

## SCHEDULES

### SCHEDULE 12

#### MILEAGE ALLOWANCES

##### PART 2

##### CONSEQUENTIAL AMENDMENTS

##### *The Taxes Act 1988*

- 9 For section 200F(2) (cap on travelling and subsistence expenditure exempt under section 200E) substitute—

“(2) Section 200E shall not apply in the case of any expenditure incurred in paying or reimbursing any expenses of travelling or subsistence, except to the extent that, on the assumptions in subsection (2A) below—

- (a) mileage allowance relief would be available in respect of those expenses if no mileage allowance payments (within the meaning of section 197AD(2)) had been made; or
- (b) those expenses would be deductible under section 198.

(2A) The assumptions are—

- (a) that the employee undertook the education or training in question in the performance of the duties of—
  - (i) his office or employment under the employer, or
  - (ii) where the employee no longer holds an office or employment under the employer, the last office or employment that he did hold under the employer; and
- (b) that the employee incurred the expenses in question out of the emoluments of that office or employment.”.