
STATUTORY INSTRUMENTS

2016 No. 1036

The Employer-Financed Retirement Benefits (Excluded Benefits for Tax Purposes) (Amendment) Regulations 2016

Amendment of the Employer-Financed Retirement Benefits (Excluded Benefits for Tax Purposes) Regulations 2007

4. After paragraph 21 of the Schedule⁽¹⁾ insert—

“Trivial benefits

22.—(1) The provision of a benefit which would have been exempted by virtue of sections 323A and 323B of ITEPA 2003⁽²⁾ (exemption from income tax for trivial benefits provided by employers) if it had been provided in the course of the employee’s employment.

(2) For the purposes of sub-paragraph (1)—

(a) section 323A(2) of ITEPA 2003 (close company restriction) applies where—

(i) the former employer is a close company⁽³⁾ when the benefit is provided, and

(ii) the former employee is—

(aa) a person who was a director or other office-holder at any time when the former employer was a close company, or

(bb) a member of the family or household of such a person, and

(b) a benefit provided to a member of the family or household of the former employee is included in the calculation of the amount allocated under section 323B(4) of ITEPA 2003 (amount allocated in respect of a benefit).”.

⁽¹⁾ Paragraphs 18 to 21 of the Schedule were inserted by [S.I. 2011/2281](#).

⁽²⁾ Sections 323A to 323C were inserted by section 13 of the [Finance Act 2016 \(c. 24\)](#).

⁽³⁾ Section 989 of the [Income Tax Act 2007 \(c. 3\)](#) defines a “close company” for the purposes of the Income Tax Acts.