



i Contacts

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These *notes* will help you complete your Tax Return if you are:

- not resident in the UK
- not ordinarily resident in the UK and using the remittance basis
- entitled to split-year treatment
- not domiciled in the UK and using the remittance basis of taxation.

By carefully working through the questions in the *notes* you should be able to decide if you are in any of these categories.

If you think that you are in any of the four categories listed above, complete the *Residence, remittance basis etc.* pages before you fill in the rest of your Tax Return.

The *notes* explain:

- what Double Taxation Agreements are, and how they can reduce the UK tax you pay
- what to do if you are resident in the UK and, for tax purposes, also resident in a country with which the UK has a Double Taxation Agreement
- how, in general terms, the rest of your Tax Return is to be completed as a result of your tax status
- what other information is available.

If you are not resident in the UK, please check pages RRN 11 and RRN 12 to see if you are entitled to the allowances that would be available to you if you were resident in the UK.

Broadly, you are resident in the UK if you spend at least half of a tax year here, or regularly spend at least one quarter of a tax year here. From 6 April 2008 any day you are present in the UK at midnight on that day is counted as a day of presence.

For the tax year ending 6 April 2007 and earlier tax years, days of arrival in, and departure from, the UK were usually ignored in counting days of UK presence, although the precise position depended on your personal circumstances. If you need to consider days of UK presence in earlier tax years, you may continue to count them in this way.

Considering your residence status

Please leave box 1 blank if you are resident in the UK. If you have left the box blank you might still need to consider if split-year treatment, dual residence, or domicile are relevant to your liability.

Questions 1 to 6 are relevant to your residence status.

Question 1

Were you present in the UK at any time during the year ended 5 April 2009?

Yes No

If 'No', you are not resident in the UK. Put 'X' in box 1 on page RR 1 of the *Residence, remittance basis etc.* pages. Please complete boxes 10 to 14 in all cases and boxes 4 to 9 and 15 to 17 where they are relevant to your circumstances. Go to the section headed 'Considering your ordinary residence status' on page RRN 4.

If 'Yes', go to question 2.

Question 2

Were you in the UK for a total of 183 days or more in the year ended 5 April 2009?

Yes No

If 'Yes', you are resident in the UK. Go to the section headed 'Considering your ordinary residence status' on page RRN 4.

If 'No':

- and you came to the UK before 6 April 2009 having previously been not resident in the UK, go to question 6
- otherwise, go to question 3.

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Question 3

Have you left the UK?

Yes No

Even if you make frequent trips abroad, whether for employment or other reasons, you will not have 'left' the UK if you usually live in the UK, and your home and settled domestic life remain here.

If 'No', you are resident in the UK. Go to the section headed 'Considering your ordinary residence status' on page RRN 4.

If 'Yes' go to:

- question 4, if you left before 6 April 2008, or
- question 5, if you left during the year ended 5 April 2009.

Question 4

If you left the UK before 6 April 2007:

(a) since your departure have you lived, or do you intend to live, outside the UK for three years or more?

Yes No

(b) have you, or your spouse or civil partner, throughout the year ended 5 April 2009 worked full-time outside the UK or been abroad for a settled purpose?

Yes No

If 'No' to (a) and (b), you are resident in the UK. Go to the section headed 'Considering your ordinary residence status' on page RRN 4.

If 'Yes' to (a) or (b), go to (c) below.

(c) have your visits to the UK in the period to 5 April 2009 averaged fewer than 91 days in a tax year over the period of absence or from 5 April 2005 (whichever is the shorter)? Exclude any days that you spent in the UK because of exceptional circumstances beyond your control, for example, serious illness that occurred while you were here. But count all such days as days spent in the UK when completing box 10. The number of days that you have excluded because of exceptional circumstances in reaching a decision about your residence should be entered in box 11.

Yes No

If 'Yes' to (c), you are not resident in the UK. Put 'X' in box 1. Please complete boxes 10 to 14 in all cases and boxes 4 to 9 and 15 to 17 where they are relevant to your circumstances. Go to the section headed 'Considering your ordinary residence status' on page RRN 4.

If 'No' to (c), you are resident in the UK. Go to the section headed 'Considering your ordinary residence status' on page RRN 4.

Question 5

If you left the UK during the year ended 5 April 2009, were you resident and ordinarily resident in the UK for the year ended 5 April 2008?

Yes No

If 'Yes', you are resident in the UK. Go to the section headed 'Considering your ordinary residence status' on page RRN 4.

If 'No', go to question 6.

Question 6

If you came to the UK before 6 April 2009:

(a) when you came to the UK did you intend to remain here for two years or more?

Yes No

(b) if you came to the UK before 6 April 2008, did you at any time between the date you came and 6 April 2008 anticipate remaining in the UK for two years or more from the date you came?

Yes No

(c) during the year ended 5 April 2009, did you anticipate remaining in the UK for two years or more from the date you came?

Yes No

(d) at any time during the year ended 5 April 2009, had you been in the UK for two years or more from the date of your arrival?

Yes No

(e) if you are remaining in the UK, have you owned, or leased for three years or more, accommodation in the UK at any time between your arrival and 6 April 2009?

Yes No

(f) if you came to the UK before 6 April 2004, have your visits to the UK exceeded 363 days in the four years ended 5 April 2008? Exclude any days that you spent in the UK because of exceptional circumstances beyond your control, for example, serious illness that occurred while you were here.

Yes No

(g) at any time during the year ended 5 April 2008, did you anticipate making visits to the UK that would average 91 days or more in a tax year, over a four year period including 2008–09?

Yes No

Remaining in the UK means being here on a continuing basis, apart from trips abroad for holidays, business or other reasons.

If 'Yes' to any of questions 6(a) to 6(g), you are resident in the UK.

If 'No' to all of questions 6(a) to 6(g), you are not resident in the UK. Put 'X' in box 1 and complete boxes 10 to 14 in all cases and boxes 4 to 9 and 15 to 17 where they are relevant to your circumstances. Go to question 7.

Considering your ordinary residence status

Please leave box 2 blank if you are ordinarily resident in the UK, but you might still need to consider if split-year treatment, dual residence, or domicile are relevant to your liability.

If you are resident in the UK year after year, you are 'ordinarily resident' here. Your ordinary residence status is likely to be relevant only if you are claiming the remittance basis of taxation in this year; please see the notes on page RRN 17.

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If you are claiming the remittance basis on account of your 'not ordinary resident' status then you will need to consider the following questions:

Questions 7 to 10 (or question 11, if you are a student) are relevant to your ordinary residence status.

Question 7

Were you resident in the UK in the year to 5 April 2009?

Yes No

If 'Yes', go to question 8.

If 'No', you are likely to be not ordinarily resident in the UK. Put 'X' in box 2.

Please complete boxes 4 to 17 where these are relevant to your circumstances. If you consider that you are resident but not ordinarily resident in the UK, you do not need to complete boxes 10 to 12 or box 14.

Question 8

Were you ordinarily resident in the UK in the year to 5 April 2008?

Yes No

If 'Yes', you are ordinarily resident in the UK.

If 'No', go to question 9.

Question 9

Were you resident in the UK in each of the four years up to the year ended 5 April 2008?

Yes No

If 'Yes', you are ordinarily resident in the UK.

