



Income Tax (Earnings and Pensions) Act 2003

2003 CHAPTER 1

PART 3

EMPLOYMENT INCOME: EARNINGS AND BENEFITS ETC. TREATED AS EARNINGS

CHAPTER 5

TAXABLE BENEFITS: LIVING ACCOMMODATION

Other tax implications

109 Priority of this Chapter over Chapter 1 of this Part

- (1) This section applies if—
 - (a) under this Chapter [^{F1}an amount] is to be treated as earnings from an employee's employment for a tax year, and
 - (b) under Chapter 1 of this Part an amount would, apart from this section, constitute earnings from the employment for the year in respect of the provision of the accommodation.
- (2) The full amount [^{F2}mentioned in subsection (1)(a)] is to be treated as earnings from the employment for that year under this Chapter.
- (3) The amount mentioned in subsection (1)(b) is to constitute earnings from the employment for the year under Chapter 1 of this Part only to the extent that it exceeds the amount mentioned in subsection (2).
- [^{F3}(4) In a case where the [^{F4}amount mentioned in subsection (1)(a)] is nil—
 - (a) subsections (2) and (3) do not apply, and

Changes to legislation: *There are currently no known outstanding effects for the Income Tax (Earnings and Pensions) Act 2003, Section 109. (See end of Document for details)*

- (b) the full amount mentioned in subsection (1)(b) constitutes earnings from the employment for the year under Chapter 1.]

Textual Amendments

- F1** Words in s. 109(1)(a) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), **Sch. 2 para. 18(2)**
- F2** Words in s. 109(2) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), **Sch. 2 para. 18(3)**
- F3** S. 109(4) inserted (with effect in accordance with s. 7(9) of the amending Act) by [Finance Act 2016 \(c. 24\)](#), **s. 7(3)**
- F4** Words in s. 109(4) substituted (with effect in accordance with Sch. 2 para. 62 of the amending Act) by [Finance Act 2017 \(c. 10\)](#), **Sch. 2 para. 18(4)**

Changes to legislation:

There are currently no known outstanding effects for the Income Tax (Earnings and Pensions) Act 2003, Section 109.