
 STATUTORY INSTRUMENTS

1980 No. 1135

INCOME TAX

**The Income Tax (Sub-contractors in the Construction Industry)
Regulations 1980**

<i>Made</i> - - - -	1st August 1980
<i>Laid before the House of Commons</i>	1st August 1980
<i>Coming into Operation</i>	11th August 1980

The Commissioners of Inland Revenue, in exercise of the powers conferred on them by sections 69 and 70 and Schedule 12 of the Finance (No. 2) Act 1975(a), hereby make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Income Tax (Sub-contractors in the Construction Industry) Regulations 1980, and shall come into operation on 11th August 1980.

Interpretation

2. In these Regulations:—

“applicant” has the same meaning as in Part I of Schedule 12 to the Principal Act;

“the Principal Act” means the Finance (No. 2) Act 1975;

“the Principal Regulations” means the Income Tax (Sub-contractors in the Construction Industry) Regulations 1975(b).

Amendments of the Principal Regulations

3. In paragraph 2(1) of the Principal Regulations before the definition of “contract payment” there shall be inserted:—

‘ “Business name” means any name or style under which any business is carried on by a firm or person.’

4. Regulation 13(1) of the Principal Regulations shall be amended by substituting for sub-paragraphs (a), (b) and (c) thereof the following sub-paragraphs:—

(a) the income tax and any Class 4 contributions or, as the case may be, corporation tax payable (whether or not yet due and payable) by that sub-contractor for that year or accounting period on the profits or gains of the trade, profession or vocation of the sub-contractor; and

(a) 1975 c. 45, as amended by section 43 and schedule 8 of the Finance Act 1980 (c. 48).

(b) S.I. 1975/1960.

(b) any income tax and any Class 4 contributions or, as the case may be, corporation tax remaining unpaid for any other year or accounting period on the profits or gains of the trade, profession or vocation.

5. Regulation 15(2) of the Principal Regulations shall be amended by adding at the end thereof the words "Where the individual so wishes the certificate shall show one business name under which his business is carried on".

6. Regulation 15(3) of the Principal Regulations shall be amended by adding after the words "specified in" the words "the first sentence of" and by adding at the end thereof the words "Where the individual so wishes the certificate shall show one business name under which the firm's business is carried on, provided that this business name appears on all other certificates issued to the firm under Section 70 of the Finance (No. 2) Act 1975 and currently in force".

7. Regulation 15(4) of the Principal Regulations shall be amended by adding at the end thereof the words "Where the Secretary or Director of the company so wishes the certificate shall show one business name under which the company's business is carried on, provided that this business name appears on all other certificates issued to the company under Section 70 of the Finance (No. 2) Act 1975 and currently in force".

8. Regulation 15(5) of the Principal Regulations shall be amended by adding at the end thereof the words "Where the Secretary of the company so wishes the certificate shall show one business name under which the company's business is carried on".

9. Regulation 22(2) of the Principal Regulations shall be amended by adding after the words "bank account" the words "held in the name of the company" and by adding at the end thereof the words "Where the user so wishes the document may also include the business name or names under which the company's business is carried on".

10. For the Schedule to the Principal Regulations there shall be substituted the Schedule to these Regulations.

Absence abroad

11. Where an applicant or, as the case may be, a partner must satisfy the Board for the purposes either of Part I or Part II of Schedule 12 to the Principal Act that he has been outside the United Kingdom for the whole or part of the period between the ending of a period of three years throughout which he has been employed (as mentioned in paragraph 2(1) of the said Part I and paragraph 1(1) of the said Part II) and the date of his application for a certificate (in this and the following Regulation referred to as "the period in question") the evidence by which he is so to satisfy the Board shall be:—

(a) where he claims to have been employed or self-employed outside the United Kingdom during any part or parts of the period in question (but subject to sub-paragraph (b) hereof) any document from the Revenue Department or equivalent department of the country in which he claims to have been living which confirms his presence there throughout such part or parts of the period in question; and

(b) where he claims not to have been employed or self-employed while outside the United Kingdom during any part or parts of the period in question or where he claims to have been employed or self-employed outside the United Kingdom during any part or parts of the period in question but not to have been liable to tax in the country in which he claims to have been living during such part or parts of the period in question, any document from the Social Security Department or equivalent department or from the immigration authorities, or from any other Government department of the country in which he claims to have been living which confirms his presence there throughout the said part or parts of the period in question.

12. Where an applicant or, as the case may be, a partner must satisfy the Board for the purposes either of Part I or Part II of Schedule 12 to the Principal Act that he has complied with any obligations imposed under the tax laws of any country in which he was living during the period in question which are comparable to the obligations mentioned respectively in paragraph 3(1) of the said Part I and paragraph 2(1) of the said Part II, the evidence by which he is so to satisfy the Board shall be such notices or documents issued by the Revenue Department or equivalent department of the country in which he claims to have been living as confirm that the obligations have been complied with.

By Order of the Commissioners of Inland Revenue.

