraph applies for the purposes of the provisions...

### *Determination of market value*

- 92 (1) For the purposes of the SIP code the “market...

### *Power to require information*

- 93 (1) An officer of Revenue and Customs may by notice...

### *Meaning of “associated company”*

- 94 (1) For the purposes of the SIP code one company...

### *Meaning of participant ceasing to be in relevant employment*

- 95 (1) This paragraph explains what is meant, for the purposes...

*Status: Point in time view as at 17/01/2018.*

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*Meaning of shares being withdrawn from plan*

96 (1) For the purposes of the SIP code plan shares...

*Meaning of shares ceasing to be subject to plan*

97 (1) For the purposes of the SIP code plan shares...

*Meaning of “the specified retirement age”*

98 (1) In the SIP code, in relation to a SIP...

*Minor definitions*

99 (1) In the SIP code— “articles of association”, in relation...

*Index of defined expressions*

100 In the SIP code the following expressions are defined or...

SCHEDULE 3 — Approved SAYE option schemes

Part 1 — INTRODUCTION

*Introduction to Schedule 3 SAYE option schemes*

1 (A1) For the purposes of the SAYE code an SAYE...

*SAYE option schemes*

2 (1) In the SAYE code an “SAYE option scheme” means...

*Group schemes*

3 (1) An SAYE option scheme established by a company that...

Part 2 — GENERAL REQUIREMENTS FOR APPROVAL

*General requirements for approval: introduction*

4 An SAYE option scheme must meet the requirements of— paragraph...

*General restriction on contents of scheme*

5 (1) The purpose of the scheme must be to provide,...

*All-employee nature of scheme*

6 (1) The scheme must provide that every person who meets...

*Participation on similar terms*

7 (1) The requirements of this paragraph are—

*No preferential treatment for directors and senior employees*

8 (1) The requirement of this paragraph is that, if the...

Part 3 — ELIGIBILITY OF INDIVIDUALS TO PARTICIPATE IN SCHEME

*Requirements relating to the eligibility of individuals: introduction*

9 An SAYE option scheme must meet the requirements of— paragraph...

*Status: Point in time view as at 17/01/2018.*

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*The employment requirement*

- 10 (1) The scheme must ensure that an individual is not...

*The “no material interest” requirement*

- 11 (1) The scheme must ensure that an individual is not...

*Meaning of “material interest”*

- 12 (1) In paragraph 11 (the “no material interest” requirement) references...

*Material interest: options and interests in SIPs*

- 13 (1) For the purposes of paragraph 12 (meaning of “material...)

*Meaning of “associate”*

- 14 (1) In paragraph 11(2) (the “no material interest” requirement) “associate”,...

*Meaning of “associate”: trustees of employee benefit trust*

- 15 (1) This paragraph applies for the purposes of paragraph 14(1)(c)...

*Meaning of “associate”: trustees of discretionary trust*

- 16 (1) This paragraph applies for the purposes of paragraph 14(1)(c)...

Part 4 — SHARES TO WHICH SCHEMES CAN APPLY

*Requirements relating to shares that may be subject to share options: introduction*

- 17 (1) An SAYE option scheme must meet the requirements of—...

*Shares must be ordinary shares of certain companies*

- 18 Eligible shares must form part of the ordinary share capital...

*Requirements as to listing*

- 19 (1) Eligible shares must be— (a) shares of a class...

*Shares must be fully paid up and not redeemable*

- 20 Eligible shares must be— (a) fully paid up, and

*Only certain kinds of restriction allowed*

- 21 (1) Eligible shares must not be subject to any restrictions...

*Requirements as to other shareholdings*

- 22 (1) The majority of the issued shares of the same...

Part 5 — REQUIREMENT FOR LINKED SAVINGS ARRANGEMENT

*Requirements as to linked savings arrangement : introduction*

- 23 An SAYE option scheme must meet the requirements of— paragraph...

*Status: Point in time view as at 17/01/2018.*

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*Payments for shares to be linked to approved savings arrangements*

- 24 (1) The scheme must provide for shares acquired by the...

*Requirements as to contributions to savings arrangements*

- 25 (1) The scheme must provide for a person's contributions under...

*Repayments under a savings arrangement : whether bonuses included*

- 26 (1) For the purposes of this Schedule repayments under a...  
Part 6 — REQUIREMENTS ETC. RELATING TO SHARE OPTIONS

*Requirements etc. relating to share options: introduction*

- 27 (1) An SAYE option scheme must meet the requirements of—...

*Requirements as to price for acquisition of shares*

- 28 (1) The price at which shares may be acquired by...

*Share options must not be transferable*

- 29 (1) The scheme must ensure that share options granted to...

*Time for exercising options: general*

- 30 (1) The scheme must ensure that share options granted under...

*Requirement to have a "specified age"*

- 31 (1) The scheme must specify the age that is to...

*Exercise of options: death*

- 32 The scheme must provide that, if a participant dies before...

*Exercise of options: reaching specified age without retiring*

- 33 (1) The scheme must provide that, if a participant ("P")...

*Exercise of options: scheme-related employment ends*

- 34 (1) The scheme must provide that, if a participant ("P")...

*Time when scheme-related employment ends*

- 35 (1) This paragraph applies for the purposes of paragraph 34...

*Exercise of options: employment in associated company at bonus date*

- 36 The scheme may provide that if at the bonus date...

