
STATUTORY INSTRUMENTS

2003 No. 2494

**The Income Tax (Employments)
(Amendment) Regulations 2003**

Amendment of the Income Tax (Employments) Regulations 1993

- 4.—(1) Amend regulation 3 as follows.
- (2) In paragraph (1) at the beginning insert—
“Subject to paragraph (6),”.
- (3) After paragraph (5) add—
“(6) An election made under this regulation shall be disregarded if within 60 days of the election being made an officer of the Board issues a notice to the employer stating that it appears to him that the election is made wholly or mainly for an improper purpose (“an improper purpose notice”).
(7) For the purpose of this regulation an election is made for an improper purpose if it is made for the purpose of—
(a) avoiding the requirement imposed by regulation 42A of these Regulations;
(b) avoiding the requirement imposed by regulation 46ZC of these Regulations; or
(c) receiving an incentive payment under the Income Tax (Incentive Payments for Voluntary Electronic Communication of PAYE Returns) Regulations 2003⁽¹⁾.
(8) An employer may appeal against an improper purpose notice—
(a) by notice to an officer of the Board,
(b) within 30 days of the issue of the improper purpose notice,
(c) on the grounds that—
(i) the election was not made wholly or mainly for an improper purpose, or
(ii) the improper purpose notice was not issued within 60 days of the election, and if the appeal is successful the improper purpose notice shall be withdrawn.
(9) Regulation 46ZH applies to appeals under paragraph (8).”.