

SCHEDULES

SCHEDULE 1

WORKERS' SERVICES PROVIDED THROUGH INTERMEDIARIES

PART 2

AMENDMENTS TO CHAPTER 10 OF PART 2 OF ITEPA 2003

16 For section 61T substitute—

“61T Client-led status disagreement process

- (1) This section applies if, before the final chain payment is made in the case of an engagement to which this Chapter applies, the worker or the deemed employer makes representations to the client that the conclusion contained in a status determination statement is incorrect.
- (2) The client must either—
 - (a) give a statement to the worker or (as the case may be) the deemed employer that—
 - (i) states that the client has considered the representations and has decided that the conclusion contained in the status determination statement is correct, and
 - (ii) states the reasons for that decision, or
 - (b) give a new status determination statement to the worker and the deemed employer that—
 - (i) contains a different conclusion from the conclusion contained in the previous status determination statement,
 - (ii) states the date from which the client considers that the conclusion contained in the new status determination statement became correct, and
 - (iii) states that the previous status determination statement is withdrawn.
- (3) If the client fails to comply with the duty in subsection (2) before the end of the period of 45 days beginning with the date the client receives the representations, section 61N(3) and (4) has effect from the end of that period until the duty is complied with as if for any reference to the fee-payer there were substituted a reference to the client; but this is subject to section 61V.
- (4) A new status determination statement given to the deemed employer under subsection (2)(b) is to be treated for the purposes of section 61N(8)(za) as having been given to the deemed employer by the person immediately above the deemed employer in the chain.

Status: This is the original version (as it was originally enacted).

(5) In this section—

“the deemed employer” means the person who, assuming one of conditions A to C in section 61N were met, would be treated as making a deemed direct payment to the worker under section 61N(3) on the making of a chain payment;

“status determination statement” has the meaning given by section 61NA.

61TA Duty for client to withdraw status determination statement if it ceases to be medium or large

(1) This section applies if in the case of an engagement to which this Chapter applies—

- (a) the client is not a public authority,
- (b) the client gives a status determination statement to the worker, the client’s agent or both, and
- (c) the client does not (but for this section) qualify as medium or large for a tax year beginning after the status determination statement is given.

(2) Before the beginning of the tax year the client must give a statement to the relevant person, or (as the case may be) to both of the relevant persons, stating—

- (a) that the client does not qualify as medium or large for the tax year, and
- (b) that the status determination statement is withdrawn with effect from the beginning of the tax year.

(3) If the client fails to comply with that duty the following rules apply in relation to the engagement for the tax year—

- (a) the client is to be treated as medium or large for the tax year, and
- (b) section 61N(3) and (4) have effect as if for any reference to the fee-payer there were substituted a reference to the client.

(4) For the purposes of subsection (2)—

- (a) the worker is a relevant person if the status determination statement was given to the worker, and
- (b) the deemed employer is a relevant person if the status determination statement was given to the client’s agent.

(5) In this section—

“client’s agent” means a person with whom the client entered into a contract as part of the arrangements mentioned in section 61M(1)(c);

“the deemed employer” means the person who, assuming one of conditions A to C in section 61N were met, would be treated as making a deemed direct payment to the worker under section 61N(3) on the making of a chain payment;

“status determination statement” has the meaning given by section 61NA.”