*Exercise of options: company events*

- 37 (1) The scheme may provide that share options relating to...  
Part 7 — EXCHANGE OF SHARE OPTIONS

*Status: Point in time view as at 17/01/2018.*

*Changes to legislation: Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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*Exchange of options on company reorganisation*

- 38 (1) An SAYE option scheme may provide that if—

*Requirements about share options granted in exchange*

- 39 (1) This paragraph applies to a scheme that makes provision...  
PART 8 — NOTIFICATION OF SCHEMES, ANNUAL RETURNS AND ENQUIRIES
- 40A Notice of scheme to be given to HMRC
- 40B Annual returns
- 40C (1) This paragraph applies if the scheme organiser fails to...
- 40D Notices and returns to be given electronically etc
- 40E (1) This paragraph applies if a return under paragraph 40B,...
- 40F Enquiries
- 40G (1) An enquiry under paragraph 40F(2), (3) or (5) is...
- 40H (1) This paragraph applies if HMRC decide—
- 40I (1) This paragraph applies if HMRC decide—
- 40J Assessment of penalties
- 40K Appeals
- Part 9 — SUPPLEMENTARY PROVISIONS

*Power to require information*

- 45 (1) An officer of Revenue and Customs may by notice...

*Jointly owned companies*

- 46 (1) This paragraph applies for the purposes of the provisions...

*Meaning of “associated company”*

- 47 (1) For the purposes of the SAYE code, except in...

*Non-UK company reorganisation arrangements*

- 47A (1) For the purposes of the SAYE code a “non-UK...

*Minor definitions*

- 48 (1) In the SAYE code— “ certified SAYE savings arrangement...

*Index of defined expressions*

- 49 In the SAYE code the following expressions are defined or...

SCHEDULE 4 — Approved CSOP schemes

Part 1 — INTRODUCTION

*Introduction to Schedule 4 CSOP schemes*

- 1 (A1) For the purposes of the CSOP code a CSOP...

*CSOP schemes*

- 2 (1) In the CSOP code a “CSOP scheme” means (in...

*Status: Point in time view as at 17/01/2018.*

*Changes to legislation: Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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### *Group schemes*

- 3 (1) A CSOP scheme established by a company that controls...  
Part 2 — GENERAL REQUIREMENTS FOR APPROVAL

#### *General requirements ...: introduction*

- 4 A CSOP scheme must meet the requirements of— paragraph 5...

#### *General restriction on contents of scheme*

- 5 (1) The purpose of the scheme must be to provide,...

#### *Limit on value of shares subject to options*

- 6 (1) The scheme must provide that an individual may not...  
Part 3 — ELIGIBILITY OF INDIVIDUALS TO PARTICIPATE IN SCHEME

#### *Requirements relating to the eligibility of individuals: introduction*

- 7 A CSOP scheme must meet the requirements of— paragraph 8...

#### *The employment requirement*

- 8 (1) The scheme must ensure that an individual is not...

#### *The “no material interest” requirement*

- 9 (1) The scheme must ensure that an individual is not...

#### *Meaning of “material interest”*

- 10 (1) In paragraph 9 (the “no material interest” requirement) references...

#### *Material interest: options and interests in SIPs*

- 11 (1) For the purposes of paragraph 10 (meaning of “material...

#### *Meaning of “associate”*

- 12 (1) In paragraph 9(2) (the “no material interest” requirement)  
“associate”,...

#### *Meaning of “associate”: trustees of employee benefit trust*

- 13 (1) This paragraph applies for the purposes of paragraph 12(1)(c)...

#### *Meaning of “associate”: trustees of discretionary trust*

- 14 (1) This paragraph applies for the purposes of paragraph 12(1)(c)..  
Part 4 — SHARES TO WHICH SCHEMES CAN APPLY

#### *Requirements relating to shares that may be subject to share options: introduction*

- 15 (1) A CSOP scheme must meet the requirements of— paragraph...

#### *Shares must be ordinary shares of certain companies*

- 16 Eligible shares must form part of the ordinary share capital...

*Status: Point in time view as at 17/01/2018.*

*Changes to legislation: Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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*Requirements as to listing*

- 17 (1) Eligible shares must be — (a) shares of a...

*Shares must be fully paid up and not redeemable*

- 18 Eligible shares must be— (a) fully paid up, and

*Only certain kinds of restriction allowed*

- 19 (1) Eligible shares must not be subject to any restrictions...

*Requirements as to other shareholdings*

- 20 (1) The majority of the issued shares of the same...

Part 5 — REQUIREMENTS ETC. RELATING TO SHARE OPTIONS

*Requirements etc. relating to share options: introduction*

- 21 (1) A CSOP scheme must meet the requirements of— paragraph...

*General requirements as to terms of option*

- 21A (1) The following terms of a share option which is...

*Requirements as to price for acquisition of shares*

- 22 (1) The price at which shares may be acquired by...

*Share options must not be transferable*

- 23 (1) The scheme must ensure that share options granted to...

*Exercise of options: ceasing to be director or employee*

- 24 (1) The scheme may provide that an individual may exercise...

*Exercise of options: death*

- 25 (1) The scheme may provide that, if a participant dies...

*Exercise of options: company events*

- 25A (1) The scheme may provide that share options relating to...

Part 6 — EXCHANGE OF SHARE OPTIONS

*Exchange of options on company reorganisation*

- 26 (1) A CSOP scheme may provide that if—

*Requirements about share options granted in exchange*

- 27 (1) This paragraph applies to a scheme that makes provision...

PART 7 — NOTIFICATION OF SCHEMES, ANNUAL RETURNS AND ENQUIRIES

*Notice of scheme to be given to HMRC*

- 28A (1) For a CSOP scheme to be a Schedule 4...



*Status: Point in time view as at 17/01/2018.*

*Changes to legislation: Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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#### *Annual returns*

- 28B (1) This paragraph applies if notice is given in relation...  
28C (1) This paragraph applies if the scheme organiser fails to...

#### *Notices and returns to be given electronically etc*

- 28D (1) A notice under paragraph 28A, and any information accompanying...  
28E (1) This paragraph applies if a return under paragraph 28B,...

