

# Income Tax (Earnings and Pensions) Act 2003

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# INCOME TAX (EARNINGS AND PENSIONS) ACT 2003

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A government department The Welsh Ministers and the Counsel General...

# Local government

A county, district or parish council in England The council...

# Trade unions

An organisation the name of which is entered in the...

# Local medical committees

A Local Medical Committee (see section 97(4) of the National...

# *Other public bodies*

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A body (other than a company) that is established by...

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# General restriction on contents of scheme

5 (1) The purpose of the scheme must be to provide,...

All-employee nature of scheme

6 (1) The scheme must provide that every person who meets...

## Participation on similar terms

7 (1) The requirements of this paragraph are—

No preferential treatment for directors and senior employees

8 (1) The requirement of this paragraph is that, if the... Part 3 — ELIGIBILITY OF INDIVIDUALS TO PARTICIPATE IN SCHEME

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11 (1) The scheme must ensure that an individual is not...

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12 (1) In paragraph 11 (the "no material interest" requirement) references...

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Shares must be fully paid up and not redeemable

20 Eligible shares must be— (a) fully paid up, and

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21 (1) Eligible shares must not be subject to any restrictions...

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29 (1) The scheme must ensure that share options granted to...

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33 (1) The scheme must provide that, if a participant ("P")...

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35 (1) This paragraph applies for the purposes of paragraph 34...

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36 The scheme may provide that if at the bonus date...

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38 (1) An SAYE option scheme may provide that if—

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49 In the SAYE code the following expressions are defined or...

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3 (1) A CSOP scheme established by a company that controls... Part 2 — GENERAL REQUIREMENTS FOR APPROVAL

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9 (1) The scheme must ensure that an individual is not...

# Meaning of "material interest"

10 (1) In paragraph 9 (the "no material interest" requirement) references...

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12 (1) In paragraph 9(2) (the "no material interest" requirement) "associate",...

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13 (1) This paragraph applies for the purposes of paragraph 12(1)(c)...

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16 Eligible shares must form part of the ordinary share capital...

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17 (1) Eligible shares must be -(a) shares of a...

Shares must be fully paid up and not redeemable

18 Eligible shares must be— (a) fully paid up, and

Only certain kinds of restriction allowed

19 (1) Eligible shares must not be subject to any restrictions...

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20 (1) The majority of the issued shares of the same... Part 5 — REQUIREMENTS ETC. RELATING TO SHARE OPTIONS

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23 (1) The scheme must ensure that share options granted to...

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24 (1) The scheme may provide that an individual may exercise...

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25 (1) The scheme may provide that, if a participant dies...

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26 (1) A CSOP scheme may provide that if—

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- 28F (1) This paragraph applies if notice is given in relation...
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- 28H (1) This paragraph applies if HMRC decide—
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28J (1) This paragraph applies if the scheme organiser is liable...

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28K (A1) The scheme organiser may appeal against a decision of... Part 8 — SUPPLEMENTARY PROVISIONS

## Power to require information

33 (1) An officer of Revenue and Customs may by notice...

# Jointly owned companies

34 (1) This paragraph applies for the purposes of the provisions...

# Meaning of "associated company"

35 (1) For the purposes of the CSOP code one company...

### Non-UK company reorganisation arrangements

35ZA (1) For the purposes of the CSOP code a "non-UK...

### *Retirement age*

35A A retirement age specified in a CSOP scheme—

### Minor definitions

36 (1) In the CSOP code— "company" means a body corporate;...

## Index of defined expressions

37 In the CSOP code the following expressions are defined or...

SCHEDULE 5 — Enterprise management incentives Part 1 — INTRODUCTION

Enterprise management incentives: qualifying options

1 (1) This Schedule makes provision for establishing what is a...

Meaning of "the relevant company" and "the employer company"

2 In the EMI code, in relation to a share option—... Part 2 — GENERAL REQUIREMENTS

General requirements: introduction

3 A share option is not a qualifying option unless the...

Purpose of granting the option

4 To be a qualifying option a share option must be...

Maximum entitlement of employee: financial limit on unexercised options

5 (1) An employee may not hold unexercised qualifying options which

Maximum entitlement of employee: further limit of 3 years

6 (1) Sub-paragraph (2) applies if an employee ("E") has already...

Maximum value of options in respect of relevant company's shares

7 (1) The total value of shares in the relevant company... Part 3 — QUALIFYING COMPANIES

Qualifying companies: introduction

8 A "qualifying company" is a company in relation to which...

# The independence requirement

9 (1) The independence requirement consists of two conditions.