If 'No', go to question 10.

Question 10

(a) When you came to the UK, did you intend to remain here for three years or more?

Yes No

(b) If you came to the UK before 6 April 2008, did you at any time between the date you came and 6 April 2008 anticipate remaining in the UK for three years or more from the date you came?

Yes No

(c) During the year ended 5 April 2009, did you anticipate remaining in the UK for three years or more from the date you came?

Yes No

(d) If you are remaining in the UK, have you owned, or leased for three years or more, accommodation in the UK at any time between your arrival and 6 April 2009?

Yes No

(e) On 6 April 2008 had you been in the UK for at least three years?

Yes No

- (f) If you came to the UK before 6 April 2004, have your visits to the UK exceeded 363 days in the four years ended 5 April 2008? Exclude any days that you spent in the UK because of exceptional circumstances beyond your control, for example, serious illness that occurred while you were here. But count all such days as days spent in the UK when completing box 10. The number of days that you have excluded because of exceptional circumstances in reaching a decision about your ordinary residence should be entered in box 11.

Yes No

- (g) At any time during the year ended 5 April 2009, did you anticipate making visits to the UK that would average 91 days or more in a tax year over a four year period including 2008–09?

Yes No

If 'Yes' to any of questions 10(a) to 10(g), you are ordinarily resident in the UK.

If 'No' to all of questions 10(a) to 10(g), you are not ordinarily resident in the UK. Put 'X' in box 2. Please complete boxes 4 to 17 where these are relevant to your circumstances. If you consider that you are resident but not ordinarily resident in the UK, you do not need to complete boxes 10 to 12 or box 14.

Students

Question 11

If you are a student in the UK for a period of study or education:

- (a) was it your intention during the year ended 5 April 2009 to be here for four years or more from the date of your arrival in the UK?

Yes No

- (b) if you came to the UK before 6 April 2008, did you at any time between the date you came and 6 April 2008 anticipate remaining in the UK for four years or more from the date you came?

Yes No

- (c) during 2008–09, were you still in the UK on or after the fourth anniversary of your arrival here?

Yes No

- (d) have you at any time between your arrival here and 6 April 2009 owned, or leased for three years or more, accommodation in the UK?

Yes No

- (e) on leaving the UK will you be returning regularly for visits that average 91 days or more in a tax year?

Yes No

If 'Yes' to any of these questions, you are ordinarily resident in the UK.

If 'No' to all these questions, you are not ordinarily resident in the UK. Put 'X' in box 2. Please complete boxes 4 to 17 where these are relevant to your circumstances. If you consider that you are resident but not ordinarily resident in the UK, you do not need to complete boxes 10 to 12 or box 14.

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Split-year treatment

You are either resident or not resident in the UK for the whole of a tax year. However, by concession, the tax year is split in certain circumstances when you come to, or leave, the UK part way through a tax year. By answering the following questions you will be able to find out whether or not you qualify for split-year treatment for Income Tax purposes. For Capital Gains Tax purposes, as well as answering questions 12 to 19, you will need to consider the section headed 'Split-year treatment – capital gains' on page RRN 9.

If you are resident in the UK for 2008–09 but only came to the UK during the year ended 5 April 2009

Question 12

(a) Did you come to the UK during the year to 5 April 2009 intending to remain here for at least three years, having been not ordinarily resident in the UK throughout the year ending 5 April 2008?

Yes No

(b) Between the date of your arrival in the UK and 5 April 2009, have you owned or leased for three years or more, accommodation in the UK?

Yes No

If 'Yes' to either (a) or (b), you are treated as resident from the date of your arrival and entitled to split-year treatment. Put 'X' in box 3 (and make sure that you have not completed box 1). Please complete box 6.

If 'No', go to question 13.

Question 13

Did you return to the UK during the year ended 5 April 2009 on completion of a period that included at least a whole tax year outside the UK, and:

- during that time either
 - you had employment for a complete tax year outside the UK, or
 - your spouse or civil partner had an absence from the UK and an employment outside the UK that both lasted a complete tax year, and
- during this period your visits to the UK totalled fewer than 183 days in any tax year, and
- those visits averaged fewer than 91 days in a tax year?

Yes No

If 'Yes', you are treated as resident from the date of your arrival and entitled to split-year treatment. Put 'X' in box 3 (and make sure that you have not completed box 1). Please complete box 6.

If 'No', go to question 14.

Question 14

Did you at any time before 6 April 2009 intend to remain here for at least two years, having been not ordinarily resident in the UK throughout the year ended 5 April 2008?

Yes No

If 'Yes', you are treated as resident from the date of your arrival and entitled to split-year treatment. Put 'X' in box 3 (and make sure that you have not completed box 1). Please complete box 6.

If 'No', go to question 15.

If you are resident in the UK for 2008–09 but left the UK during the year ended 5 April 2009

Question 15

Were you not ordinarily resident throughout the year ended 5 April 2009?

Yes No

If 'Yes', go to question 16.

If 'No', go to question 17.

Question 16

(a) Did you at any time from the date you came to the UK, to the date you left the UK, anticipate remaining here for two years or more from the date you came?

Yes No

(b) On the date you left the UK had you been here for two years or more?

Yes No

If 'Yes' to (a) or (b), go to question 16(c) below.

If 'No', you do not qualify for split-year treatment.

(c) Did you leave the UK during the year ended 5 April 2009 to live abroad permanently, and have your visits between the date of your departure and 6 April 2009 averaged fewer than 91 days in a tax year?

Yes No

If 'Yes', you are treated as resident up to and including the date of your departure and entitled to split-year treatment. Put 'X' in box 3 (and make sure that you have not completed box 1). Please complete box 7.

If 'No', you do not qualify for split-year treatment.

Question 17

Did you leave the UK during the year to 5 April 2009 to live abroad permanently or indefinitely, and:

- your absence will continue to at least 6 April 2010, and
- your visits to the UK between the date of your departure and 6 April 2010 will average fewer than 91 days in a tax year?

Yes No

If 'Yes', you are treated as resident up to and including the date of your departure and entitled to split-year treatment. Put 'X' in box 3 (and make sure that you have not completed box 1). Please complete box 7.

If 'No', go to question 18.

Question 18

Did you leave the UK during the year ended 5 April 2009 to take up full-time employment abroad, and:

- your absence and employment will continue until at least 6 April 2010, and
- your visits to the UK between the date of your departure and 6 April 2010 will average fewer than 91 days in a tax year?

Yes No

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If 'Yes', you are treated as resident up to and including the date of your departure and entitled to split-year treatment. Put 'X' in box 3 (and make sure you have not completed box 1). Please complete box 7.

If 'No', go to question 19.

Question 19

Did you leave the UK during the year to 5 April 2009, having been ordinarily resident, to accompany or join your spouse or civil partner who had taken up full-time employment abroad, and:

- your spouse's or civil partner's absence and employment and your absence abroad will continue until at least 6 April 2010, and
- your visits to the UK between the date of your departure and 6 April 2010 will average fewer than 91 days in a tax year, and
- if your spouse or civil partner left the UK during the year to 5 April 2009, their visits to the UK between the date of departure and 6 April 2010 will average fewer than 91 days in a tax year, or
- if your spouse or civil partner left the UK before 6 April 2008, their visits to the UK totalled fewer than 183 days in the year to 5 April 2009 and averaged fewer than 91 days in a tax year between the date of departure and 6 April 2009 or between 6 April 2005 and 6 April 2009, whichever is the shorter?