#### *Enquiries*

- 28F (1) This paragraph applies if notice is given in relation...  
28G (1) An enquiry under paragraph 28F(2), (3) or (5) is...  
28H (1) This paragraph applies if HMRC decide—  
28I (1) This paragraph applies if HMRC decide—

#### *Assessment of penalties*

- 28J (1) This paragraph applies if the scheme organiser is liable...

#### *Appeals*

- 28K (A1) The scheme organiser may appeal against a decision of...  
Part 8 — SUPPLEMENTARY PROVISIONS

#### *Power to require information*

- 33 (1) An officer of Revenue and Customs may by notice...

#### *Jointly owned companies*

- 34 (1) This paragraph applies for the purposes of the provisions...

#### *Meaning of “associated company”*

- 35 (1) For the purposes of the CSOP code one company...

#### *Non-UK company reorganisation arrangements*

- 35ZA (1) For the purposes of the CSOP code a “non-UK...

#### *Retirement age*

- 35A A retirement age specified in a CSOP scheme—

#### *Minor definitions*

- 36 (1) In the CSOP code— “company” means a body corporate;...

#### *Index of defined expressions*

- 37 In the CSOP code the following expressions are defined or...

SCHEDULE 5 — Enterprise management incentives  
Part 1 — INTRODUCTION

*Status: Point in time view as at 17/01/2018.*

*Changes to legislation: Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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*Enterprise management incentives: qualifying options*

- 1 (1) This Schedule makes provision for establishing what is a...

*Meaning of “the relevant company” and “the employer company”*

- 2 In the EMI code, in relation to a share option—...  
Part 2 — GENERAL REQUIREMENTS

*General requirements: introduction*

- 3 A share option is not a qualifying option unless the...

*Purpose of granting the option*

- 4 To be a qualifying option a share option must be...

*Maximum entitlement of employee: financial limit on unexercised options*

- 5 (1) An employee may not hold unexercised qualifying options which  
—...

*Maximum entitlement of employee: further limit of 3 years*

- 6 (1) Sub-paragraph (2) applies if an employee (“E”) has already...

*Maximum value of options in respect of relevant company’s shares*

- 7 (1) The total value of shares in the relevant company...  
Part 3 — QUALIFYING COMPANIES

*Qualifying companies: introduction*

- 8 A “qualifying company” is a company in relation to which...

*The independence requirement*

- 9 (1) The independence requirement consists of two conditions.

*The qualifying subsidiaries requirement*

- 10 (1) A company that has one or more subsidiaries is...

*Meaning of “qualifying subsidiary”*

- 11 (1) A company (“the subsidiary”) is a qualifying subsidiary of...

*The property managing subsidiaries requirement*

- 11A (1) A company is not a qualifying company if it...

*Meaning of “qualifying 90% subsidiary”*

- 11B (1) A company (“the subsidiary”) is a qualifying 90% subsidiary...

*The gross assets requirement*

- 12 (1) The gross assets requirement in the case of a...

*Status: Point in time view as at 17/01/2018.*

*Changes to legislation: Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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*The number of employees requirement*

12A (1) The number of employees requirement in the case of...

*The trading activities requirement: single company*

13 (1) The trading activities requirement in the case of a...

*The trading activities requirement: parent company*

14 (1) The trading activities requirement in the case of a...

*The UK permanent establishment requirement*

14A (1) The UK permanent establishment requirement is met if condition...

*Meaning of “qualifying trade”*

15 (1) A trade is a qualifying trade if—

*Excluded activities*

16 The following are excluded activities— (a) dealing in land, in...

*Excluded activities: wholesale and retail distribution*

17 (1) This paragraph supplements paragraph 16(b). (2) A trade of...

*Excluded activities: leasing of certain ships*

18 (1) This paragraph supplements paragraph 16(d) so far as it...

*Excluded activities: receipt of royalties or licence fees*

19 (1) This paragraph supplements paragraph 16(e) (receipt of royalties or...

*Excluded activities: property development*

20 (1) This paragraph supplements paragraph 16(g). (2) “Property development” means...

*Excluded activities: shipbuilding*

20A In paragraph 16(ia) “ shipbuilding ” has the same meaning...

*Excluded activities: producing coal*

20B (1) This paragraph supplements paragraph 16(ib). (2) “ Coal ”...

*Excluded activities: producing steel*

20C In paragraph 16(ic) “ steel ” means any of the...

*Excluded activities: hotels and comparable establishments*

21 (1) This paragraph supplements paragraph 16(j). (2) A “comparable establishment”...

*Status: Point in time view as at 17/01/2018.*

*Changes to legislation: Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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*Excluded activities: nursing homes and residential care homes*

- 22 (1) This paragraph supplements paragraph 16(k). (2) “Nursing home” means...

*Excluded activities: provision of facilities for another business*

- 23 (1) This paragraph applies where a company (“the service provider”)...  
Part 4 — ELIGIBLE EMPLOYEES

*Eligible employees: introduction*

- 24 An individual is an “eligible employee” in relation to the...

*The employment requirement*

- 25 To be an eligible employee in relation to the relevant...

*The requirement as to commitment of working time*

- 26 (1) For an individual (“the employee”) to be an eligible...

*Meaning of “working time”*

- 27 (1) In paragraph 26 “working time” means—

*The “no material interest” requirement*

- 28 (1) An individual is not an eligible employee in relation...

*Meaning of “material interest”*

- 29 (1) In paragraph 28 (the “no material interest” requirement) references...

*Material interest: options and interests in SIPs*

- 30 (1) This paragraph applies for the purposes of paragraph 29...

*Meaning of “associate”*

- 31 (1) In paragraph 28(2) (the “no material interest” requirement) “associate”,...

*Meaning of “associate”: trustees of employee benefit trust*

- 32 (1) This paragraph applies for the purposes of paragraph 31(1)(c)...