10	<i>The qualifying subsidiaries requirement</i> (1) A company that has one or more subsidiaries is
10	
11	Meaning of "qualifying subsidiary"
11	(1) A company ("the subsidiary") is a qualifying subsidiary of
	The property managing subsidiaries requirement
11A	(1) A company is not a qualifying company if it
	Meaning of "qualifying 90% subsidiary"
11B	(1) A company ("the subsidiary") is a qualifying 90% subsidiary
	The gross assets requirement
12	(1) The gross assets requirement in the case of a
	The number of employees requirement
12A	(1) The number of employees requirement in the case of
	The trading activities requirement: single company
13	(1) The trading activities requirement in the case of a
	The trading activities requirement: parent company
14	(1) The trading activities requirement in the case of a
	The UK permanent establishment requirement
14A	(1) The UK permanent establishment requirement is met if condition
	Meaning of "qualifying trade"
15	(1) A trade is a qualifying trade if—
15	
16	Excluded activities
16	The following are excluded activities— (a) dealing in land, in
	Excluded activities: wholesale and retail distribution
17	(1) This paragraph supplements paragraph 16(b). (2) A trade of
	Excluded activities: leasing of certain ships
18	(1) This paragraph supplements paragraph 16(d) so far as it
	Excluded activities: receipt of royalties or licence fees
19	(1) This paragraph supplements paragraph 16(e) (receipt of royalties or

# *Excluded activities: property development*

20 (1) This paragraph supplements paragraph 16(g). (2) "Property development" means...

# Excluded activities: shipbuilding

20A In paragraph 16(ia) " shipbuilding " has the same meaning...

# Excluded activities: producing coal

20B (1) This paragraph supplements paragraph 16(ib). (2) " Coal "...

# Excluded activities: producing steel

20C In paragraph 16(ic) " steel " means any of the...

## Excluded activities: hotels and comparable establishments

21 (1) This paragraph supplements paragraph 16(j). (2) A "comparable establishment"...

Excluded activities: nursing homes and residential care homes

22 (1) This paragraph supplements paragraph 16(k). (2) "Nursing home" means...

Excluded activities: provision of facilities for another business

23 (1) This paragraph applies where a company ("the service provider")... Part 4 — ELIGIBLE EMPLOYEES

## Eligible employees: introduction

24 An individual is an "eligible employee" in relation to the...

## The employment requirement

25 To be an eligible employee in relation to the relevant...

## The requirement as to commitment of working time

26 (1) For an individual ("the employee") to be an eligible...

Meaning of "working time"

27 (1) In paragraph 26 "working time" means—

## The "no material interest" requirement

28 (1) An individual is not an eligible employee in relation...

Meaning of "material interest"

29 (1) In paragraph 28 (the "no material interest" requirement) references...

Material interest: options and interests in SIPs

30 (1) This paragraph applies for the purposes of paragraph 29...

Meaning of "associate"

31 (1) In paragraph 28(2) (the "no material interest" requirement) "associate",...

Meaning of "associate": trustees of employee benefit trust

32 (1) This paragraph applies for the purposes of paragraph 31(1)(c)...

Meaning of "associate": trustees of discretionary trust

33 (1) This paragraph applies for the purposes of paragraph 31(1)(c)...
 Part 5 — REQUIREMENTS RELATING TO OPTIONS

Requirements relating to options: introduction

34 A share option is not a qualifying option unless the...

Type of shares that may be acquired

35 (1) The option must confer a right to acquire shares...

Option to be capable of exercise within 10 years

36 (1) The option must be capable of being exercised within...

Terms of option to be agreed in writing

37 (1) The option must take the form of a written...

Non-assignability of rights

38 The terms on which the option is granted— Part 6 — COMPANY REORGANISATIONS

Company reorganisations: introduction

39 (1) This Part applies in connection with company reorganisations.

Meaning of "qualifying exchange of shares"

40 (1) For the purposes of the EMI code there is...

Grant of replacement option

41 (1) This paragraph applies if both of the following conditions...

Period within which replacement option must be granted

42 (1) To qualify as a replacement option the new option...

Further requirements to be met as to replacement option

43 (1) For the new option to qualify as a replacement... Part 7 — NOTIFICATION OF OPTION TO INLAND REVENUE

Notice of option to be given to Inland Revenue

44 (1) For a share option to be a qualifying option,...

# Correction of notice by Inland Revenue

45 (1) An officer of Revenue and Customs may amend a...

## Notice of enquiry

46 (1) This paragraph applies where notice of a share option...

# Completion of enquiry: closure notices

47 (1) An enquiry under paragraph 46(2) is completed when an...

Completion of enquiry: application for closure notice to be given

48 (1) An application may be made to the tribunal under...

# Effect of enquiry

49 (1) If an officer of Revenue and Customs does not...

## Appeals

50 (1) The employer company may appeal against a decision of... Part 8 — SUPPLEMENTARY PROVISIONS

## Power to require information

51 (1) An officer of Revenue and Customs may by notice...

## Annual returns

- 52 (1) This paragraph applies in relation to a company whose...
- 52A (1) A return under paragraph 52, and any information accompanying...

## *Compliance with time limits*

53 (1) For the purposes of this Part and Part 7...

## Power to amend by Treasury order

54 (1) The Treasury may by order amend the EMI code—...

Meaning of "market value" of shares

55 (1) For the purposes of the EMI code the "market...

