

**EXPLANATORY MEMORANDUM TO
THE INCOME TAX (PROFESSIONAL FEES) ORDER 2015**

2015 No 886

1. This explanatory memorandum has been prepared by HM Revenue and Customs.

2. Purpose of the instrument

2.1 The purpose of the Order is to allow tax relief for the registration fees paid by certain educational professionals who are required to register under section 9 of the Education (Wales) Act 2014 (“EWA 2014”). This will include further education teachers from 01/04/2015 and school and further education learning support workers from 01/04/2016.

2.2 This Order will take effect from 1 April 2015.

3. Matters of special interest to the Select Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 This Order is being made to allow a deduction from earnings from an employment for the cost of the registration fee payable to the Education Workforce Council (formerly the General Teaching Council for Wales (GTCW)).

4.2 It does so by adding the fees in question to the Table at section 343(2) of the Income Tax (Earnings and Pensions) Act (ITEPA) 2003. The Table sets out a list of mandatory fees for which a deduction is allowed.

4.2 This Order is made under section 343(3) and (4) ITEPA.

5. Territorial Extent and Application

5.1 This Order applies to those in the teaching profession in Wales only.

6. European Convention on Human Rights

6.1 This Order amends primary legislation.

6.2 The Financial Secretary to the Treasury, David Gauke, has made the following statement regarding Human Rights:

“In my view, the provisions of the above Order are compatible with the Convention rights (as defined in section 1 of the Human Rights Act 1998)”.

7. Policy background

7.1 Section 343 ITEPA allows a deduction from earnings from employment for certain fees relating to the practice of a profession.

7.2 The EWA 2014 made provision to reform the GTCW and change its name to the Education Workforce Council (EWC) with effect from 1 April 2015.

7.3 It has been a mandatory requirement for teachers to register with the GTCW since 1 February 2001 and they will continue to register with the EWC.

7.4 Regulations made under the EWA 2014 will make it a requirement for further education teachers to register with the EWC from 1 April 2015 and further regulations are expected to make provision to add certain education professionals in future years (including school and further education learning support workers from 1 April 2016).

7.5 From 1 April 2015, further education teachers will not be able to practice their profession in Wales unless they have registered and paid an annual registration fee to the EWC.

8. Consultation outcome

8.1 None.

9. Guidance

9.1 HMRC's guidance on professional fees and subscriptions will be amended to include the fees covered by this Order.

10. Impact

10.1 No impact on businesses or civil society organisations is foreseen.

10.2 No impact on the public sector is foreseen.

10.3 A Tax Information and Impact Note covering this instrument will be published on the HMRC website at: [Tax Information and Impact Notes - GOV.UK](#)

11. Regulating small business

11.1 The legislation does not apply to small business, it only applies to individuals.

12. Monitoring & review

12.1 This measure will be kept under review through communication with relevant taxpayer groups.

13. Contact

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