



# Income Tax Act 2007

## 2007 CHAPTER 3

### PART 14

#### INCOME TAX LIABILITY: MISCELLANEOUS RULES

### CHAPTER 1

#### LIMITS ON LIABILITY TO INCOME TAX OF NON-UK RESIDENTS

##### *The independent broker conditions*

#### **817 The independent broker conditions**

- (1) The independent broker conditions are met in relation to a transaction carried out on behalf of a non-UK resident by a broker in the United Kingdom if—
  - (a) conditions A to D are met, if this section applies for the purposes of section 813, or
  - (b) conditions A to C and E are met, if this section applies for the purposes of section 816.
- (2) Condition A is that at the time of the transaction the broker is carrying on the business of a broker.
- (3) Condition B is that the transaction is carried out <sup>F1</sup>... in the ordinary course of that business.
- (4) Condition C is that the remuneration which the broker receives in respect of the transaction for the provision of the services of a broker to the non-UK resident is not less than is customary for that class of business.
- (5) Condition D is that the broker does not fall for the purposes of [<sup>F2</sup>Chapter 2B of this Part, or of Chapter 1 of Part 7A of TCGA 1992,] to be treated as a UK representative of the non-UK resident in relation to any other income which is chargeable to income

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*Changes to legislation: There are currently no known outstanding effects  
for the Income Tax Act 2007, Section 817. (See end of Document for details)*

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tax, or amounts which are chargeable to capital gains tax, for the same tax year as the transaction income.

- (6) Condition E is that the broker does not fall to be treated as a permanent establishment of the non-UK resident company in relation to any other transaction of any kind carried out in the same accounting period of the non-UK resident company as the transaction in question.

#### **Textual Amendments**

- F1** Words in s. 817(3) repealed (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\), s. 381\(1\), Sch. 8 para. 283\(2\), Sch. 10 Pt. 11](#) (with [Sch. 9 paras. 1-9, 22](#))
- F2** Words in s. 817(5) substituted (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\), s. 381\(1\), Sch. 8 para. 283\(3\)](#) (with [Sch. 9 paras. 1-9, 22](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Income Tax Act 2007, Section 817.