



# Income Tax (Earnings and Pensions) Act 2003

## 2003 CHAPTER 1

### PART 7

[<sup>F1</sup>EMPLOYMENT INCOME: INCOME AND EXEMPTIONS RELATING TO SECURITIES]

#### [<sup>F1</sup>CHAPTER 1

##### INTRODUCTION

*Application of Chapters 2 to [<sup>F1</sup>4A]*

#### [<sup>F1</sup>421B Application of Chapters 2 to [<sup>F2</sup>4A]

- (1) Subject as follows (and to any provision contained in Chapters 2 to [<sup>F3</sup>4A] ) those Chapters apply to securities, or an interest in securities, acquired by a person where the right or opportunity to acquire the securities or interest is available by reason of an employment of that person or any other person.
- (2) For the purposes of subsection (1)—
  - (a) securities are, or an interest in securities is, acquired at the time when the person acquiring the securities or interest becomes beneficially entitled to those securities or that interest (and not, if different, the time when the securities are, or interest is, conveyed or transferred), and
  - (b) “employment” includes a former or prospective employment.
- (3) A right or opportunity to acquire securities or an interest in securities made available by a person’s employer, or by a person connected with a person’s employer, is to be regarded for the purposes of subsection (1) as available by reason of an employment of that person unless—

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*Changes to legislation: There are currently no known outstanding effects for the Income Tax (Earnings and Pensions) Act 2003, Section 421B. (See end of Document for details)*

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- (a) the person by whom the right or opportunity is made available is an individual, and
  - (b) the right or opportunity is made available in the normal course of the domestic, family or personal relationships of that person.
- (4) Chapters 2 to [F<sup>4</sup>4A] cease to apply to securities, or an interest in securities, when subsection (5), (6) or (7) is satisfied.
- (5) This subsection is satisfied immediately after the securities are, or the interest in securities is, disposed of otherwise than to an associated person.
- (6) This subsection is satisfied immediately before the death of the employee.
- (7) This subsection is satisfied 7 years after the first date after the acquisition on which the employee is an employee of none of the following—
- (a) the employer,
  - (b) (if the securities are, or the interest in securities is an interest in, securities issued by a company) the company by which they are issued, or
  - (c) a person connected with a person within paragraph (a) or (b).
- (8) In this Chapter and Chapters 2 to [F<sup>5</sup>4A] —
- “the acquisition”, in relation to employment-related securities, means the acquisition of the employment-related securities pursuant to the right or opportunity available by reason of the employment,
- “the employment”, in relation to employment-related securities, means the employment by reason of which the right or opportunity to acquire the employment-related securities is available (“the employee” and “the employer” being construed accordingly unless otherwise indicated), and
- “employment-related securities” means securities or an interest in securities to which Chapters 2 to 4 apply (ignoring any provision of any of those Chapters which limits the application of the Chapter to a particular description or descriptions of employment-related securities).]

#### Textual Amendments

- F1** Pt. 7 Ch. 1 substituted (with effect in accordance with Sch. 22 para. 2(2) of the amending Act) by [Finance Act 2003 \(c. 14\)](#), **Sch. 22 para. 2(1)**
- F2** Word in s. 421B heading substituted (with effect in accordance with s. 20(5) of the amending Act) by [Finance Act 2005 \(c. 7\)](#), **s. 20(3)(b)**
- F3** Word in s. 421B(1) substituted (with effect in accordance with s. 20(5) of the amending Act) by [Finance Act 2005 \(c. 7\)](#), **s. 20(3)(a)**
- F4** Word in s. 421B(4) substituted (with effect in accordance with s. 20(5) of the amending Act) by [Finance Act 2005 \(c. 7\)](#), **s. 20(3)(a)**
- F5** Word in s. 421B(8) substituted (with effect in accordance with s. 20(5) of the amending Act) by [Finance Act 2005 \(c. 7\)](#), **s. 20(3)(a)**

**Changes to legislation:**

There are currently no known outstanding effects for the Income Tax (Earnings and Pensions) Act 2003, Section 421B.