Yes No

If 'Yes', you are treated as resident up to and including the date of your departure and entitled to split-year treatment. Put 'X' in box 3 (and make sure you have not completed box 1). Please complete box 7.

If 'No' to both questions 18 and 19, you do not qualify for split-year treatment.

Split-year treatment - capital gains

You do not qualify for split-year treatment for Capital Gains Tax purposes if:

- by answering questions 12 to 19 on pages RRN 7 to RRN 9 you find you do not qualify for Income Tax purposes, or
- you left the UK on or after 6 April 2008 and you were resident or ordinarily resident for tax purposes for any part of at least four out of seven tax years ended 5 April immediately preceding the tax year 2008–09 (that is, 2001–02 to 2007–08 inclusive), or
- you returned to the UK on or after 6 April 2008 and you have been resident or ordinarily resident in the UK at any time during the five tax years 2003–04 to 2007–08 inclusive.

If you do not qualify for split-year treatment for Capital Gains Tax purposes and you have made any disposals of assets during the tax year to 5 April 2009, enter your chargeable gains and allowable losses on the *Capital gains summary* pages, available from the Orderline and www.hmrc.gov.uk

Temporary non-residents and Capital Gains Tax

The rules on temporary non-residents may apply to any gains or losses in respect of disposals made in years throughout which you were not resident and not ordinarily resident in the UK where:

- you returned to the UK during 2008–09 following a period of residence abroad
- you left the UK during 2002–03, 2003–04, 2004–05, 2005–06 or 2006–07
- between the tax year when you were last resident or ordinarily resident (referred to as the ‘year of departure’) and the year of your return there were fewer than five full tax years, and
- you were resident or ordinarily resident for at least part of each of four out of the seven tax years immediately prior to the year of departure.

If you think that the rules on temporary non-residents may apply ask the Orderline for Help Sheet *278 Temporary non-residents and Capital Gains Tax*.

Other matters relevant to boxes 6 to 14

Box 6 and 7

If you have come to live in the UK or you intend to work here for two years or more, please enter the relevant date in box 6. You may ignore previous short visits to the UK earlier in the same tax year in arriving at this date.

If you were resident in the UK simply because you spent 183 days or more here during the tax year, please enter the first and last dates on which you were present in the UK during the year.

If you have completed an extended period of work in the UK or you have ceased to live here for other reasons, please enter the date you left in box 7. You may ignore subsequent short visits to the UK later in the same tax year in arriving at this date.

The date on which you became resident in the UK or ceased to be resident here is essentially a question of fact.

Box 8 *If you work full-time abroad, or if you worked full-time abroad before the date in box 6 or after the date in box 7*

You need only complete box 8 if your work abroad could affect your residence status for tax purposes. That is, if you:

- worked in such employment for the whole of 2008–09, or
- returned to the UK during 2008–09 having worked in such employment for one or more previous tax years, or
- took up such an employment during 2008–09 and will be working abroad for the whole of 2009–10.

Box 9 *If you have come to the UK to live or to remain here for a period of two years or more*

Please complete box 9 if, when you came to the UK, you intended to remain here for two years or more. To remain in the UK means to be here on a continuing basis apart from trips abroad for holidays, business or other reasons.

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Time spent in the UK

General

Please note that if you consider yourself resident but not ordinarily resident in the UK and you are claiming the remittance basis of taxation (see the notes on page RRN 17) in respect of employment income, you need only complete box 13.

Boxes 10 to 14

Up to 5 April 2006 the *Residence, remittance basis etc* pages did not ask for a separate total of the days discounted because of exceptional circumstances beyond your control. From 6 April 2006 this information has been requested. The meaning of exceptional circumstances has not changed.

If the transition affects the rolling average in box 14, you may provide a reconciliation in box 35. For 2008–09 you should include in box 10 all the days on which you were in the UK at the end of the day (at midnight). In box 14 you should add the figure in box 10 to the relevant number of days that you were in the UK prior to 6 April 2008 excluding days of arrival and departure. You do not need to recalculate the days entered in previous returns when entering the total in box 14. If you choose to adopt a different basis you should explain this in box 35.

Box 12 *Number of separate occasions that you have been to the UK during 2008–09*

When completing box 12 you do not need to count any presence in the UK when you were here merely in transit to another country. Unforeseen short delays will not affect this matter. This does not mean that work performed in the UK during such presence will be disregarded for tax purposes.

Box 13 *Number of workdays spent in the UK*

Please include in box 13 all the days on which you were present in the UK and performed any work duties, unless you have adopted a conventional basis in calculating your workdays. If you have used a conventional basis, please describe it briefly in box 35.

You may wish to include in box 35 a note about any days in the UK on which you performed only 'incidental duties' – see Help Sheet 211 *Employment – residence and domicile issues*.

Claims for UK personal allowances for non-residents

Boxes 15 and 16 are not mutually exclusive. You may, if appropriate, complete both boxes.

Help Sheet 304 *Non-residents – relief under Double Taxation Agreements* gives you information that will be useful to you in deciding if you are entitled to personal allowances.

Box 15 *If you are entitled to claim personal allowances as a non-resident because of the terms of a Double Taxation Agreement*

If you satisfy one of the conditions listed in the three bullet points below, you will need to get a certificate from the overseas tax authority stating that you are resident there for tax purposes for the period of the claim and, where appropriate, have documents (for example, a passport) to show that you are a national of that country. Keep the certificate and documents in case they are needed later to support your claim.

The conditions are that:

- you are a national of Israel, or
- you are a national and a resident of Argentina, Azerbaijan, Belarus, Bolivia, Bosnia-Herzegovina, China, Côte d'Ivoire (Ivory Coast), Croatia, Egypt, Indonesia, Japan, Jordan, Kazakhstan, Macedonia, Montenegro, Morocco, Oman, Philippines, Russian Federation, Serbia, South Korea, Sudan, Switzerland, Taiwan, Tajikistan, Thailand, Tunisia, Turkey, Turkmenistan, Ukraine, Uzbekistan, Venezuela or Vietnam, or
- you are a resident of Austria, Barbados, Belgium, Fiji, France, Germany, Greece, Ireland, Kenya, Luxembourg, Mauritius, Myanmar (Burma), Namibia, Netherlands, Portugal, Swaziland, Sweden, Switzerland or Zambia.

If you are a resident, but not a citizen, of Austria, Belgium, France, Germany, Kenya, Luxembourg, Mauritius, Netherlands, Portugal, Sweden, Switzerland or Zambia you are not entitled to personal allowances if your income consists solely of dividends, interest and royalties or any combination of them.

Jamaica and Botswana have been excluded from the first bullet point above. These countries are members of the Commonwealth and their nationals will fall within the last condition relevant to box 16.

For the same reason the list next to the second bullet point above does not include the following countries: Australia, Bangladesh, Botswana, Canada, Cyprus, Gambia, India, Lesotho, Malaysia, Malta, New Zealand, Nigeria, Papua New Guinea, Pakistan, South Africa, Sri Lanka, Trinidad and Tobago and Uganda. Nationals of Zimbabwe also fall within the first condition relevant to box 16.