# Determination of market value of shares

56 (1) This paragraph applies to the determination of the market...

Appeal against determination of market value of shares

57 (1) The employer company may appeal against any determination by...

# Penalties

- 57A A company is liable for a penalty of £500 if...
- 57B (1) This paragraph applies if a company fails to give...
- 57C (1) This paragraph applies if a return under paragraph 52,...
- 57D (1) This paragraph applies if a company is liable for...

57E (1) A company may appeal against a decision of HMRC...

### Minor definitions

58	In the EMI co	ode— "arrang	gements" incluc	les any scheme,	agreement or

### Index of defined expressions

59 In the EMI code the following expressions are defined or...

SCHEDULE 6 — Consequential Amendments Part 1 — INCOME AND CORPORATION TAXES ACT 1988 1 The Income and Corporation Taxes Act 1988 (c. 1) is... 2 . . . . . . . . . . .... 3 In section 4(1) (construction of references in Income Tax Acts... 4 . . . . . . . . . . .... 5 . . . . . . . . . . .... 6 Omit section 19 (Schedule E). 7 In section 21A(2) (computation of amount chargeable)— 8 Omit section 58 (foreign pensions). 9 . . . . . . . . . . .... 10 . . . . . . . . . . .... 11 . . . . . . . . . . .... 12 . . . . . . . . . . .... 13 . . . . . . . . . . .... 14 Omit sections 131 to 134 (miscellaneous provisions relating to the... 15 Omit sections 135 to 137 (provisions relating to gains by... (1) Amend section 138 (share acquisitions by directors and 16 employees)... 17 Omit section 140 (further interpretation of sections 135 to 139).... 18 Omit sections 140A to 140H (further provisions relating to share... 19 Omit sections 141 to 144 (vouchers and credit-tokens). 20 Omit section 144A (payments received free of tax). 21 Omit sections 145 to 147 (living accommodation). 22 Omit sections 148 to 151A (payments on retirement, sick pay... 23 . . . . . . . . . . .... 24 Omit sections 153 to 159AC and sections 160 to 168G... 25 Omit section 185 (approved share option schemes). (1) Amend section 186 (approved profit sharing schemes) as follows.... 26 27 In section 187 (interpretation of sections 185 and 186 and... 28 Omit the following provisions (which give relief from income tax... 29 Omit sections 202A and 202B (assessment on receipts basis). 30 Omit sections 203 to 204 (pay as you earn). Omit sections 205 and 206 (assessments). 31 32 Omit section 206A (PAYE settlement agreements). 33 Omit section 207 (disputes as to domicile or ordinary residence).... 34 . . . . . . . . . . .... 35 . . . . . . . . . . . . After section 266 insert- Life assurance premiums paid by employer... 36 37 . . . . . . . . . . . . . 38 . . . . . . . . . . .... 39 Omit section 313 (taxation of consideration for certain restrictive undertakings).... 40 . . . . . . . . . . ....

in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

41 Omit sections 315 to 318 (pensions etc. paid in respect... 42 Omit section 319 (crown servants: foreign service allowance). 43 Omit section 321 (consuls and other official agents). 44 . . . . . . . . . . . . . 45 . . . . . . . . . . ... Omit section 330 (compensation for National-Socialist persecution). 46 47 (1) Amend section 332 (expenditure and houses of ministers of... 48 . . . . . . . . . . .... 49 . . . . . . . . . . .... 50 . . . . . . . . . . .... 51 . . . . . . . . . . .... 52 In section 376(2) (qualifying borrowers and qualifying lenders) for the... 53 . . . . . . . . . . .... 54 . . . . . . . . . . .... 55 . . . . . . . . . . .... 56 . . . . . . . . . . .... 57 . . . . . . . . . . . . . 58 . . . . . . . . . . .... 59 . . . . . . . . . . .... 60 . . . . . . . . . . .... 61 . . . . . . . . . . .... 62 . . . . . . . . . . .... 63 . . . . . . . . . . .... 64 . . . . . . . . . . .... 65 . . . . . . . . . . .... 66 . . . . . . . . . . . . . 67 . . . . . . . . . . . 68 Omit section 589 (qualifying courses of training etc.). 69 . . . . . . . . . . .... 70 . . . . . . . . . . .... 71 In section 591D (provisions supplementary to section 591C) omit subsection... 72 . . . . . . . . . . .... 73 . . . . . . . . . . .... Omit sections 595 and 596 (payments by employer to retirement... 74 75 Omit sections 596A to 596C (benefits under non-approved retirement benefits... 76 Omit section 597 (charge to tax: pensions). In section 599A (charge to tax: payments out of surplus... 77 78 Omit section 600 (charge to tax: unauthorised payments to or... 79 80 In section 608 (charge to tax on annuities paid out... 81 82 . . . . . . . . . . . . In section 613 (Parliamentary pension funds) omit subsections (1) to... 83 84 In section 614(3) (exemptions and reliefs in respect of income... 85 In section 615 (exemption from tax in respect of certain... 86 Omit section 616 (other overseas pensions). 87 . . . . . . . . . . . . . 88 Omit section 617A (tax credits under Part 1 of Tax... 89 . . . . . . . . . . .... 90 . . . . . . . . . . ....

