

*These notes refer to the Income Tax Act 2007 (c.3)
which received Royal Assent on 20 March 2007*

INCOME TAX ACT 2007

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 3: Personal reliefs

Overview

Chapter 4: General

Overview

Section 56: Residence etc of claimants

217. This section provides details of residence conditions which have to be satisfied for personal reliefs to be available. It is based on section 278 of ICTA.
218. *Subsection (1)* provides that the section applies in relation to personal allowances, blind person's allowance and tax reductions for married couples and civil partners. Section 460 provides corresponding rules for certain other reliefs given in Chapter 6 of Part 8.
219. *Subsection (2)* provides that the requirements of this section are met if the individual is UK resident or meets one of the alternative tests in subsection (3).
220. Residence is a concept that applies to a tax year so that an individual is either resident in or not resident in the United Kingdom for a complete tax year. But ESC A11 allows tax years to be split, and will continue to do so. Personal reliefs are given in full for any tax year in which a qualifying individual is resident in the United Kingdom whether or not the tax year is split under ESC A11.
221. *Subsection (3)* is based on section 278(2) of ICTA. If the individual is not UK resident then one of conditions (a) to (f) must be satisfied. The drafting makes it explicit that a test only has to be met at some time in the tax year. In rewriting section 278(2)(e) of ICTA it has been assumed that the word "employed" is implicit before the word "service".
222. Individuals who, under the source legislation, were able to claim the reliefs only by virtue of meeting the condition in section 278(2)(a) are catered for by provisions remaining in ICTA, as amended by this Act. See the overview commentary on this Part.