The member states of the European Economic Area (EEA), as shown in the first condition relevant to box 16, have been excluded from the bullet points relating to the conditions relevant to box 15: Bulgaria, France, Germany and Greece from the first, the other members from the second.

The Double Taxation Agreements (DTAs) between the UK and the following members of the Commonwealth or United Kingdom Overseas Territories do not give nationals of these countries, who are resident in the UK, any entitlement to personal allowances: Antigua and Barbuda, Belize, Brunei, Falkland Islands, Ghana, Grenada, Guernsey, Guyana, Isle of Man, Jersey, Kiribati, Malawi, Montserrat, St Kitts and Nevis, Sierra Leone, Singapore, Solomon Islands and Tuvalu. Nationals of these countries should not complete box 15, although Commonwealth citizenship allows them to complete box 16.

Box 16 *If you are entitled to claim personal allowances as a non-resident on some other basis*

If you are not resident in the UK and you satisfy one or more of the eight conditions listed below, you are entitled under UK law to the same personal allowances and reliefs that would be available to you if you were resident in the UK. The conditions are that:

- you are a British citizen or a national of another member state of the European Economic Area (EEA). The EEA member states are: Austria, Belgium, Bulgaria, Czech Republic, Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom
- you are, or have been, employed in the service of the British Crown

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- you are employed in the service of any UK missionary society
- you are employed in the service of any State under the protection of Her Majesty
- you are resident in the Isle of Man or the Channel Islands
- you have previously resided in the UK and are resident abroad for the sake of your health, or the health of a member of your family living with you
- you are a widow, widower or surviving civil partner whose late husband, wife or civil partner was in the service of the British Crown
- you are a Commonwealth citizen.

Box 17 Country or countries of which you are a national and/or resident

Please enter the codes for the country or countries of which you are a national and/or resident of. You can obtain the relevant country codes from page FN 17 of the *Foreign notes* – go to www.hmrc.gov.uk and search for 'SA106 notes' or obtain them from the Orderline.'

Life assurance premium relief

If you completed boxes 1, and 15 or 16 and have paid premiums on a life assurance policy taken out before 14 March 1984, you may be entitled to claim relief on gross premiums paid. If you consider you are entitled to claim such relief, contact HMRC Residency at the address given on page RRN 28.

Residence in other countries and Double Taxation Relief

Box 18 and 19

Please complete box 18 and/or box 19 as appropriate, even if you are or were resident in a country with which the UK does not have a Double Taxation Agreement. You can obtain the relevant country codes from page FN 17 of the *Foreign notes* – go to www.hmrc.gov.uk and search for 'SA106 notes' or obtain them from the Orderline. The following notes give you more information about claiming relief under these agreements. If you live or lived in a country that does not have a formal residence criterion for tax or other purposes, please use the code for that country.

Where the statement of relief in terms of tax in box 20 or box 21 would require the performance of unnecessary calculations, please put a brief explanatory note of the background to the claim in box 35.

Double Taxation Agreements

A Double Taxation Agreement (DTA) is an arrangement between the governments of two countries to resolve taxation issues affecting them both. Agreements contain detailed provisions designed to eliminate, or relieve, the double taxation that can occur when income arises in one country to a resident of another. They do this by either exempting the income from tax in one country, or by reducing the rate at which tax is charged in one country and allowing credit for that reduced rate of tax in the other.

Non-residents and UK property income

Even though you may be not resident in the UK you could be liable to UK tax on income arising in the UK, including property income. This is so whether or not tax is deducted by your letting agent, or tenants if there is no letting agent. You should complete the *UK property* pages, available from www.hmrc.gov.uk or the Orderline.

You are not liable to UK tax if your total UK taxable income (including net property income) is less than any UK tax allowance to which you may be entitled.

A non-resident individual who is entitled to UK property income may, in certain circumstances, apply to receive that income with no tax deducted. Ask us about this. You should complete the *UK property* pages.

Non-residents and gains on life insurance policies

If you are not resident in the UK, we will not pursue the tax on any gain under a life insurance policy, contract for annuity, or capital redemption policy, if the terms of Extra Statutory Concession C33 are met. However, any gain counts towards your total income so you should fill in the relevant boxes on the *Additional information* pages of your Tax Return (Help Sheet 320 *Gains on UK life insurance policies* and Help Sheet 321 *Gains on foreign life insurance policies*, available from www.hmrc.gov.uk or the Orderline, explains what to do) and, in the 'Any other information' box, box 17 on page Ai 4, add 'I claim relief under Extra Statutory Concession C33 on my gain on life policy(ies)'.

Non-UK residents

If you are not resident in the UK but resident in a country with which the UK has a DTA, you may be able to get relief from UK tax under the terms of that agreement in respect of income arising in the UK from:

- pensions (although only a few agreements allow relief for UK government pensions) and some annuities
- royalties
- property income distributions
- interest.

Some agreements require you to be subject to tax in the other country on the income in question, before you get relief from UK tax. The precise conditions for exemption or relief can be found in the relevant agreement. It is not possible to give full details here, as they vary between agreements. To claim double taxation relief, go to www.hmrc.gov.uk or ask the Orderline for Help Sheet 304 *Non-residents – relief under Double Taxation Agreements* and fill in box 21 to claim relief. If you require further assistance, ask us or your tax adviser.

Dual residence

Double taxation relief

It may be that you are resident in the UK under UK domestic tax law and also resident for the same period in another country under that country's rules (that is, you are 'dual resident'). If the other country is one with which the UK has a DTA, the agreement will usually provide special rules for determining (but only for the purpose of applying its detailed provisions) in which of the two countries you are regarded as a resident.

If you are 'dual resident', you may be entitled to claim the exemptions and reliefs from UK tax granted to residents of that other country.

The rules for determining residence for the purposes of a DTA can be complex. For example, they look at your 'permanent home', your personal and economic relations with both countries, where you have an 'habitual abode', and your nationality.

i Contacts

Please phone:

- the number printed on page TR 1 of your Return
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- the Orderline on **0845 9000 404** for Help Sheets

or go to

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Some of these terms have special meanings and interpretation of them is not always straightforward. Not all agreements have identical rules, or a similar effect on tax liability.

The precise conditions for exemption or relief can be found in the relevant agreement. If you require further assistance, ask us or your tax adviser.

If you intend to claim relief, please complete box 20. Where you are claiming relief and you were resident for tax purposes in a country or countries with a tax year that fell partly within 2008–09 and partly within 2007–08, please give brief details in the 'Any other information' box, box 35. You will also need to obtain a certificate from the overseas tax authority showing that they regard you as a resident under the domestic tax law of that country for the period of claim.

Domicile

If you are not resident and not ordinarily resident in the UK, you will not usually need to consider domicile or complete boxes 22 to 26. Your domicile status is likely to be relevant only if you are claiming the remittance basis of taxation in this year; please see the notes on page RRN 17.

You should bear in mind that domicile is a common law concept and may have wider implications for your personal affairs. There are many factors that affect your domicile. Some of the main points you should consider if you are claiming not to be domiciled in the UK are:

- you cannot be without a domicile
- you can only have one domicile at a time
- you are normally domiciled in the country where you have your permanent home
- your existing domicile continues until you can prove that you have a new one
- domicile is distinct from nationality or residence.

