



Income Tax (Earnings and Pensions) Act 2003

2003 CHAPTER 1

PART 2

EMPLOYMENT INCOME: CHARGE TO TAX

CHAPTER 4

[^{F1}TAXABLE EARNINGS: UK RESIDENT EMPLOYEES]

[^{F1}UK resident employees]

Textual Amendments

- F1** S. 15 cross-heading substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by [Finance Act 2008 \(c. 9\)](#), [Sch. 7 para. 8](#)

15 Earnings for year when employee [^{F2}UK resident]

[^{F3}(1) This section applies to general earnings for a tax year for which the employee is UK resident except that, in the case of a split year, it does not apply to any part of those earnings that is excluded.

(1A) General earnings are “excluded” if they—

- (a) are attributable to the overseas part of the split year, and
- (b) are neither—
 - (i) general earnings in respect of duties performed in the United Kingdom, nor
 - (ii) general earnings from overseas Crown employment subject to United Kingdom tax.]

***Changes to legislation:** Income Tax (Earnings and Pensions) Act 2003, Cross Heading: UK resident employees is up to date with all changes known to be in force on or before 21 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) View outstanding changes*

- (2) The full amount of any general earnings within subsection (1) which are received in a tax year is an amount of “taxable earnings” from the employment in that year.
- [^{F4}(3) Subsection (2) applies whether or not the employment is held when the earnings are received.]
- [^{F5}(4) Any attribution required for the purposes of subsection (1A)(a) is to be done on a just and reasonable basis.
- (5) The following provisions of Chapter 5 of this Part apply for the purposes of subsection (1A)(b) as for the purposes of section 27(2)—
- (a) section 28 (which defines “general earnings from overseas Crown employment subject to United Kingdom tax”), ^{F6}...
 - (b) sections 38 to 41 (which contain rules for determining the place of performance of duties of employment) [^{F7}, and
 - (c) section 41ZA (which is about determining the extent to which general earnings are in respect of United Kingdom duties).]
- (6) Subject to any provision made in an order under section 28(5) for the purposes of subsection (1A)(b), provisions made in an order under that section for the purposes of section 27(2) apply for the purposes of subsection (1A)(b) too.]

Textual Amendments

- F2** Words in s. 15 heading substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by [Finance Act 2008 \(c. 9\)](#), [Sch. 7 para. 9\(4\)](#)
- F3** S. 15(1)(1A) substituted for s. 15(1) (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by [Finance Act 2013 \(c. 29\)](#), [Sch. 45 para. 58\(1\)](#)
- F4** S. 15(3) substituted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by [Finance Act 2008 \(c. 9\)](#), [Sch. 7 para. 9\(3\)](#)
- F5** S. 15(4)-(6) inserted (with effect in accordance with Sch. 45 para. 153(2) of the amending Act) by [Finance Act 2013 \(c. 29\)](#), [Sch. 45 para. 58\(2\)](#)
- F6** Word in s. 15(5) omitted (with effect in accordance with Sch. 6 para. 7 of the amending Act) by virtue of [Finance Act 2013 \(c. 29\)](#), [Sch. 6 para. 2\(a\)](#)
- F7** S. 15(5)(c) and word inserted (with effect in accordance with Sch. 6 para. 7 of the amending Act) by [Finance Act 2013 \(c. 29\)](#), [Sch. 6 para. 2\(b\)](#)

Changes to legislation:

Income Tax (Earnings and Pensions) Act 2003, Cross Heading: UK resident employees is up to date with all changes known to be in force on or before 21 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 452(2)(aa) inserted by [2013 c. 29 Sch. 23 para. 11](#)
- s. 707A inserted by [2024 c. 3 s. 36\(4\)](#)