
STATUTORY INSTRUMENTS

2003 No. 2682

The Income Tax (Pay As You Earn) Regulations 2003

PART 2

CODES

Determination of code

Matters relevant to determination of code

14.—(1) If the Inland Revenue determine a code under this regulation, they must have regard to the following matters so far as known to them—

- (a) the reliefs from income tax to which the employee is entitled for the tax year in which the code is determined, so far as the employee's title to those reliefs has been established at the time of the determination;
- (b) any PAYE income of the employee (other than the relevant payments in relation to which the code is being determined);
- (c) any tax overpaid for any previous tax year which has not been repaid;
- (d) any tax remaining unpaid for any previous tax year which is not otherwise recovered;
- (e) any tax repaid to the employee in excess of the amount properly due to the employee which may be recovered as if it were unpaid tax under section 30(1) of TMA(1) (recovery of overpayment of tax etc) and which is not otherwise recovered;
- (f) unless the employee objects, any other income of the employee which is not PAYE income; and
- (g) such other adjustments as may be necessary to secure that, so far as possible, the tax in respect of the employee's income in relation to which the code is determined will be deducted from the relevant payments made during that tax year.

(2) If the Inland Revenue determine the code before the beginning of the tax year for which it is determined, the Inland Revenue—

- (a) must have regard to any expected change in the amount of any relief referred to in paragraph (1)(a), but
- (b) may disregard any such relief if they are not satisfied that the employee will be entitled to it for the tax year for which the code is determined.

(3) Paragraphs (1)(c) and (d) are subject to regulations 186 and 187 (recovery and repayment: adjustment of employee's code).

(1) Section 30 was substituted by section 149(1) of the Finance Act 1982 (c. 39), and subsection (1) was amended by paragraph 13(2) of Schedule 19 to the Finance Act 1998 (c. 36).