Please note that references to being domiciled in the UK are references to being domiciled in any part of the UK.

There are three types of domicile for Income Tax and Capital Gains

Tax purposes:

- domicile of origin
- domicile of choice
- domicile of dependence.

Domicile of origin

You normally acquire a domicile of origin from your father when you are born. It need not be the country in which you were born. A domicile of origin may change as a result of adoption but not otherwise. A domicile of origin is not easy to displace. For example, if you leave the country of your domicile of origin, you will continue to be domiciled there until you acquire a domicile of choice elsewhere.

Domicile of choice

You have a legal capacity to acquire a new domicile at the age of 16. Broadly, to acquire a domicile of choice you must leave your current country of domicile and settle in another country. You need to provide strong evidence that you intend to live there permanently or indefinitely. Further guidance can be found at our website www.hmrc.gov.uk If you need help, ask us or your tax adviser.

Domicile of dependence

Until you have the legal capacity to change it, your domicile will follow that of the person on whom you are legally dependent.

If the domicile of that person changes, you automatically acquire the same domicile, in place of your domicile of origin. Before 1974, married women automatically acquired their husband's domicile. As a married woman, who married before 1974, you retain your husband's domicile until you legally acquire a new domicile.

An exception to this rule is the DTA between the UK and the USA, which provides that a marriage before 1974 between a woman who is a US national and a man domiciled within the UK, is deemed to have taken place on 1 January 1974.

Relevance of your domicile to your tax liability

Having read the above guidelines, if you think you are not domiciled in the UK you must now decide whether domicile has any immediate relevance to your UK tax liability. Your domicile status is likely to be relevant only if you are claiming the remittance basis of taxation in this year; please see the notes on page RRN 17.

Boxes 22 to 26

If you are not using the remittance basis of taxation then your domicile is not relevant for the year ended 5 April 2009. Do not fill in boxes 22 to 26.

If you are using the remittance basis and your domicile is relevant for the year ended 5 April 2009, put 'X' in box 22. Please also complete boxes 23 to 26 as appropriate. If 2008–09 is the first year that you have claimed to be domiciled outside the UK, please put 'X' in box 23 even if you have never been domiciled within the UK.

When completing box 24, if you do not have a specific date on which your domicile changed, please use 5 April at the end of the tax year in which the change took place. If the tax year is an approximation, please make a note of this in the 'Any other information' box, box 35.

Please put 'X' in box 25 if you were born in the UK but your domicile of origin is outside the UK. Please also complete boxes 27 to 34 as appropriate.

The date in box 26 should be that on which you started to live in the UK as your home. In many cases the date that you came to live in the UK will be the same as the date on which you first became resident here for tax purposes. The main exception will occur if you have been treated as resident in the UK simply because of the number of days that you have spent here. Please do not complete box 26 if you do not live in the UK.

i Contacts

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or go to

www.hmrc.gov.uk

Remittance basis

The remittance basis is an alternative basis of taxation that is available to some individuals who are resident in the UK. You can claim the remittance basis by completing box 35.

Substantial changes were made to the remittance basis of taxation from 6 April 2008. If you have used the remittance basis in previous years and have remitted any income or gains in 2008–09, and/or if you are planning to use the remittance basis this year, you are strongly advised to also look at the additional guidance on our website which gives further detail on all these changes.

Unless you are claiming to use the remittance basis you will be taxed on your income and gains on the arising basis. This means that you are liable to tax on all of your worldwide income and gains in the year when the income and/or gains arise

Box 27 *If you are making a claim for the remittance basis*

You can claim to be taxed on the remittance basis on your foreign income if you are:

- resident but not ordinarily resident in the UK (you have put an 'X' in box 2) and/or
- resident but not domiciled in the UK (you have put an 'X' in box 22).

You can claim to be taxed on the remittance basis on your foreign gains only if you are resident but not domiciled in the UK (you have put an 'X' in box 22).

Consequences of claiming the remittance basis

If you claim the remittance basis, this means that you are liable to UK tax on your foreign income and gains only when these are remitted, that is brought to, or received or used in the UK in any way (see page RRN 21 for the meaning of 'remitted in the UK'). You should enter the full amounts only of what you have remitted to the UK, in 2008–09, in the relevant boxes on your Tax Return.

Example 1

Ian is resident but not domiciled in the UK. He has claimed the remittance basis for 2008–09, and for earlier years too. He opened an overseas interest-bearing bank account in 2005–06 and interest arose as follows:

2006–07	2007–08	2008–09
£200	£400	£500

If none of the interest was received in the UK in 2006–07 or 2007–08, but £800 was brought to the UK in 2008–09, Ian will be liable to UK Income Tax for 2008–09 on £800, even though only £500 arose in that year. Ian will enter £800 on the *Foreign* pages.

If you do not want to use the remittance basis for foreign income or gains arising in 2008–09, do not complete boxes 27 to 34. Instead, you should enter all your income and gains arising in 2008–09 on your Return. You should also tell us about any remittance you make in the year of foreign income and gains that arose in earlier years, if you used the remittance basis in those earlier years, on the relevant pages of your Tax Return.

Loss of personal allowances and annual exempt amount

If you claim the remittance basis of taxation for 2008–09 you will lose your entitlement to UK personal allowances and the annual exempt amount (AEA) for capital gains, unless box 28 applies to you. If you are calculating your own tax, do not forget to reflect the loss of these in your tax calculation.

The main exception to this is where you have foreign income and/or gains arising in 2008–09 of which less than £2,000 remains unremitted to the UK at 5 April 2009.

The other exception is if you are ‘dual resident’ (see page RRN 14) and, under the DTA with the other country, you are regarded as resident in that other country where the other country is one of the following: Austria, Belgium, Fiji, France, Germany, Ireland, Kenya, Luxembourg, Mauritius, Namibia, Netherlands, Portugal, Swaziland, Sweden, Switzerland and Zambia.

If you are regarded as resident in one of the above countries you should give details in the ‘Any other information’ box, box 35. You do not need to make any adjustment for personal allowances in your tax computation.

Example 2

Martha is resident but not domiciled in the UK in 2008–09.

She receives interest of £20,000 on an offshore bank account, of which she transfers £19,000 to the UK in 2008–09.

Martha decides to use the remittance basis. She shows £19,000 interest on the *Foreign* pages. She has less than £2,000 foreign interest from 2008–09 which remains offshore so she will not lose her personal allowances and annual exempt amount.

Remittance basis charge

In addition, if you claim the remittance basis for 2008–09 and you have been resident in the UK for seven or more of the previous nine tax years (that is, at least seven out of the tax years between 1999–00 and 2007–08) you may have to pay the remittance basis charge (RBC). The RBC is an annual tax charge of £30,000 in respect of nominated foreign income and gains left outside the UK. It is chargeable in addition to any UK tax due on any foreign income or gains remitted to the UK.

Example 3

Wayne is resident in the UK in 2008–09. His offshore income and capital gains are £200,000. Wayne has been resident in the UK for the preceding years as follows:

1999–00,

2000–01,

2001–02,

2004–05,

2005–06,

2006–07 and

2007–08

He has therefore been resident for seven of the preceding nine years and so he must pay the RBC if he wishes to use the remittance basis in 2008–09.