*Meaning of “associate”: trustees of discretionary trust*

- 33 (1) This paragraph applies for the purposes of paragraph 31(1)(c)..  
Part 5 — REQUIREMENTS RELATING TO OPTIONS

*Requirements relating to options: introduction*

- 34 A share option is not a qualifying option unless the...

*Type of shares that may be acquired*

- 35 (1) The option must confer a right to acquire shares...

*Status: Point in time view as at 17/01/2018.*

*Changes to legislation: Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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*Option to be capable of exercise within 10 years*

- 36 (1) The option must be capable of being exercised within...

*Terms of option to be agreed in writing*

- 37 (1) The option must take the form of a written...

*Non-assignability of rights*

- 38 The terms on which the option is granted—  
Part 6 — COMPANY REORGANISATIONS

*Company reorganisations: introduction*

- 39 (1) This Part applies in connection with company reorganisations.

*Meaning of “qualifying exchange of shares”*

- 40 (1) For the purposes of the EMI code there is...

*Grant of replacement option*

- 41 (1) This paragraph applies if both of the following conditions...

*Period within which replacement option must be granted*

- 42 (1) To qualify as a replacement option the new option...

*Further requirements to be met as to replacement option*

- 43 (1) For the new option to qualify as a replacement...  
Part 7 — NOTIFICATION OF OPTION TO INLAND REVENUE

*Notice of option to be given to Inland Revenue*

- 44 (1) For a share option to be a qualifying option,...

*Correction of notice by Inland Revenue*

- 45 (1) An officer of Revenue and Customs may amend a...

*Notice of enquiry*

- 46 (1) This paragraph applies where notice of a share option...

*Completion of enquiry: closure notices*

- 47 (1) An enquiry under paragraph 46(2) is completed when an...

*Completion of enquiry: application for closure notice to be given*

- 48 (1) An application may be made to the tribunal under...

*Effect of enquiry*

- 49 (1) If an officer of Revenue and Customs does not...

*Status: Point in time view as at 17/01/2018.*

*Changes to legislation: Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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### *Appeals*

- 50 (1) The employer company may appeal against a decision of...  
Part 8 — SUPPLEMENTARY PROVISIONS

#### *Power to require information*

- 51 (1) An officer of Revenue and Customs may by notice...

#### *Annual returns*

- 52 (1) This paragraph applies in relation to a company whose...  
52A (1) A return under paragraph 52, and any information accompanying...

#### *Compliance with time limits*

- 53 (1) For the purposes of this Part and Part 7...

#### *Power to amend by Treasury order*

- 54 (1) The Treasury may by order amend the EMI code—...

#### *Meaning of “market value” of shares*

- 55 (1) For the purposes of the EMI code the “market...

#### *Determination of market value of shares*

- 56 (1) This paragraph applies to the determination of the market...

#### *Appeal against determination of market value of shares*

- 57 (1) The employer company may appeal against any determination by...

### *Penalties*

- 57A A company is liable for a penalty of £500 if..  
57B (1) This paragraph applies if a company fails to give..  
57C (1) This paragraph applies if a return under paragraph 52,..  
57D (1) This paragraph applies if a company is liable for..  
57E (1) A company may appeal against a decision of HMRC...

### *Minor definitions*

- 58 In the EMI code— “arrangements” includes any scheme, agreement or...

#### *Index of defined expressions*

- 59 In the EMI code the following expressions are defined or...

#### SCHEDULE 6 — Consequential Amendments

##### Part 1 — INCOME AND CORPORATION TAXES ACT 1988

- 1 The Income and Corporation Taxes Act 1988 (c. 1) is..  
2 .....  
3 In section 4(1) (construction of references in Income Tax Acts..  
4 .....  
5 .....  
6 Omit section 19 (Schedule E).

*Status: Point in time view as at 17/01/2018.*

*Changes to legislation: Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- 7 In section 21A(2) (computation of amount chargeable)—
- 8 Omit section 58 (foreign pensions).
- 9 .....
- 10 .....
- 11 .....
- 12 .....
- 13 .....
- 14 Omit sections 131 to 134 (miscellaneous provisions relating to the...
- 15 Omit sections 135 to 137 (provisions relating to gains by...
- 16 (1) Amend section 138 (share acquisitions by directors and employees)...
- 17 Omit section 140 (further interpretation of sections 135 to 139)....
- 18 Omit sections 140A to 140H (further provisions relating to share...
- 19 Omit sections 141 to 144 (vouchers and credit-tokens).
- 20 Omit section 144A (payments received free of tax).
- 21 Omit sections 145 to 147 (living accommodation).
- 22 Omit sections 148 to 151A (payments on retirement, sick pay...
- 23 .....
- 24 Omit sections 153 to 159AC and sections 160 to 168G...
- 25 Omit section 185 (approved share option schemes).
- 26 (1) Amend section 186 (approved profit sharing schemes) as follows....
- 27 In section 187 (interpretation of sections 185 and 186 and...
- 28 Omit the following provisions (which give relief from income tax...
- 29 Omit sections 202A and 202B (assessment on receipts basis).
- 30 Omit sections 203 to 204 (pay as you earn).
- 31 Omit sections 205 and 206 (assessments).
- 32 Omit section 206A (PAYE settlement agreements).
- 33 Omit section 207 (disputes as to domicile or ordinary residence)....
- 34 .....
- 35 .....
- 36 After section 266 insert— Life assurance premiums paid by employer...
- 37 .....
- 38 .....
- 39 Omit section 313 (taxation of consideration for certain restrictive undertakings)....
- 40 .....
- 41 Omit sections 315 to 318 (pensions etc. paid in respect...
- 42 Omit section 319 (crown servants: foreign service allowance).
- 43 Omit section 321 (consuls and other official agents).
- 44 .....
- 45 .....
- 46 Omit section 330 (compensation for National-Socialist persecution).
- 47 (1) Amend section 332 (expenditure and houses of ministers of...
- 48 .....
- 49 .....
- 50 .....
- 51 .....
- 52 In section 376(2) (qualifying borrowers and qualifying lenders) for the...
- 53 .....
- 54 .....
- 55 .....
- 56 .....
- 57 .....

