

*These notes refer to the Income Tax (Earnings and Pensions)
Act 2003 (c.1) which received Royal Assent on 6th March 2003*

INCOME TAX (EARNINGS AND PENSIONS) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Omitted material

Part 12: Payroll giving

Overview

Section 714: Meaning of “donations”

2904. This section defines what is meant by “donations”. It also records the meanings of supporting terms that are used in that definition. The section derives from section 202(3), (4), (5), (6) and (11) of ICTA.
2905. *Subsection (1)* contains the definition of “donations”, where two (or possibly three) requirements that need to be fulfilled are identified.
2906. *Subsection (2)* contains definitions of three terms used in the preceding subsection.
2907. Section 202(4)(a) of ICTA refers to “a person (“the agent”)”, although that term is not further defined there. The Act recognises the reality that the agent will be a “body”. See *Change 155* in Annex 1.
2908. This Act provides for the Inland Revenue, as opposed to the Board in the source legislation, to approve a scheme for payroll giving. See *Change 158* in Annex 1.
2909. *Subsection (3)* provides for the Inland Revenue, as opposed to the Board in the source legislation, to approve an agent for payroll giving. That reflects the Inland Revenue’s practice on the application of section 202(3) whereby the power of the Board is delegated to the technical specialist. See *Change 158* in Annex 1.