You may not have to pay the remittance basis charge in certain circumstances. This will depend upon your age and your amount of foreign income/and or gains. Boxes 28 and 29 provide further information about this.

i Contacts

Please phone:

- the number printed on page TR 1 of your Return
- the Helpline on **0845 9000 444**
- the Orderline on **0845 9000 404** for Help Sheets

or go to

www.hmrc.gov.uk

Claiming the remittance basis

If you are claiming the remittance basis, put an 'X' in box 27. You must also complete box 2 and/or box 22 to confirm your status. In addition, you should complete boxes 28, 29 or 30 if they are appropriate to your circumstances.

If you do not wish to claim the remittance basis for 2008–09 do not complete boxes 27 to 34.

Box 28 If your unremitted income and capital gains for 2008–09 is less than £2,000

Complete this box if:

- you are claiming the remittance basis in 2008–09 and
- you have foreign income and/or gains arising in 2008–09 and
- less than £2,000 of this foreign income and/or gains remains unremitted to the UK at 5 April 2009.

If you complete this box you should also complete boxes 27, 29 and 30 if they apply.

Having **less** than £2,000 unremitted foreign income and gains means that you can use the remittance basis without losing your entitlement to UK personal allowances and the annual exempt amount (AEA) for chargeable gains.

If you have less than £2,000 unremitted foreign income and gains from the tax year you do not have to complete a Tax Return just to tell us you are using the remittance basis; but if you have requested or have been sent a Tax Return then you must complete and send it to us.

For the purposes of determining the amount of unremitted foreign income or gains, you should convert each amount into sterling at the rate of exchange at the time when the income or gain arose. Exchange rates can be found at www.hmrc.gov.uk

Box 29 If you were UK resident for 2008–09 and for seven or more of the preceding nine tax years

Complete box 29 if:

- you have been a 'long-term' resident in the UK, that is, you have been resident for seven or more of the previous nine tax years, and
- you are claiming the remittance basis of taxation for 2008–09.

If this applies to you then you must pay the remittance basis charge (RBC) unless the exception below applies, and you must put an 'X' in box 27.

The RBC is an annual tax charge of £30,000 in respect of nominated foreign income and gains left outside the UK. It is chargeable in addition to any UK tax due on any foreign income or gains remitted to the UK.

If you are a 'long-term resident' the only exceptions where you do not have to pay the RBC are if:

- you have less than £2,000 unremitted foreign income and/or gains from 2008–09 and you have also completed box 28.
- you were under 18 at 5 April 2009, and you have also completed box 30.

If you complete box 29 (but not boxes 28 or 30) then you should also complete boxes 31 to 33 as appropriate.

Box 30 If you were under 18 on 5 April 2009

If box 30 applies to you because you were under 18 at 5 April 2009, you will not need to pay the RBC, even if you are a 'long-term resident' and have completed box 29.

However, you will still lose your personal allowances and AEA if you have claimed the remittance basis by completing box 27, unless you have less than £2,000 unremitted foreign income and/or gains from 2008-09 and so have also completed box 28. If you are calculating your own tax do not forget to reflect loss of allowances in your tax calculation.

Boxes 31 and 32 *Amount of nominated income/capital gains*

If you complete only boxes 27 and 29 you must also complete boxes 31 and 32. You should also provide details of your nominations at box 35.

The RBC is Income Tax, Capital Gains Tax, or a combination of the two, charged on unremitted foreign income and/or gains on the arising basis. When you pay the RBC you must tell us on what income or gains the RBC is chargeable by nominating the appropriate income and/or gains. You do this by entering the amount of nominated income in box 31 and/or entering the nominated foreign gains in box 32.

Any part of the RBC relating to Income Tax will be included in the calculation of the amount of the two payments on account due for the following tax year.

For the purposes of determining the amount of nominated foreign income or gains, you should convert each amount into sterling at the rate of exchange at the time when the income or gain arose.

Example 4 - Nominating both foreign income and capital gains

Henri has claimed the remittance basis and his unremitted foreign income for the year 2008-09 is as follows:

Foreign bank interest	£60,000
Foreign employment income	£60,000
Foreign capital gains	£100,000

He decides to nominate half of his bank interest (£30,000) and all of his capital gains (£100,000) for the remittance basis charge. Henri is a higher-rate taxpayer, so his RBC calculation is as follows:

$£30,000 \times 40\% = £12,000$ Income Tax

$£100,000 \times 18\% = £18,000$ Capital Gains Tax

Henri would enter the £30,000 nominated income amount in box 31 and the £100,000 nominated capital gains amount in box 32.

If you are calculating your own tax, the Income Tax or Capital Gains Tax elements of the RBC will need to be included in the amount of total tax. If you are using the *Tax calculation summary* page add £30,000 to the amount in box 1. Do not forget to reflect loss of personal allowances and AEA in your tax calculation.

The Income Tax element of the RBC which relates to nominated income will be available to cover UK Gift Aid donations.

If you are liable to pay the RBC, you must enter a nominated figure of at least £1 in either box 31 or 32. If you do not nominate enough income and/or capital gains liable to Income Tax/Capital Gains Tax to produce the £30,000 RBC then, in addition to what you actually nominated, you will be treated as nominating sufficient further income to increase the RBC to £30,000. However, there are consequences in relation to foreign tax relief and the review of later remittances if you choose to make an insufficient nomination and you should refer to the additional guidance and look at the examples at www.hmrc.gov.uk first.

i Contacts

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- the Orderline on **0845 9000 404** for Help Sheets

or go to

www.hmrc.gov.uk

You should provide additional information about your nominated income and gains in the 'Any other information' box, box 35 (see the notes for box 35)

Box 33 *Adjustment to payments on account*

If a nomination has been made in box 32 you must complete box 33. Please enter the amount of Capital Gains Tax included in the £30,000 RBC. We need this figure to calculate your payments on account. If you calculate your own tax, exclude the amount in box 33 in your calculation of payments on account. If you use the *Tax calculation summary* page, your first payment on account for 2009–10 in box 10 will not include any part of the amount in box 33.

Box 34 *If you have remitted any nominated income or gains during 2008–09*

Box 34 should be completed if you have remitted any nominated foreign income or gains to the UK during 2008–09.

Any of the foreign income or gains which you have nominated and which you remit to the UK will not be taxed again. However, there are certain ordering rules if you remit any nominated foreign income or gains while any foreign income and gains that were not so nominated remain overseas. This is a complex area, and you should ask your professional advisor or refer to the further guidance at www.hmrc.gov.uk

Box 35 *Any other information*

You must provide details if you have completed boxes 31 or 32 and 33. This information is required to validate your nomination and to confirm any UK Gift Aid donations, double taxation relief claims and so forth.

You should identify the precise income and gains you have nominated at boxes 31 and/or 32, including the country of origin and the type and source of the income (for example, the bank account or employment to which it relates), show the computation of the gain (if applicable) and the exchange rates used.

If you have deducted any expenses or losses from the income or gains in arriving at the final taxable amount then full details of the amounts and nature of those expenses or losses must also be given.