1st August 1980


A. J. G. Isaac,
Secretary.

**SUB-CONTRACTOR'S
TAX CERTIFICATE**

*[Space
for
photograph]*

Signature of Authorised User

[Space for signature]



Authorised User

Certificate no:
[Space for distinctive number of certificate]

*[Space for name and national insurance number
of user and where appropriate the words "trading
as" (abbreviated where necessary to "T/A") and one
business name.]*

Expires end of:
*[Space for date of
expiry of certificate]*

7141

REVERSE

INLAND REVENUE PROPERTY

This certificate may be used only by the authorised user in conjunction with sub-contractor's vouchers issued to him. It must be surrendered on expiry or on demand by the Inland Revenue. If found please hand in at any Police Station or Income Tax office.

ANY PERSON INVOLVED IN THE MISUSE OF THIS CERTIFICATE IS LIABLE TO PROSECUTION

**SUB-CONTRACTOR'S
TAX CERTIFICATE**

*[Space for
for
photograph]*

Signature of Authorised User

[Space for signature]

[Space for
Inland
Revenue
Crest]

Certificate no: Expires end of:

*[Space for distinctive
number of certificate]* *[Space for date of
expiry of certificate]*

Authorised User

[Space for the name, national insurance number of the individual who is a partner, the words "Acting for" and the name of the firm and where appropriate the words "trading as" (abbreviated where necessary to "T/A") and one business name of the firm or the name of the secretary or director of the company, the words "Acting for" and the name and registration number of the company and where appropriate the words "Trading as" (abbreviated where necessary to "T/A") and one business name of the company.]

714P


REVERSE

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ANY PERSON INVOLVED IN THE MISUSE OF THIS CERTIFICATE IS LIABLE TO PROSECUTION.


FACE

<p><i>[Space for the word "Original" or the words "Official Copy" and an additional distinctive serial number.]</i></p>	<p>SUB-CONTRACTOR'S TAX CERTIFICATE</p> <p>FOR A COMPANY NOT REGISTERED TO USE SUB-CONTRACTOR'S VOUCHERS</p>	 <p><i>[Space for Inland Revenue Crest]</i></p>
	<p>Signature of Company Secretary</p> <p><i>[Space for signature of Company Secretary]</i></p>	
<p>Certificate no:</p> <p><i>[Space for distinctive number of certificate]</i></p>		<p>Expires end:</p> <p><i>[Space for date of expiry of certificate]</i></p>
	<p>Company Registration no:</p>	<p><i>[Space for registration number of Company]</i></p>
<p>Issued to:</p> <p><i>[Space for name of Company and where appropriate the words "trading as" (abbreviated where necessary to "T/A") and one business name of the Company.]</i></p>		<p>714C</p>

REVERSE

<p>INLAND REVENUE PROPERTY</p> <p>This certificate may be used only by the Company named on it. It must be surrendered on expiry or on demand by the Inland Revenue. If found please hand in at any Police Station or Income Tax Office.</p> <p>ANY PERSON INVOLVED IN THE MISUSE OF THIS CERTIFICATE IS LIABLE TO PROSECUTION.</p>

FACE

 <p>SUB-CONTRACTOR'S VOUCHER 1, <i>For conditions see back</i></p> <p><i>For official use</i></p>	<p><i>[Space for the name and national insurance number of the user in the case of an individual and additionally the words "Acting for" and the name of the firm in the case of an individual who is a partner in a firm and, in the case of a company, the name of the secretary or director of the company, the words "Acting for" and the name and registration number of the company.]</i></p>															
	<p>of (business address)</p> <p>holder of certificate no.: hereby certify that I have produced</p> <p>that certificate to: -</p> <p>..... and</p> <p>complete this voucher, no: <i>[Space for distinctive number]</i></p> <table border="0"> <tr> <td>Day</td> <td>Month</td> <td>Year</td> <td></td> </tr> <tr> <td>on this day (in figures)</td> <td></td> <td></td> <td></td> </tr> <tr> <td>in respect of a gross</td> <td>Pounds</td> <td>Pence</td> <td>Amount in words - pounds only</td> </tr> <tr> <td>payment of (in figures)</td> <td></td> <td></td> <td></td> </tr> </table> <p>715 Signature</p>	Day	Month	Year		on this day (in figures)				in respect of a gross	Pounds	Pence	Amount in words - pounds only	payment of (in figures)		
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payment of (in figures)																

REVERSE

INLAND REVENUE PROPERTY

CONDITIONS

No one other than the authorised user may use this form; he may use it only while he is the authorised user of a valid sub-contractor's tax certificate. The authorised user, or in the case of a company the named company, is responsible for the safe custody of this form which must be surrendered on demand to the Inland Revenue.

ANY PERSON INVOLVED WITH THE MISUSE OF THIS FORM IS LIABLE TO PROSECUTION.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

1. These Regulations amend Regulation 13 of the Income Tax (Sub-contractors in the Construction Industry) Regulations 1975 so that in calculating a repayment due to a sub-contractor any Class 4 contributions payable by him are treated in the same way as any income tax or corporation tax payable by him.

2. The Regulations provide for the inclusion of a business name on the sub-contractor certificate and make similar provision for the use of these names in certifying documents.

3. The Regulations also supplement the provisions of Parts I and II of Schedule 12 to the Finance (No. 2) Act 1975 as amended by the Finance Act 1980 which set out the requirements an applicant must satisfy to qualify for a sub-contractor's certificate. They specify the evidence required to satisfy the Board that an individual was abroad for the period he claims and, where appropriate, has satisfied certain overseas tax obligations.