#### (1) Section 643 (employer's contributions and personal pension income etc.)... 92 . . . . . . . . . . .... 93 . . . . . . . . . . .... 94 . . . . . . . . . . .... 95 . . . . . . . . . . .... 96 Omit sections 647 to 648A (personal pensions: unauthorised payments, contributions... 97 . . . . . . . . . . .... 98 . . . . . . . . . . .... 99 . . . . . . . . . . . . . 100 . . . . . . . . . . .... 101 . . . . . . . . . . .... 102 . . . . . . . . . . . . . 103 . . . . . . . . . . . . In section 824(4A) (repayment supplement: individuals and others) for 104 "section... 105 . . . . . . . . . . . . In section 830 (territorial sea and designated areas) omit subsection... 106 107 In section 831(3) (interpretation of ICTA) before the entry relating... 108 . . . . . . . . . . .... 109 . . . . . . . . . . .... Omit Schedules 6 and 6A (taxation of directors and others:... 110 Omit Schedules 7 and 7A (taxation of benefit of loans).... 111 112 (1) Amend Schedule 9 (approved share option schemes and profit... 113 (1) Amend Schedule 10 (further provisions relating to profit sharing... 114 Omit Schedule 11 (payments and other benefits in connection with... 115 Omit Schedule 11A (removal benefits and expenses). 116 Omit Schedule 12 (foreign earnings). 117 Omit Schedule 12AA (mileage allowances). 118 Omit Schedule 12A (ordinary commuting and private travel). 119 In Schedule 14 (modification of section 266 in certain cases),... 120 . . . . . . . . . . . . . 121 . . . . . . . . . . . . Part 2 — OTHER ENACTMENTS

# Finance Act 1969 (c. 32)

122 (1) Section 58 of the Finance Act 1969 (disclosure of...

# Taxes Management Act 1970 (c. 9)

- The Taxes Management Act 1970 is amended as follows. 123
- 124 In section 7(4) and (5) (notice of liability to income...
- 125 (1) Amend section 9 (returns to include self-assessment) as follows....
- 126 (1) Amend section 15 (return of employee's emoluments etc.) as...
- 127 For section 16A substitute— Agency workers (1) This section applies where—(a) any services which an...
- 128 In section 42(3) (procedure for making claims etc.) for "section...
- 129 . . . . . . . . . . ....
- 130 In section 59A (payments on account of income tax)—
- 131 (1) Amend section 59B (payment of income tax and capital...
- 132 In section 62(1A)(a) (priority of claim for tax)—
- 133 In section 63(3)(a) (recovery of tax in Scotland) for "section...

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in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 134 In section 64(1A)(a) (priority of claim for tax in Scotland)—...
- 135 (1) Amend section 70 (evidence) as follows.
- 136 In section 91(3)(c) (effect on interest of reliefs) for "section...
- 137 (1) Amend the Table in section 98 (special returns, etc.)...
- 138 In section 98A(1) (special penalties in the case of certain...
- 139 In section 118 (interpretation) after the entry relating to "inspector"...
- 140 In section 119(4) (construction of the Act) after "1992 Act"...
- 141 In paragraph 4(1A) of Schedule 1A (claims etc. not included...
- 142 .....
- 143 In Schedule 3A (electronic lodgement of tax returns etc.) in...

# *Finance Act* 1973 (c. 51)

144										
145		•			•			•		
146	•	•	•	•	•	•	•	•	•	

# Finance Act 1974 (c. 30)

147 .....

Interpretation Act 1978 (c. 30)

148 In Schedule 1 to the Interpretation Act 1978 (words and...

Education (Scotland) Act 1980 (c. 44)

149 In section 73B of the Education (Scotland) Act 1980 (grants...

# Inheritance Tax Act 1984 (c. 51)

- 150 The Inheritance Tax Act 1984 is amended as follows.
- 151 (1) Amend the following provisions as provided in sub-paragraph (2)
- 152 In section 14(1) (waiver of remuneration), for "would be assessable...

# Bankruptcy (Scotland) Act 1985 (c. 66)

153 In paragraph 1(1) of Schedule 3 to the Bankruptcy (Scotland)...

## Insolvency Act 1986 (c. 45)

154 In paragraph 1 of Schedule 6 to the Insolvency Act...

# *Finance Act 1988 (c. 39)*

155 (1) Section 73 of the Finance Act 1988 (consideration for...

# Finance Act 1989 (c. 26)

- 156 The Finance Act 1989 is amended as follows.
- 157 For section 43 substitute— Schedule D: computation (1) In calculating profits or gains of a trade to...
- 158 For section 44 substitute— Investment and insurance companies: computation (1) In calculating the profits of an investment company for...
- 159 In section 53(2)(f) (amendments consequential on the substitution of a...