Meaning of 'remitted to the UK'

Income or gains are 'remitted to the UK' if money or property is brought to, or received in, or used in the UK or if a service is provided in the UK and paid for with foreign income or gains. The precise method of remittance makes no difference. Any commercially recognised form of money, such as cash, notes, cheques, promissory notes, bills of exchange or financial credit, can constitute a taxable remittance.

The rules regarding what constitutes a remittance have changed considerably from 6 April 2008, and the definitions of a remittance may include remittances made to or by relevant persons, which includes your spouse or civil partner, and minor children or grandchildren. If you bring in money or other property to the UK, or if you benefit from or use your foreign income and gains in relation to a service provided in the UK there may be a taxable remittance.

There are also rules relating to debts connected to UK property, and gifts to gift recipients. The money or property does not have to be physically imported from overseas. It may, for example, be received in the UK from another UK resident, in return for money, or assets representing income or gains, being transferred to them abroad.

Remittance basis charge (RBC)

If you pay the RBC from outside the UK with untaxed income or gains it will not be treated as a remittance in the year provided the payment is made direct to us by cheque or electronic payment of funds.

If the £30,000 is later repaid to you, it will be regarded as a remittance when the repayment is made and will be subject to UK tax.

Temporary non-residents and the remittance basis

The rules on temporary non-residents may apply in 2008–09 to any remittances of relevant foreign income that arose in years up to and including the year ending 5 April 2008, if you claimed the remittance basis in those earlier years.

Broadly, relevant foreign income is foreign income other than foreign employment income. Any remittances made in years throughout which you were not resident in the UK may be taxable when you resume residence in the UK (in your 'year of return') if:

- you returned to the UK during 2008–09 following a period of residence abroad (the 'year of return')
- you left the UK during 2002–03, 2003–04, 2004–05, 2005–06 or 2006–07 (the 'year of departure')
- between the tax year when you were last resident, that is the 'year of your departure' and the 'year of your return' there were fewer than five full tax years, and
- you were resident or ordinarily resident for at least part of each of four out of the seven tax years immediately prior to the year of departure.

Further guidance on all of these rules is available at www.hmrc.gov.uk If you are in doubt about whether income or gains from abroad have been received in the UK, or the precise amount of that income or gains, ask us or your tax adviser for assistance.

Application to specific sources of income/gains

The Tables on pages RRN 23 to RRN 27 summarise the tax consequences of the basis of taxation. You should fill in the relevant pages in your Tax Return to show the full amounts of income and gains taxable in the year depending on whether you have claimed the remittance basis of taxation or whether you are taxable on the arising basis.

If a Table shows that you are not liable to UK tax in this year, do not put the income or gains concerned in your Tax Return.

Table 1 – Scope of liability to Income Tax on employment income

Your domicile status	Your residence status	Arising Basis (AB) or Remittance Basis (RB) claimed	Employment performed wholly or partly in the UK:		Employment performed wholly outside the UK
			- in the UK	- outside the UK	
Domiciled within UK	1. Resident and ordinarily resident	AB	Liable*	Liable*	Liable*
	2. Resident and not ordinarily resident	2(a). AB 2(b). RB	Liable Liable	Liable Liable on remittance	Liable Liable on remittance
	3. Not resident	AB	Liable	Not liable	Not liable
Domiciled outside of UK	4. Resident and ordinarily resident	4(a). AB 4(b). RB	Liable* N/A	Liable* N/A	Liable* See below [†]
	5. Resident and not ordinarily resident	5(a). AB 5(b). RB	Liable Liable	Liable Liable on remittance	Liable Liable on remittance
	6. Not resident	AB	Liable	Not liable	Not liable

*Unless subject to Seafarers Earnings' Deduction (SED). Ask the Orderline for Help Sheet 205 *Seafarers' Earnings Deduction*.

[†]Liability depends on the residence status of the employer:

- (a) non-UK/foreign employer – liable on remittance basis
- (b) other employer – employment earnings liable on arising basis.

Notes

- 1 This table is subject to any different treatment provided for under the terms of the relevant article in a Double Taxation Agreement.
- 2 If you are resident but either not ordinarily resident or not domiciled in the UK and you worked overseas during the year, you should also refer to Help Sheet 211 *Employment – residence and domicile issues* before completing the *Employment* page.
- 3 If you hold an office or employment but no liability to UK Income Tax arises on the earnings, do not complete the *Employment* page for that office or employment. Make a note in the 'Any other information' box, box 19 on page TR 6 explaining your circumstances. If you held two or more offices or employments with the same employer or associated employers and earnings from, say, one are chargeable to UK Income Tax but earnings from the other are not, you should complete the *Employment* page for both or all of the associated employments. If you are unsure, contact us for advice.
- 4 If you are tax equalised by your employer, you should refer to Help Sheet 212 *Tax equalisation* before completing the *Employment* page.
- 5 If your residence and domicile status is anything other than resident and ordinarily resident and domiciled in the UK and you receive or have previously received employment-related securities or securities options, you should refer to the *Additional information notes*.

Table 2 – Scope of liability to Income Tax on pension income*

If Table 2 shows that you are liable to Income Tax on pension income, complete:

- boxes 7 to 14 as appropriate on page TR 3 of your Tax Return
- the *Foreign* pages for any overseas pension.

If Table 2 shows that you are not liable to Income Tax on overseas pension income, do not complete the *Foreign* pages for that income. This also applies to income arising abroad in the part of a split-year during which you would not normally have been liable to tax.

Your domicile status	Your residence status	Paid by, or on behalf of a person:	
		- in the UK	- outside the UK
Domiciled within the UK	Resident and ordinarily resident	Liable	Liable ¹
	Resident but not ordinarily resident	Liable	Liable ¹ , but the remittance basis may apply if claimed ^{2 and 3}
Domiciled outside of UK	Resident and ordinarily resident	Liable	Liable ¹ , but the remittance basis may apply if claimed ^{2 and 3}
	Resident but not ordinarily resident	Liable	Liable ¹ , but the remittance basis may apply if claimed ^{2 and 3}
Not relevant	Not resident	Liable ⁴	Not Liable

Notes

*Subject to any different treatment provided for under the terms of the relevant article in a Double Taxation Agreement.

1 Less ¹/₁₀ deduction.

2 The ¹/₁₀ deduction is not due if the remittance basis is claimed.

3 From 6 April 2008 the remittance basis must be claimed if you want to be taxed only when this income is remitted to the UK. See notes on pages RRN 17.

4 Where a pension is paid by an employer, or its successor, in the UK and the pension arises wholly from an employment carried out abroad, that pension should not be included for 2008–09. A pension is regarded as arising wholly from an employment abroad if:

- the last ten years' service for which the pension is paid was abroad, or
- the service abroad amounted to
 - half the total service for which the pension is paid, and
 - at least ten of the last 20 years.

This note does not apply to a UK or Northern Ireland Crown employment pension.

5 The tax charge on state pensions and annuities under retirement annuity contracts or trust schemes is limited to the amount, if any, deducted at source. If you have any such income, ask the Orderline for Help Sheet 300 *Non-residents and investment income*.

