

2019 No. 1007

INCOME TAX

The Income Tax (Accommodation Allowances of Armed Forces) Regulations 2019

<i>Made</i> - - - -	<i>10th June 2019</i>
<i>Laid before House of Commons</i>	<i>11th June 2019</i>
<i>Coming into force</i> - -	<i>2nd July 2019</i>

The Treasury, in exercise of the powers conferred by section 297D(2)(c) and (3) of the Income Tax (Earnings and Pensions) Act 2003(a), make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Income Tax (Accommodation Allowances of Armed Forces) Regulations 2019 and come into force on 2nd July 2019.

(2) In these Regulations, “JSP” means the document published by the Ministry of Defence on 31st May 2019 entitled “Joint Service Publication 464: Tri-Service Accommodation Regulations, Volume 4: Future Accommodation Model Pilot – UK, Part 1: Directive”, as it has effect from time to time.

Accommodation allowance

2. The conditions specified for the purposes of section 297D(2)(c) of the Income Tax (Earnings and Pensions) Act 2003 (armed forces: accommodation allowances) are that the allowance—

- (a) is payable by the Ministry of Defence in accordance with the JSP, and
- (b) is a payment to compensate a member of the armed forces of the Crown in respect of one or more of—
 - (i) the cost of rent,
 - (ii) the cost of mortgage repayments,
 - (iii) the cost of council tax, to the extent that this cost is greater than the national average,
 - (iv) costs incurred in connection with sourcing and signing a tenancy agreement.

10th June 2019

Jeremy Quin
Rebecca Harris
Two of the Lords Commissioners of Her Majesty’s Treasury

(a) 2003 c. 1. Section 297D was inserted by section 8(1) of the Finance Act 2018 (c. 3).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify conditions that must be met in order for a payment to fall within the definition of an “accommodation allowance” for the purposes of section 297D of the Income Tax (Earnings and Pensions) Act 2003 (c. 1). Section 297D was inserted by section 8(1) of the Finance Act 2018 (c. 3) and introduced an income tax exemption for payments made to, or in respect of, members of the armed forces of the Crown out of public revenue for or towards the costs of accommodation. The conditions require that a payment falls within certain categories of payments that may be made by the Ministry of Defence (“MOD”) under the pilot of its “Future Accommodation Model” set out in Joint Service Publication 464 Volume 4 Part 1 (the “JSP”), which is a document published by the MOD containing details of this pilot.

The JSP is available at <https://www.gov.uk/government/publications/jsp-464-tri-service-accommodation-regulations-tsars>. Hard copies of this document can be obtained from the Future Accommodation Model Central Team, MOD Main Building, Whitehall, London, SW1A 2HB (email: people-accommodation-fam@mod.gov.uk).

A Tax Information and Impact Note covering this instrument was published on 22nd November 2017 and is available at <https://www.gov.uk/government/publications/income-tax-armed-forces-accommodation-allowance-exemption/income-tax-armed-forces-accommodation-allowance-exemption>. It remains an accurate summary of the impacts that apply to this instrument.

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