- 160 (1) Amend section 69 (chargeable events in relation to employee...
- 161 .....
- 162 In section 178(2) (setting of rates of interest)—
- 163 (1) Amend Schedule 5 (employee share ownership trusts) as follows....

Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19))

164 In paragraph 1 of Schedule 4 to the Insolvency (Northern...

# Finance Act 1990 (c. 29)

- 165 The Finance Act 1990 is amended as follows.
- 166 .....
- 167 (1) Amend paragraph 4 of Schedule 14 (amendments of sections...

# Finance Act 1991 (c. 31)

168 (1) Amend section 38 of the Finance Act 1991 (employee...

# Social Security Contributions and Benefits Act 1992 (c. 4)

- 169 The Social Security Contributions and Benefits Act 1992 is amended...
- 170 In section 1 (outline of contributory system), in subsection (2)(bb)...
- 171 In section 2 (categories of earners), in subsection (1)(a) for...
- 172 (1) Amend section 4 (payments treated as remuneration and earnings)...
- 173 In section 7(1)(b) (meaning of "secondary contributor") for "emoluments" in...
- 174 (1) Amend section 10 (Class 1A National Insurance contributions: benefits...
- 175 (1) Amend section 10ZA (liability of third party provider of...
- 176 (1) Amend section 10ZB (non-cash vouchers provided by third parties)...
- 177 (1) Amend section 10A (Class 1B National Insurance contributions) as...
- 178 (1) Amend section 122(1) (interpretation of Parts 1 to 6...
- 179 In section 126(5)(a)(ii) (trade disputes) for "emoluments in pursuance of...
- 180 (1) Amend section 150(2) (interpretation of Part 10) as follows....
- 181 In section 163(1) (interpretation of Part 11), in paragraph (a)...
- 182 In section 171(1) (interpretation of Part 12), in paragraph (a)...
- 183 In section 171ZJ(2)(a) (Part 12ZA: supplementary) for "emoluments chargeable to...
- 184 In section 171ZS(2)(a) (Part 12ZB: supplementary) for "emoluments chargeable to...
- 185 In Schedule 1 (supplementary provisions relating to contributions of Classes...

# Social Security Administration Act 1992 (c. 5)

- 186 The Social Security Administration Act 1992 is amended as follows....
- 187 (1) Amend section 139(11) (definitions used in provisions relating to...
- 188 (1) Amend section 159B(6) (effect of alterations affecting state pension...
- 189 (1) Amend section 162(5) (destination of national insurance contributions) as...

Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)

- 190 The Social Security Contributions and Benefits (Northern Ireland) Act 1992...
- 191 In section 1 (outline of contributory system), in subsection (2)(bb)...
- 192 In section 2 (categories of earners), in subsection (1)(a) for...
- 193 (1) Amend section 4 (payments treated as remuneration and earnings)...
- 194 In section 7(1)(b) (meaning of "secondary contributor") for "emoluments" in...
- 195 (1) Amend section 10 (Class 1A National Insurance contributions: benefits...
- 196 (1) Amend section 10ZA (liability of third party provider of...
- 197 (1) Amend section 10ZB (non-cash vouchers provided by third parties)...
- 198 (1) Amend section 10A (Class 1B National Insurance contributions) as...
- 199 (1) Amend section 121(1) (interpretation of Parts 1 to 6...
- 200 In section 125(5)(a)(ii) (trade disputes) for "emoluments in pursuance of...
- 201 (1) Amend section 146(2) (interpretation of Part 10) as follows....
- 202 In section 159(1) (interpretation of Part 11), in paragraph (a)...
- 203 In section 167(1) (interpretation of Part 12), in paragraph (a)...
- 204 In Schedule 1 (supplementary provisions relating to contributions of Classes...

Social Security Administration (Northern Ireland) Act 1992 (c. 8)

- 205 (1) Section 139B(6) of the Social Security Administration (Northern Ireland)...
- 206 In section 142(5) of that Act (destination of national insurance...

## *Taxation of Chargeable Gains Act 1992 (c. 12)*

- 207 The Taxation of Chargeable Gains Act 1992 is amended as...
- 208 .....
- 209 In section 11(1) (visiting forces, agents-general etc.)—
- 210 (1) Amend section 120 (increased expenditure by reference to tax...
- 211 (1) Amend section 149B (employee incentive schemes: conditional interests in...
- 212 After section 149B insert— Priority share allocations Section 17(1) shall not apply to an acquisition of shares...
- 213 In section 222(8D)(b) (relief on disposal of private residence), for...
- 214 In section 236A (employee share ownership plans), and in the...
- 215 In section 238(2)(a) (approved profit sharing and share option schemes),...
- 216 After section 238 insert— Approved share schemes and share incentives...
- 217 After section 263 insert— Former employees: employment-related liabilities (1) This section applies if— (a) a deduction of the...
- 218 In section 271 (other miscellaneous exemptions), for subsection (1)(c) substitute—...
- 219 (1) Amend section 288(1) (interpretation) as follows.
- 220 (1) Amend Schedule 7C (relief for transfers to approved share...