**Status:** Point in time view as at 17/01/2018.

**Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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59	.....
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67	.....
68	Omit section 589 (qualifying courses of training etc.).
69	.....
70	.....
71	In section 591D (provisions supplementary to section 591C) omit subsection...
72	.....
73	.....
74	Omit sections 595 and 596 (payments by employer to retirement...
75	Omit sections 596A to 596C (benefits under non-approved retirement benefits...
76	Omit section 597 (charge to tax: pensions).
77	In section 599A (charge to tax: payments out of surplus...
78	Omit section 600 (charge to tax: unauthorised payments to or...
79	.....
80	(1) .....
81	In section 608 (charge to tax on annuities paid out...
82	.....
83	In section 613 (Parliamentary pension funds) omit subsections (1) to...
84	In section 614(3) (exemptions and reliefs in respect of income...
85	In section 615 (exemption from tax in respect of certain...
86	Omit section 616 (other overseas pensions).
87	.....
88	Omit section 617A (tax credits under Part 1 of Tax...
89	.....
90	.....
91	(1) Section 643 (employer's contributions and personal pension income etc.)...
92	.....
93	.....
94	.....
95	.....
96	Omit sections 647 to 648A (personal pensions: unauthorised payments, contributions...
97	.....
98	.....
99	.....
100	.....
101	.....
102	.....
103	.....
104	In section 824(4A) (repayment supplement: individuals and others) for "section...
105	.....



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- 106 In section 830 (territorial sea and designated areas) omit subsection...
- 107 In section 831(3) (interpretation of ICTA) before the entry relating...
- 108 . . . . .
- 109 . . . . .
- 110 Omit Schedules 6 and 6A (taxation of directors and others:...
- 111 Omit Schedules 7 and 7A (taxation of benefit of loans)....
- 112 (1) Amend Schedule 9 (approved share option schemes and profit...
- 113 (1) Amend Schedule 10 (further provisions relating to profit sharing...
- 114 Omit Schedule 11 (payments and other benefits in connection with...
- 115 Omit Schedule 11A (removal benefits and expenses).
- 116 Omit Schedule 12 (foreign earnings).
- 117 Omit Schedule 12AA (mileage allowances).
- 118 Omit Schedule 12A (ordinary commuting and private travel).
- 119 In Schedule 14 (modification of section 266 in certain cases),...
- 120 . . . . .
- 121 . . . . .

Part 2 — OTHER ENACTMENTS

*Finance Act 1969 (c. 32)*

- 122 (1) Section 58 of the Finance Act 1969 (disclosure of...

*Taxes Management Act 1970 (c. 9)*

- 123 The Taxes Management Act 1970 is amended as follows.
- 124 In section 7(4) and (5) (notice of liability to income...
- 125 (1) Amend section 9 (returns to include self-assessment) as follows....
- 126 (1) Amend section 15 (return of employee’s emoluments etc.) as...
- 127 For section 16A substitute— Agency workers (1) This section applies  
where— (a) any services which an...
- 128 In section 42(3) (procedure for making claims etc.) for “section...
- 129 . . . . .
- 130 In section 59A (payments on account of income tax)—
- 131 (1) Amend section 59B (payment of income tax and capital...
- 132 In section 62(1A)(a) (priority of claim for tax)—
- 133 In section 63(3)(a) (recovery of tax in Scotland) for “section...
- 134 In section 64(1A)(a) (priority of claim for tax in Scotland)—...
- 135 (1) Amend section 70 (evidence) as follows.
- 136 In section 91(3)(c) (effect on interest of reliefs) for “section...
- 137 (1) Amend the Table in section 98 (special returns, etc.)...
- 138 In section 98A(1) (special penalties in the case of certain...
- 139 In section 118 (interpretation) after the entry relating to “inspector”...
- 140 In section 119(4) (construction of the Act) after “1992 Act”...
- 141 In paragraph 4(1A) of Schedule 1A (claims etc. not included...
- 142 . . . . .
- 143 In Schedule 3A (electronic lodgement of tax returns etc.) in...

*Finance Act 1973 (c. 51)*

- 144 . . . . .
- 145 . . . . .
- 146 . . . . .

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*Finance Act 1974 (c. 30)*

147 .....

*Interpretation Act 1978 (c. 30)*

148 In Schedule 1 to the Interpretation Act 1978 (words and...

*Education (Scotland) Act 1980 (c. 44)*

149 In section 73B of the Education (Scotland) Act 1980 (grants...

*Inheritance Tax Act 1984 (c. 51)*

150 The Inheritance Tax Act 1984 is amended as follows.

151 (1) Amend the following provisions as provided in sub-paragraph (2)

—...

152 In section 14(1) (waiver of remuneration), for “would be assessable...

*Bankruptcy (Scotland) Act 1985 (c. 66)*

153 In paragraph 1(1) of Schedule 3 to the Bankruptcy (Scotland)...

*Insolvency Act 1986 (c. 45)*

154 In paragraph 1 of Schedule 6 to the Insolvency Act...

*Finance Act 1988 (c. 39)*

155 (1) Section 73 of the Finance Act 1988 (consideration for...

*Finance Act 1989 (c. 26)*

156 The Finance Act 1989 is amended as follows.

157 For section 43 substitute— Schedule D: computation (1) In calculating profits or gains of a trade to...

158 For section 44 substitute— Investment and insurance companies: computation (1) In calculating the profits of an investment company for...

159 In section 53(2)(f) (amendments consequential on the substitution of a...

160 (1) Amend section 69 (chargeable events in relation to employee...

161 .....

