



Finance Act 2003

2003 CHAPTER 14

PART 7

INCOME TAX, CORPORATION TAX AND CAPITAL GAINS TAX: GENERAL

Taxation of non-resident companies and related matters

150 Non-resident companies: assessment, collection and recovery of corporation tax

- (1) The enactments relating to corporation tax, so far as they make provision for or in connection with the assessment, collection and recovery of tax, or of interest on tax, have effect, in accordance with this section, as if the obligations and liabilities of a non-resident company were also obligations and liabilities of its UK representative.
- (2) For this purpose a permanent establishment in the United Kingdom through which a non-resident company carries on a trade—
 - (a) is the UK representative of the company in relation to chargeable profits of the company attributable to that establishment,
 - (b) continues to be the company's UK representative in relation to those profits even after ceasing to be a permanent establishment through which the company carries on a trade, and
 - (c) shall be treated, if it would not otherwise be so treated, as a distinct and separate person from the non-resident company.

As to the chargeable profits attributable to a permanent establishment, see section 11(2A) of the Taxes Act 1988.

- (3) Subject to the following provisions of this section—
 - (a) the discharge by the UK representative of a non-resident company, or by the company itself, of an obligation or liability that corresponds to one to which the other is subject discharges the corresponding obligation or liability of the other, and

Status: This is the original version (as it was originally enacted).

- (b) a non-resident company is bound, as if they were its own, by acts or omissions of its UK representative in the discharge of the obligations and liabilities imposed on the representative by this section.
- (4) An obligation or liability attaching to a non-resident company—
 - (a) by reason of its having been given or served with a notice or other document, or
 - (b) by reason of its having received a request or demand,does not also attach to its UK representative unless the notice or document, or a copy of it, has been given to or served on the representative or, as the case may be, unless the representative has been notified of the request or demand.
- (5) A non-resident company is not bound by mistakes in information provided by its UK representative in pursuance of an obligation imposed on the representative by this section, unless the mistake is the result of an act or omission of the company itself, or to which the company consented or in which it connived.
- (6) The UK representative of a non-resident company is not by virtue of this section liable to be proceeded against for a criminal offence unless the representative committed the offence itself, or consented to or connived in its commission.
- (7) In this section—
 - “enactment” includes an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978 (c. 30);
 - “information” includes anything contained in a return, self-assessment, account, statement or report required to be provided to the Board or any officer of the Board;
 - “non-resident company” means a company that is not resident in the United Kingdom; and
 - “trade” has the meaning given by section 6(4)(b) of the Taxes Act 1988.
- (8) This section has effect for accounting periods (of the non-resident company) beginning on or after 1st January 2003.