Table 3 – Scope of liability to Income Tax on investment income*

If Table 3 shows that you are liable to Income Tax, complete the following parts of your Tax Return, relevant to each source of income:

- for income from UK savings and investments – boxes 1 to 6 on page TR 3 of your Tax Return and boxes 1 to 3 and 12 and 13 on page Ai 1 of your *Additional information* pages
- for rent or income from UK property – the *UK property* pages
- for other income from UK investments – page TR 3 of your Tax Return
- for income from investments outside the UK – the *Foreign* pages
- for gains under a life insurance policy, contract for life annuity, or a capital redemption policy, boxes 4 to 11 on page Ai 1 of the *Additional information* pages of your Tax Return.

If Table 3 shows that you are not liable to Income Tax, do not complete the Tax Return for that particular source of income. This also applies to income arising abroad in the part of a split-year during which you would not normally have been liable to tax.

If, as a result of a transfer of assets, you have received a benefit from a person abroad, or the income from abroad is to be treated as your income for tax purposes, please see Help Sheet 262 *Income and benefits from transfers of assets abroad and income from Non-Resident Trusts*.

Your domicile status	Your residence status	Investment income:		UK Government securities
		- arising in the UK	- arising outside the UK	
Domiciled within the UK	Resident and ordinarily resident	Liable	Liable	Liable
	Resident but not ordinarily resident	Liable	Liable, but the remittance basis may apply if claimed ²	Not liable
	Not resident but ordinarily resident	Liable ¹	Not liable	Liable
	Not resident and not ordinarily resident	Liable ¹	Not liable	Not liable
Individual domiciled outside of UK	Resident and ordinarily resident	Liable	Liable, but the remittance basis may apply if claimed ²	Liable
	Resident but not ordinarily resident	Liable	Liable, but the remittance basis may apply if claimed ²	Not liable
	Not resident but ordinarily resident	Liable ¹	Not liable	Liable
	Not resident and not ordinarily resident	Liable ¹	Not liable	Not liable

Notes

*This table is subject to any different treatment provided for under the terms of the relevant article in a Double Taxation Agreement

1 UK property income, and investment income connected to a trade carried on in the UK through a permanent establishment, are liable to Income Tax in the normal way. The tax charge on other income covered by Table 3 is limited to the amount of tax, if any, deducted at source. If the tax charge is limited in this way, personal allowances will not be given against other income. If you have any income within this latter category and you intend to work out your tax, ask the Orderline for Help Sheet 300 *Non-residents and investment income*.

2 From 6 April 2008 the remittance basis must be claimed if you want to be taxed only when this income is remitted to the UK. See notes on pages RRN 17.

Table 4 – Scope of liability to Income Tax on self-employment income*

If Table 4 shows that you are liable to Income Tax on self-employment income, complete a set of *Self-employment* pages for each self-employment and for each set of accounts relevant to the basis period for each one.

If Table 4 shows that you are not liable to Income Tax on self-employment income do not complete those pages for that income. This also applies to income arising abroad in the part of a split-year during which you would not normally have been liable to tax.

Your domicile status	Your residence status	Trade, profession or vocation carried on wholly or partly in the UK	Trade, profession or vocation carried on wholly outside the UK
Domiciled within the UK	Resident and ordinarily resident	Liable	Liable
	Resident but not ordinarily resident	Liable	Liable, but the remittance basis may apply if claimed ²
Domiciled outside of UK	Resident and ordinarily resident	Liable	Liable, but the remittance basis may apply if claimed ²
	Resident but not ordinarily resident	Liable	Liable, but the remittance basis may apply if claimed ²
Not relevant	Not resident	Liable ¹	Not liable

Notes

*Subject to any different treatment provided for under the terms of the relevant article in a Double Taxation Agreement.

- 1 Complete the *Self-employment* pages to show profits attributable to the UK.
- 2 From 6 April 2008 the remittance basis must be claimed if you want to be taxed only when this income is remitted to the UK. See notes on pages RRN 17.

Table 5 – Scope of liability to Capital Gains Tax on disposal of assets*

If Table 5 shows that you are **liable** to Capital Gains Tax, complete the *Capital gains summary* pages.
If Table 5 shows that you are **not liable** to Capital Gains Tax, do not complete those pages for these assets.

Remittance basis

There have been substantial changes to the taxation of capital gains on the remittance basis from 6 April 2008, and you should refer to the notes for the *Capital gains summary* pages and to the further guidance at www.hmrc.gov.uk for further details.

Your domicile status	Your residence status	Gains on disposal of:	
		- UK assets ¹	- overseas assets
Domiciled within the UK	Resident and ordinarily resident	Liable	Liable
	Resident but not ordinarily resident	Liable	Liable
	Not resident but ordinarily resident	Liable	Liable
	Not resident and not ordinarily resident	Not liable ^{2 and 4}	Not liable ^{3 and 4}
Domiciled outside of UK	Resident and ordinarily resident	Liable	Liable, but the remittance basis may apply if claimed ²
	Resident but not ordinarily resident	Liable	Liable, but the remittance basis may apply if claimed ²
	Not resident but ordinarily resident	Liable	Liable, but the remittance basis may apply if claimed ²
	Not resident and not ordinarily resident	Not liable ^{3 and 4}	Not liable ^{3 and 4}

Notes

*Subject to any different treatment provided for under the terms of the relevant article in a Double Taxation Agreement.

- 1 There is no liability if the disposal is of certain UK government securities.
- 2 From 6 April 2008 the remittance basis must be claimed if you want to be taxed only when this income is remitted to the UK. See notes on pages RRN 17.
- 3 Liability will arise if the assets were used or held for the purposes of a trade, profession or vocation carried on in the UK through, or by a branch or agency.
- 4 Gains arising during a period of temporary non-residence may be chargeable (see page RRN 10).

Further advice or information

For more information go to **www.hmrc.gov.uk**

Special rules apply to some people working abroad and also to members of visiting forces who are posted to the UK. Further guidance may be obtained from our offices as follows:

Crown employees or pensioners (for example, civil servants, diplomats, members of the armed forces)

South Wales Area, Cardiff (Compliance)
Residence Group 15 East
Ty-Glas
Llanishen
Cardiff
Wales CF14 5FP
Phone: **0845 300 3949** (from UK) **00 44 161 931 9070** (from overseas)
email: via our website at **www.hmrc.gov.uk/cnr/email.htm**

European Community (EC) employees and also members of visiting forces who are posted to the UK

HMRC Residency (NR Individuals)
St John's House
Merton Road
Liverpool
England L75 1BB
Phone: **0845 070 0040** (from UK) **00 44 151 210 2222** (from overseas)
email: via our website at **www.hmrc.gov.uk/cnr/email.htm**

Employees working in oil and gas extraction industries (where the employer is not resident in the UK)

Foreign Compliance,
Queensway House
East Kilbride
Glasgow
Scotland G79 1AA
Phone: **01355 275701**

Merchant Navy seafarers

South Wales Area, Cardiff (Compliance)
Marine Group 15 East
Ty-Glas
Llanishen
Cardiff
Wales CF14 5FP
Phone: **0845 300 3949** (from UK) **00 44 161 931 9070** (from overseas)
email: via our website at **www.hmrc.gov.uk/cnr/email.htm**

Non-resident entertainers and sports persons

Foreign Entertainers Unit
St John's House
Merton Road
Liverpool
England L75 1BB
Phone: **0151 472 6488** (from UK) **00 44 151 472 6488** (from overseas)