162 In section 178(2) (setting of rates of interest)—

163 (1) Amend Schedule 5 (employee share ownership trusts) as follows....

*Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19))*

164 In paragraph 1 of Schedule 4 to the Insolvency (Northern...

*Finance Act 1990 (c. 29)*

165 The Finance Act 1990 is amended as follows.

166 .....

167 (1) Amend paragraph 4 of Schedule 14 (amendments of sections...

*Finance Act 1991 (c. 31)*

168 (1) Amend section 38 of the Finance Act 1991 (employee...

*Status: Point in time view as at 17/01/2018.*

*Changes to legislation: Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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*Social Security Contributions and Benefits Act 1992 (c. 4)*

- 169 The Social Security Contributions and Benefits Act 1992 is amended...
- 170 In section 1 (outline of contributory system), in subsection (2)(bb)...
- 171 In section 2 (categories of earners), in subsection (1)(a) for...
- 172 (1) Amend section 4 (payments treated as remuneration and earnings)...
- 173 In section 7(1)(b) (meaning of “secondary contributor”) for  
“emoluments” in...
- 174 (1) Amend section 10 (Class 1A National Insurance contributions:  
benefits...
- 175 (1) Amend section 10ZA (liability of third party provider of...
- 176 (1) Amend section 10ZB (non-cash vouchers provided by third  
parties)...
- 177 (1) Amend section 10A (Class 1B National Insurance contributions)  
as...
- 178 (1) Amend section 122(1) (interpretation of Parts 1 to 6...
- 179 In section 126(5)(a)(ii) (trade disputes) for “emoluments in pursuance  
of...
- 180 (1) Amend section 150(2) (interpretation of Part 10) as follows....
- 181 In section 163(1) (interpretation of Part 11), in paragraph (a)...
- 182 In section 171(1) (interpretation of Part 12), in paragraph (a)...
- 183 In section 171ZJ(2)(a) (Part 12ZA: supplementary) for “emoluments  
chargeable to...
- 184 In section 171ZS(2)(a) (Part 12ZB: supplementary) for “emoluments  
chargeable to...
- 185 In Schedule 1 (supplementary provisions relating to contributions of  
Classes...

*Social Security Administration Act 1992 (c. 5)*

- 186 The Social Security Administration Act 1992 is amended as follows....
- 187 (1) Amend section 139(11) (definitions used in provisions relating to...
- 188 (1) Amend section 159B(6) (effect of alterations affecting state  
pension...
- 189 (1) Amend section 162(5) (destination of national insurance  
contributions) as...

*Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)*

- 190 The Social Security Contributions and Benefits (Northern Ireland) Act  
1992...
- 191 In section 1 (outline of contributory system), in subsection (2)(bb)...
- 192 In section 2 (categories of earners), in subsection (1)(a) for...
- 193 (1) Amend section 4 (payments treated as remuneration and earnings)...
- 194 In section 7(1)(b) (meaning of “secondary contributor”) for  
“emoluments” in...
- 195 (1) Amend section 10 (Class 1A National Insurance contributions:  
benefits...
- 196 (1) Amend section 10ZA (liability of third party provider of...
- 197 (1) Amend section 10ZB (non-cash vouchers provided by third  
parties)...
- 198 (1) Amend section 10A (Class 1B National Insurance contributions)  
as...
- 199 (1) Amend section 121(1) (interpretation of Parts 1 to 6...

*Status: Point in time view as at 17/01/2018.*

*Changes to legislation: Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

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- 200 In section 125(5)(a)(ii) (trade disputes) for “emoluments in pursuance of...  
 201 (1) Amend section 146(2) (interpretation of Part 10) as follows....  
 202 In section 159(1) (interpretation of Part 11), in paragraph (a)...  
 203 In section 167(1) (interpretation of Part 12), in paragraph (a)...  
 204 In Schedule 1 (supplementary provisions relating to contributions of Classes...

*Social Security Administration (Northern Ireland) Act 1992 (c. 8)*

- 205 (1) Section 139B(6) of the Social Security Administration (Northern Ireland)...  
 206 In section 142(5) of that Act (destination of national insurance...

*Taxation of Chargeable Gains Act 1992 (c. 12)*

- 207 The Taxation of Chargeable Gains Act 1992 is amended as...  
 208 .....  
 209 In section 11(1) (visiting forces, agents-general etc.)—  
 210 (1) Amend section 120 (increased expenditure by reference to tax...  
 211 (1) Amend section 149B (employee incentive schemes: conditional interests in...  
 212 After section 149B insert— Priority share allocations Section 17(1) shall not apply to an acquisition of shares...  
 213 In section 222(8D)(b) (relief on disposal of private residence), for...  
 214 In section 236A (employee share ownership plans), and in the...  
 215 In section 238(2)(a) (approved profit sharing and share option schemes),...  
 216 After section 238 insert— Approved share schemes and share incentives...  
 217 After section 263 insert— Former employees: employment-related liabilities (1) This section applies if— (a) a deduction of the...  
 218 In section 271 (other miscellaneous exemptions), for subsection (1)(c) substitute—...  
 219 (1) Amend section 288(1) (interpretation) as follows.  
 220 (1) Amend Schedule 7C (relief for transfers to approved share...  
 221 After Schedule 7C insert— SCHEDULE 7D Approved share schemes and...

*Pension Schemes Act 1993 (c. 48)*

- 222 In section 181(1) of the Pension Schemes Act 1993 (general...

*Pension Schemes (Northern Ireland) Act 1993 (c. 49)*

- 223 In section 176(1) of the Pension Schemes (Northern Ireland) Act...

*Finance Act 1994 (c. 9)*

- 224 (1) In the Finance Act 1994, paragraph 27 of Schedule...

*Finance Act 1995 (c. 4)*

- 225 The Finance Act 1995 is amended as follows.  
 226 .....