221 After Schedule 7C insert— SCHEDULE 7D Approved share schemes and...

# Pension Schemes Act 1993 (c. 48)

222 In section 181(1) of the Pension Schemes Act 1993 (general...

# Pension Schemes (Northern Ireland) Act 1993 (c. 49)

223 In section 176(1) of the Pension Schemes (Northern Ireland) Act...

# Finance Act 1994 (c. 9)

224 (1) In the Finance Act 1994, paragraph 27 of Schedule...

# Finance Act 1995 (c. 4)

- 225 The Finance Act 1995 is amended as follows.
- 226 .....
- 227 In section 137(7) (part-time workers: miscellaneous provisions) for "Subsections (2)...

# Jobseekers Act 1995 (c. 18)

- 228 The Jobseekers Act 1995 is amended as follows.
- 229 In section 15(2)(c)(i) (effect on other claimants) for "emoluments in...
- 230 In section 26(3) (the back to work bonus) for the...

# Child Support Act 1995 (c. 34)

231 For section 10(4) of the Child Support Act 1995 (child...

Child Support (Northern Ireland) Order 1995 (S.I. 1995/2702 (N.I. 13))

232 For Article 4(4) of the Child Support (Northern Ireland) Order...

# Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705 (N.I. 15))

- 233 The Jobseekers (Northern Ireland) Order 1995 is amended as follows....
- In Article 17(2)(c)(i) (effect on other claimants) for "emoluments in...
- 235 In Article 28(3) (the back to work bonus) for the...

# Teaching and Higher Education Act 1998 (c. 30)

236 In section 22 of the Teaching and Higher Education Act...

# Scotland Act 1998 (c. 46)

237 In section 79(3) of the Scotland Act 1998 (supplemental powers...

Education (Student Support) (Northern Ireland) Order 1998 (S.I. 1998/1760 (N.I. 14))

238 In Article 3 of the Education (Student Support) (Northern Ireland)...

# Tax Credits Act 1999 (c. 10)

- 239 The Tax Credits Act 1999 is amended as follows.
- 240 In section 6(1) (payment of tax credit by employers etc.)...
- 241 In paragraph 10(1) of Schedule 2 (transfer of functions), in...

Income Tax (Earnings and Pensions) Act 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

### *Finance Act 2000 (c. 17)*

- 242 The Finance Act 2000 is amended as follows.
- 243 (1) Amend section 38 (payroll deduction scheme) as follows.
- 244 .....
- 245 .....

## Capital Allowances Act 2001 (c. 2)

- 246 The Capital Allowances Act 2001 is amended as follows.
- 247 (1) Amend section 4 (capital expenditure) as follows.
- 248 (1) Amend section 20 (employments and offices) as follows.
- 249 In section 61(2) (disposal events and disposal values), in entry...
- 250 In section 63(1) (cases in which disposal value is nil)...
- 251 In section 72(3) (disposal values), in entry 2(b) of the...
- 252 In section 88(c) (sales at under-value) for "Schedule E" substitute...
- 253 In section 262 (employments and offices)— (a) in paragraph (a)...
- In section 423(1) (disposal value for sections 421 and 422),...
- 255 At the end of Part 1 of Schedule 1 (abbreviations)...
- 256 .....

#### Finance Act 2001 (c. 9)

- 257 For section 95 of the Finance Act 2001 (exemptions in...
- 258 .....

### Social Security Contributions (Share Options) Act 2001 (c. 20)

- 259 The Social Security Contributions (Share Options) Act 2001 is amended...
- 260 In section 2(3)(b) (effect of notice under section 1) for...
- 261 (1) Amend section 3 (special provision for roll-overs) as follows....
- 262 In section 5(2)(c) (interpretation)— (a) for "subsection (8) of section...

## State Pension Credit Act 2002 (c. 16)

263 (1) Section 17(1) of the State Pension Credit Act 2002...

### Tax Credits Act 2002 (c. 21)

- 264 The Tax Credits Act 2002 is amended as follows.
- 265 (1) Amend section 25 (payments of working tax credit by...
- 266 In section 29(5) (recovery of overpayments) for "regulations under section...

### State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.))

267 (1) Section 17(1) of the State Pension Credit Act (Northern...

#### Certain corresponding Northern Ireland provision

- 268 (1) This paragraph applies if provision is made for Northern...
- 269 (1) This paragraph applies if provision is made for Northern...

# SCHEDULE 7 — Transitionals and savings

Part 1 — CONTINUITY OF THE LAW

1 The repeal of provisions and their enactment in a rewritten...

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to Income Tax (Earnings and Pensions) Act 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- 2 Paragraph 1 does not apply to any change in the...
- 3 Any subordinate legislation or other thing which—
- 4 Any reference (express or implied) in any enactment, instrument or...
- 5 Any reference (express or implied) in any enactment, instrument or...
- 6 Paragraphs 1 to 5 have effect instead of section 17(2)...
- 7 Paragraphs 4 and 5 apply only in so far as...
  - Part 2 EMPLOYMENT INCOME: CHARGE TO TAX

## Taxable earnings

8 (1) The charging provisions of Chapters 4 and 5 of...

