



# Finance (No. 2) Act 2023

## 2023 CHAPTER 30

### PART 3

#### MULTINATIONAL TOP-UP TAX

### CHAPTER 1

#### INTRODUCTION AND CHARGE

#### 122 Chargeable persons

- (1) A person is chargeable to multinational top-up tax for an accounting period of a multinational group if the group is a qualifying multinational group in that period and—
  - (a) the person—
    - (i) is a responsible member of the multinational group at any time in that period,
    - (ii) is a body corporate or a partnership that is not a body corporate, and
    - (iii) is located in the United Kingdom, or
  - (b) the person is chargeable to tax in respect of an entity that is a responsible member of the multinational group at any time in that period.
- (2) A person is chargeable to tax in respect of a responsible member of a multinational group if—
  - (a) the profits of the responsible member would, on the relevant assumptions, be the profits of the person for the purposes of income tax or corporation tax,
  - (b) the responsible member is located in the United Kingdom, and
  - (c) the responsible member is not—
    - (i) a body corporate, or
    - (ii) a partnership that is not a body corporate.
- (3) The relevant assumptions are—

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*Status: This is the original version (as it was originally enacted).*

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- (a) that the responsible member has profits that are chargeable to income tax or corporation tax, and
  - (b) that the person is resident in the United Kingdom for the purposes of that tax.
- (4) Where a partnership that is not a body corporate is chargeable to multinational top-up tax as a result of [subsection \(1\)\(a\)](#)—
  - (a) the responsible partners are liable to pay the tax, and
  - (b) the liability of the responsible partners to do so is joint and several.
- (5) The references in [subsection \(4\)](#) to “the responsible partners” are to each member of the partnership at any time during the accounting period who—
  - (a) in the case of a partner that is an entity, is located in the United Kingdom, or
  - (b) in the case of a partner that is an individual, is tax resident in the United Kingdom.
- (6) A partnership is to be regarded for the purposes of [this section](#) as continuing to be the same partnership regardless of a change in membership, provided that a person who was a member before the change remains a member after the change.
- (7) Where more than one person is chargeable to tax in relation to the same responsible member of a qualifying multinational group as a result of the application of [subsection \(2\)](#), each of those persons is jointly and severally liable to multinational top-up tax.