*Status: Point in time view as at 17/01/2018.*

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- 227 In section 137(7) (part-time workers: miscellaneous provisions) for “Subsections (2)...

*Jobseekers Act 1995 (c. 18)*

- 228 The Jobseekers Act 1995 is amended as follows.  
229 In section 15(2)(c)(i) (effect on other claimants) for “emoluments in...  
230 In section 26(3) (the back to work bonus) for the...

*Child Support Act 1995 (c. 34)*

- 231 For section 10(4) of the Child Support Act 1995 (child...

*Child Support (Northern Ireland) Order 1995 (S.I. 1995/2702 (N.I. 13))*

- 232 For Article 4(4) of the Child Support (Northern Ireland) Order...

*Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15))*

- 233 The Jobseekers (Northern Ireland) Order 1995 is amended as follows....  
234 In Article 17(2)(c)(i) (effect on other claimants) for “emoluments in...  
235 In Article 28(3) (the back to work bonus) for the...

*Teaching and Higher Education Act 1998 (c. 30)*

- 236 In section 22 of the Teaching and Higher Education Act...

*Scotland Act 1998 (c. 46)*

- 237 In section 79(3) of the Scotland Act 1998 (supplemental powers...

*Education (Student Support) (Northern Ireland) Order 1998 (S.I. 1998/1760 (N.I. 14))*

- 238 In Article 3 of the Education (Student Support) (Northern Ireland)...

*Tax Credits Act 1999 (c. 10)*

- 239 The Tax Credits Act 1999 is amended as follows.  
240 In section 6(1) (payment of tax credit by employers etc.)...  
241 In paragraph 10(1) of Schedule 2 (transfer of functions), in...

*Finance Act 2000 (c. 17)*

- 242 The Finance Act 2000 is amended as follows.  
243 (1) Amend section 38 (payroll deduction scheme) as follows.  
244 .....  
245 .....

*Capital Allowances Act 2001 (c. 2)*

- 246 The Capital Allowances Act 2001 is amended as follows.  
247 (1) Amend section 4 (capital expenditure) as follows.  
248 (1) Amend section 20 (employments and offices) as follows.  
249 In section 61(2) (disposal events and disposal values), in entry...  
250 In section 63(1) (cases in which disposal value is nil)...  
251 In section 72(3) (disposal values), in entry 2(b) of the...  
252 In section 88(c) (sales at under-value) for “Schedule E” substitute...  
253 In section 262 (employments and offices)— (a) in paragraph (a)...

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- 254 In section 423(1) (disposal value for sections 421 and 422),...  
255 At the end of Part 1 of Schedule 1 (abbreviations)...  
256 . . . . .

*Finance Act 2001 (c. 9)*

- 257 For section 95 of the Finance Act 2001 (exemptions in...  
258 . . . . .

*Social Security Contributions (Share Options) Act 2001 (c. 20)*

- 259 The Social Security Contributions (Share Options) Act 2001 is  
amended...  
260 In section 2(3)(b) (effect of notice under section 1) for...  
261 (1) Amend section 3 (special provision for roll-overs) as follows....  
262 In section 5(2)(c) (interpretation)— (a) for “subsection (8) of section...

*State Pension Credit Act 2002 (c. 16)*

- 263 (1) Section 17(1) of the State Pension Credit Act 2002...

*Tax Credits Act 2002 (c. 21)*

- 264 The Tax Credits Act 2002 is amended as follows.  
265 (1) Amend section 25 (payments of working tax credit by...  
266 In section 29(5) (recovery of overpayments) for “regulations under  
section...

*State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.))*

- 267 (1) Section 17(1) of the State Pension Credit Act (Northern...

*Certain corresponding Northern Ireland provision*

- 268 (1) This paragraph applies if provision is made for Northern...  
269 (1) This paragraph applies if provision is made for Northern...

SCHEDULE 7 — Transitionals and savings

Part 1 — CONTINUITY OF THE LAW

- 1 The repeal of provisions and their enactment in a rewritten...  
2 Paragraph 1 does not apply to any change in the...  
3 Any subordinate legislation or other thing which—  
4 Any reference (express or implied) in any enactment, instrument or...  
5 Any reference (express or implied) in any enactment, instrument or...  
6 Paragraphs 1 to 5 have effect instead of section 17(2)...  
7 Paragraphs 4 and 5 apply only in so far as...

Part 2 — EMPLOYMENT INCOME: CHARGE TO TAX

*Taxable earnings*

- 8 (1) The charging provisions of Chapters 4 and 5 of...

*Relief for delayed remittances*

- 9 (1) This paragraph applies where one or more of the...  
10 Section 36(2) (the definition of “blocked earnings”) applies in relation...  
11 (1) This paragraph applies where a claimant—

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*Disputes as to domicile or ordinary residence*

12 (1) Nothing in sections 42 and 43 (disputes as to...

*Application of provisions to agency workers*

13 In relation to times before 6th April 2003, Chapter 7...

14 Section 44(2) does not apply in relation to—

Part 3 — EMPLOYMENT INCOME: EARNINGS AND BENEFITS ETC. TREATED  
AS EARNING

...

15 .....

16 .....

*Taxable benefits: the benefits code*

17 (1) In relation to times before 6th April 2003, references...

...

18 .....

19 .....

20 .....

*Taxable benefits: living accommodation*

21 (1) Section 107 (special rule for calculating cost of providing...

*Taxable benefits: cars, vans and related benefits*

22 (1) In relation to a capital sum contributed by the...

23 (1) In relation to a capital sum contributed by the...

24 .....

*Taxable benefits: loans*

25 (1) Chapter 7 of Part 3 applies to a loan...

26 (1) This paragraph relates to the operation of section 183...

27 (1) Subject to paragraph 25(2), where a loan is made...