# Relief for delayed remittances

- 9 (1) This paragraph applies where one or more of the...
- 10 Section 36(2) (the definition of "blocked earnings") applies in relation...
- 11 (1) This paragraph applies where a claimant—

### Disputes as to domicile or ordinary residence

12 (1) Nothing in sections 42 and 43 (disputes as to...

### Application of provisions to agency workers

13 In relation to times before 6th April 2003, Chapter 7...

 Section 44(2) does not apply in relation to—
 Part 3 — EMPLOYMENT INCOME: EARNINGS AND BENEFITS ETC. TREATED AS EARNING

15 ..... 16 .....

## Taxable benefits: the benefits code

. . .

...

- 17 (1) In relation to times before 6th April 2003, references...
- 18 ..... 19 .....

## Taxable benefits: living accommodation

21 (1) Section 107 (special rule for calculating cost of providing...

# Taxable benefits: cars, vans and related benefits

- 22 (1) In relation to a capital sum contributed by the...
- 23 (1) In relation to a capital sum contributed by the...
- 24 .....

# Taxable benefits: loans

- 25 (1) Chapter 7 of Part 3 applies to a loan...
- 26 (1) This paragraph relates to the operation of section 183...

27 (1) Subject to paragraph 25(2), where a loan is made...

Taxable benefits: notional loans in respect of acquisitions of shares

- 28 Chapter 8 of Part 3 does not apply in relation...
- 29 (1) This paragraph relates to the operation of Chapter 8...

Taxable benefits: disposals of shares for more than market value

- 30 .....
- 31 .....

Taxable benefits: residual liability to charge

32 (1) This paragraph applies in relation to Chapter 10 of... Part 4 — EMPLOYMENT INCOME: EXEMPTIONS

## Incidental overnight expenses and benefits

- 33 In determining whether section 240(1) or (2) or 268 applies—...
- In determining— (a) whether section 141(6C) and (6D), 142(3C) and...

### Removal benefits and expenses

- 35 (1) Section 287 (limit on exemption for removal benefits and...
- 36 A direction under paragraph 6(2) of Schedule 11A to ICTA...

### Retraining courses

37 (1) The repeal of sections 588(5)(a) and 589(3) and (4)...

### Suggestion awards

38 (1) This paragraph applies for the purpose of determining the... Part 5 — EMPLOYMENT INCOME: DEDUCTIONS

### Earnings charged on remittance

39 In relation to expenses incurred before the tax year 2003-04,...

Non-domiciled employee's travel costs and expenses: "qualifying arrival date"

40 In relation to any time before 6th April 2003, section... Part 6 — EMPLOYMENT INCOME: INCOME WHICH IS NOT EARNINGS OR RELATED TO SECURITIES

Benefits from non-approved pension schemes

41 (1) Chapter 2 of Part 6 (benefits from non-approved pension...

# Payments and benefits on termination of employment etc.

- 42 Section 403 (charge on payment or other benefit) does not...
- 43 (1) This paragraph applies for the purpose of determining how...
   Part 7 EMPLOYMENT INCOME: INCOME RELATED TO SECURITIES

## Pre-6th April 2003 acquisitions

43A (1) This paragraph relates to the operation of section 421E...

# Conditional interests in shares

44	Chapter 2 of Part 7	as originally	enacted, does

- 45 (1) This paragraph relates to the operation of section 425...
- 46 (1) This paragraph relates to the operation of section 428...
- 47 ....
- 48 .....

# Convertible shares

- 49 Chapter 3 of Part 7 does not apply in relation...
- 50 ....
- 51 .....
- 52 .....
- 53 ....

# Post-acquisition benefits from shares

- 54 Chapter 4 of Part 7, both as originally enacted and...
- 55 (1) Chapter 4 of Part 7, as originally enacted,...
- 56 The removal or variation of a restriction applying to shares...
- 57 Despite the repeals made by this Act—
- 58 (1) This paragraph relates to the operation of section 448...
- 59 .....
- 60 ....
- 61 .....

## Securities disposed of for more than market value

61A Chapter 3D of Part 7 does not apply in relation...

### Share options

62 ......
63 (1) This paragraph relates to the operation of section 474...
64 (1) This paragraph relates to the operation of section 478...
65 (1) This paragraph relates to the operation of section 478...
66 ......
67 .....

# Approved share incentive plans

- 68 (1) This paragraph applies where, immediately before 6th April 2003,...
- 69 (1) Any reference in any enactment, instrument or document-
- 70 Nothing in paragraph 91(4) of Schedule 2 to this Act...

## Approved SAYE option schemes

- 71 (1) This paragraph applies where, immediately before 6th April 2003,...
- 72 (1) Any reference in the SAYE code to a share...