*Taxable benefits: notional loans in respect of acquisitions of shares*

28 Chapter 8 of Part 3 does not apply in relation...

29 (1) This paragraph relates to the operation of Chapter 8...

*Taxable benefits: disposals of shares for more than market value*

30 .....

31 .....

*Taxable benefits: residual liability to charge*

32 (1) This paragraph applies in relation to Chapter 10 of...

Part 4 — EMPLOYMENT INCOME: EXEMPTIONS

*Status: Point in time view as at 17/01/2018.*

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*Incidental overnight expenses and benefits*

- 33 In determining whether section 240(1) or (2) or 268 applies—...  
34 In determining— (a) whether section 141(6C) and (6D), 142(3C) and...

*Removal benefits and expenses*

- 35 (1) Section 287 (limit on exemption for removal benefits and...  
36 A direction under paragraph 6(2) of Schedule 11A to ICTA...

*Retraining courses*

- 37 (1) The repeal of sections 588(5)(a) and 589(3) and (4)...

*Suggestion awards*

- 38 (1) This paragraph applies for the purpose of determining the...  
Part 5 — EMPLOYMENT INCOME: DEDUCTIONS

*Earnings charged on remittance*

- 39 In relation to expenses incurred before the tax year 2003-04,...

*Non-domiciled employee's travel costs and expenses: "qualifying arrival date"*

- 40 In relation to any time before 6th April 2003, section...  
Part 6 — EMPLOYMENT INCOME: INCOME WHICH IS NOT EARNINGS OR  
RELATED TO SECURITIES

*Benefits from non-approved pension schemes*

- 41 (1) Chapter 2 of Part 6 (benefits from non-approved pension...

*Payments and benefits on termination of employment etc.*

- 42 Section 403 (charge on payment or other benefit) does not...  
43 (1) This paragraph applies for the purpose of determining how...  
Part 7 — EMPLOYMENT INCOME: INCOME RELATED TO SECURITIES

*Pre-6th April 2003 acquisitions*

- 43A (1) This paragraph relates to the operation of section 421E...

*Conditional interests in shares*

- 44 Chapter 2 of Part 7, as originally enacted, does...  
45 (1) This paragraph relates to the operation of section 425...  
46 (1) This paragraph relates to the operation of section 428...  
47 .....  
48 .....

*Convertible shares*

- 49 Chapter 3 of Part 7 does not apply in relation...  
50 .....  
51 .....  
52 .....  
53 .....



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*Post-acquisition benefits from shares*

- 54 Chapter 4 of Part 7, both as originally enacted and...
- 55 (1) Chapter 4 of Part 7, as originally enacted,...
- 56 The removal or variation of a restriction applying to shares...
- 57 Despite the repeals made by this Act—
- 58 (1) This paragraph relates to the operation of section 448...
- 59 .....
- 60 .....
- 61 .....

*Securities disposed of for more than market value*

- 61A Chapter 3D of Part 7 does not apply in relation...

*Share options*

- 62 .....
- 63 (1) This paragraph relates to the operation of section 474...
- 64 (1) This paragraph relates to the operation of section 478...
- 65 (1) This paragraph relates to the operation of section 478...
- 66 .....
- 67 .....

*Approved share incentive plans*

- 68 (1) This paragraph applies where, immediately before 6th April 2003,...
- 69 (1) Any reference in any enactment, instrument or document—
- 70 Nothing in paragraph 91(4) of Schedule 2 to this Act...

*Approved SAYE option schemes*

- 71 (1) This paragraph applies where, immediately before 6th April 2003,...
- 72 (1) Any reference in the SAYE code to a share...

*Approved CSOP schemes*

- 73 (1) This paragraph applies where, immediately before 6th April 2003,...
- 74 (1) Any reference in the CSOP code to a share...
- 75 (1) This paragraph has effect where, immediately before 6th April...
- 76 (1) This paragraph applies to any right obtained by an...

*Enterprise management incentives*

- 77 (1) This paragraph applies where, immediately before 6th April 2003,...
- 78 (1) In section 535 (disqualifying events relating to employee), subsections...
- 79 (1) Section 536 (other disqualifying events) has effect in relation...
- 80 (1) Section 537 (alteration of share capital for purposes of...
- 81 In a case where the qualifying option was granted before...
- 82 (1) This paragraph relates to the operation of section 541(2)...
- 83 In Schedule 5 (enterprise management incentives), paragraph 41(6) (like other...

*Employee benefit trusts*

- 84 In relation to times before 6th April 2003, section 549(5)...

*Status: Point in time view as at 17/01/2018.*

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Part 8 — APPROVED PROFIT SHARING SCHEMES

*Trustees' duty to provide information*

- 85 Any obligation imposed in accordance with paragraph 34(b) of Schedule...

*Share incentive plans*

- 86 (1) Where the trustees of an approved share incentive plan...

*Other share schemes: eligibility of individuals and material interests*

- 87 (1) In applying any of the provisions specified in sub-paragraph...  
Part 9 — SOCIAL SECURITY INCOME

*Disabled person's and working families' tax credits*

- 88 (1) This paragraph applies if, on 6th April 2003, the...  
Part 10 — PAYE

*PAYE regulations*

- 89 (1) In relation to any time before the commencement of...  
Part 11 — CONSEQUENCES FOR CORPORATION TAX
- 90 (1) This paragraph applies where— (a) a company is charged...
- 91 (1) This paragraph applies in relation to corporation tax charged...
- 92 (1) The provisions of this Act mentioned in sub-paragraph (2)...

SCHEDULE 8 — Repeals and revocations

Part 1 — ACTS OF PARLIAMENT

Part 2 — SUBORDINATE LEGISLATION

**Status:**

Point in time view as at 17/01/2018.

**Changes to legislation:**

Income Tax (Earnings and Pensions) Act 2003 is up to date with all changes known to be in force on or before 14 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.