# Approved CSOP schemes

- 73 (1) This paragraph applies where, immediately before 6th April 2003,...
- (1) Any reference in the CSOP code to a share...
- 75 (1) This paragraph has effect where, immediately before 6th April...
- 76 (1) This paragraph applies to any right obtained by an...

## Enterprise management incentives

- 77 (1) This paragraph applies where, immediately before 6th April 2003,...
- 78 (1) In section 535 (disqualifying events relating to employee),
- subsections...
- 79 (1) Section 536 (other disqualifying events) has effect in relation...
- 80 (1) Section 537 (alteration of share capital for purposes of...
- 81 In a case where the qualifying option was granted before...
- 82 (1) This paragraph relates to the operation of section 541(2)...
- 83 In Schedule 5 (enterprise management incentives), paragraph 41(6) (like other...

## Employee benefit trusts

84 In relation to times before 6th April 2003, section 549(5)... Part 8 — APPROVED PROFIT SHARING SCHEMES

## *Trustees' duty to provide information*

85 Any obligation imposed in accordance with paragraph 34(b) of Schedule...

### Share incentive plans

86 (1) Where the trustees of an approved share incentive plan...

Other share schemes: eligibility of individuals and material interests

87 (1) In applying any of the provisions specified in sub-paragraph... Part 9 — SOCIAL SECURITY INCOME

Disabled person's and working families' tax credits

88 (1) This paragraph applies if, on 6th April 2003, the...
 Part 10 — PAYE

# PAYE regulations

- 89 (1) In relation to any time before the commencement of...
  - Part 11 CONSEQUENCES FOR CORPORATION TAX
- 90 (1) This paragraph applies where— (a) a company is charged...
- 91 (1) This paragraph applies in relation to corporation tax charged...
- 92 (1) The provisions of this Act mentioned in sub-paragraph (2)...

SCHEDULE 8 — Repeals and revocations

- Part 1 ACTS OF PARLIAMENT
- Part 2 SUBORDINATE LEGISLATION

# Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Income Tax (Earnings and Pensions) Act 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. View outstanding changes

Changes and effects yet to be applied to :

- s. 61O(1)(b) substituted by 2020 c. 14 Sch. 1 para. 14
- s. 139(1) Table substituted by 2023 c. 1 s. 11(1)(2)
- s. 139(1) Table substituted by 2023 c. 1 s. 11(5)(6)
- s. 139(1) Table substituted by 2023 c. 1 s. 11(7)(8)
- s. 139(3)(a) word substituted by 2023 c. 1 s. 11(3)(4)
- s. 658(4) words repealed by 2007 c. 5 Sch. 8
- s. 660(1) entry repealed by 2007 c. 5 Sch. 8
- s. 660(1) Table A words inserted by 2023 c. 20 Sch. para. 47(2)
- s. 660(2) words inserted by 2023 c. 20 Sch. para. 47(3)
- s. 661(1) words repealed by 2007 c. 5 Sch. 8
- s. 663 repealed by 2007 c. 5 Sch. 8
- s. 664 repealed by 2007 c. 5 Sch. 8
- s. 667(1) Table B modified by S.I. 2024/287 reg. 3(2)
- s. 667(1) Table B words inserted by S.I. 2024/287 reg. 2(2)
- s. 677(1)Pt. 1 words repealed by S.I. 2015/2006 (N.I.) Sch. 12 Pt. 8
- s. 677(1)Pt. 1 words repealed by 2012 c. 5 Sch. 14 Pt. 9
- s. 677(1) Table B Pt. 1 words substituted by S.I. 2014/606 reg. 3
- s. 702(5B) word substituted by 2009 c. 10 s. 126(5)(b) (This effect was superseded by CTA 2009 (c. 4), Sch. 1 para. 555)
- Sch. 2 para. 32(2)(e) words omitted by 2013 c. 29 Sch. 2 para. 3
- Sch. 5 para. 26(3)(b) words inserted by 2023 c. 20 Sch. para. 48(3)
- Sch. 5 para. 12A(4)(b)(i) words substituted by 2023 c. 20 Sch. para. 48(2)
- Sch. 6 para. 237 omitted by 2012 c. 11 Sch. 2 para. 2
- Sch. 6 para. 200 repealed by 2010 c. 13 (N.I.) Sch. 4 Pt. 1
- Sch. 6 para. 200 repealed by S.I. 2015/2006 (N.I.) Sch. 12 Pt. 1
- Sch. 6 para. 187 repealed by 2007 c. 5 Sch. 8
- Sch. 6 para. 179 repealed by 2009 c. 24 Sch. 7 Pt. 1
- Sch. 6 para. 36 repealed by 2012 c. 14 Sch. 39 para. 28(1)
- Sch. 6 para. 119 repealed by 2012 c. 14 Sch. 39 para. 28(1)
- Sch. 6 para. 179 repealed by 2012 c. 5 Sch. 14 Pt. 1
- Sch. 6 para. 226(2) words repealed by 2010 c. 13 (N.I.) Sch. 4 Pt. 1

**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