



**i Contacts**

Please phone:

- the number printed on page TR 1 of your tax return
- the SA Helpline on **0845 9000 444**
- the SA Orderline on **0845 9000 404** for helpsheets

or go to [www.hmrc.gov.uk](http://www.hmrc.gov.uk)

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The *Residence, remittance basis etc.* pages are mainly for people who:

- are not resident in the UK
- are not ordinarily resident in the UK
- only arrived in the UK during this tax year and became resident
- are entitled to split-year treatment
- have a domicile outside the UK
- have foreign income and/or capital gains and want to use the remittance basis for 2010–11.

These notes are arranged in two parts. Pages RRN 2 to RRN 13 give advice on how to complete the boxes on the *Residence, remittance basis etc.* pages. Further information about the relevant subject is given on pages RRN 14 to RRN 23.

More detailed information about the topics covered in these notes is given in booklet HMRC6 *Residence, Domicile and the Remittance Basis* which is available at [www.hmrc.gov.uk/cnr/hmrc6.pdf](http://www.hmrc.gov.uk/cnr/hmrc6.pdf)

## Residence status

### Box 1 *If you were not resident in the UK for 2010-11*

Residence is not defined in the Taxes Acts and, except in one particular circumstance, it is not simply a question of counting days. To determine whether you are resident in the UK we will always look at the pattern of your life and the number of and reasons for your visits to the UK.

If you were living in the UK but you left before 6 April 2010 **and** since your departure:

- you have lived, or intend to live outside the UK for three years or more, or
- you have lived and worked full-time outside the UK throughout the year ended 5 April 2011, or
- you have accompanied your spouse or civil partner, who lived and worked full-time outside the UK, throughout the year ended 5 April 2011, and your visits to the UK have averaged fewer than 91 days in a tax year over the period of absence or from 5 April 2007 to 5 April 2011 (whichever is the shorter), then in most cases, you may be non-resident.

#### **i** Further guidance

More information to help you understand your residence and ordinarily residence status is available at [www.hmrc.gov.uk/cnr/hmrc6.pdf](http://www.hmrc.gov.uk/cnr/hmrc6.pdf) and on pages RRN 14 to RRN 16

#### Calculating your average visits to the UK

Total visits to the UK (in days) x 365 = annual average visits

Relevant tax years (in days)

Exclude any days that a visit to the UK was extended due to exceptional circumstances beyond your control.

You may also be non-resident if your home is normally abroad and:

- you are making a single one-off visit to the UK and leave before you have been here for 183 days and do not intend to return, or
- your visits to the UK over a period of four years averages fewer than 91 days each tax year and at no time did you intend to stay for two years or more.

If you put an 'X' in box 1 please complete boxes 10 to 14 in all cases and boxes 4 to 9 and boxes 15 to 17 where they are relevant to your circumstances.

If none of the above applies to you, you are resident in the UK and you do not need to complete box 1. You may still need to consider if split-year treatment, dual residence, or domicile is relevant to your liability.

### Box 2 *If you were not ordinarily resident in the UK for 2010-11*

You will be not ordinarily resident during the tax year ended 5 April 2011 if:

- you made a one-off single visit to the UK and left before you had been here for 183 days and do not intend to return, or
- you have made a one-off single visit to the UK for a period of fewer than three years from the date of your arrival and upon your departure you do not intend to return, or
- you left the UK before 6 April 2010 for permanent residence or full-time employment abroad and your visits to the UK over a period of four years have averaged fewer than 91 days each tax year, or
- your home is normally abroad and you are making regular visits to the UK, your visits over a period of four years average fewer than 91 days each tax year and at no time did you intend to stay for three years or more

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## **i** Further guidance

More information about temporary non-residents and Capital Gains Tax can be found at [www.hmrc.gov.uk/helpsheets/hs278.pdf](http://www.hmrc.gov.uk/helpsheets/hs278.pdf)

Details of extra statutory concessions can be found at [www.hmrc.gov.uk/specialist/esc.pdf](http://www.hmrc.gov.uk/specialist/esc.pdf)

and

- you did not own or buy accommodation at any time, or
- you did not lease accommodation for a period of three years or more.

### **Students**

If your home has been abroad and you have come to the UK for fewer than four years for a period of study or education, you will be resident in the UK while you are here but not ordinarily resident as long as:

- you do not own or buy accommodation in the UK
- you do not acquire accommodation in the UK on a lease of three years or more
- when you leave the UK you are not planning to return here regularly for visits which average 91 days or more in a tax year.

### **Box 3 If you are requesting split-year treatment for 2010–11**

Strictly, you are taxed as a UK resident for the whole of a tax year when you are resident here for any part of it. If you leave or come to the UK part way through the tax year 2010–11, the year may be split by concession (Extra Statutory Concession A11). This means that the UK Income Tax you should pay because you are resident here is calculated on the basis of the period you are living here rather than for the whole of 2010–11. This has the effect of splitting the tax year into resident and not resident periods for the purposes of calculating the tax due.

Split-year treatment will apply to you if:

- before your arrival in, or after you have left the UK, you are not ordinarily resident, and
- you have come to the UK to take up permanent residence or to stay for at least two years, or
- you have left the UK during the tax year ended 5 April 2011 to become permanently resident abroad, or
- you have left the UK for full-time service under a contract of employment and your absence will continue to at least 6 April 2012.

There is a further Extra Statutory Concession (A78) which also allows split-year treatment if you are accompanying your spouse or civil partner when they leave the UK to work full-time abroad, or in the year of return to the UK.

Although the rules for capital gains are significantly different from those for income, there is a split-year concession which relates to the chargeable gains of people who come to, or leave, the UK during a tax year (Extra Statutory Concession D2).

If you have put an 'X' in box 3 you should make sure that you have not put an 'X' in box 1. Please complete boxes 6 or 7 as appropriate.

### **Box 4 If you were resident in the UK for 2009–10**

Put an 'X' in box 4 if:

- you were present in the UK for 183 days or more during the tax year 2009–10, or
- you normally live in the UK but have left for permanent residence or full-time employment abroad during the tax year 2010–11.

Put an 'X' in box 4 if your home is normally abroad, and you came to the UK before 6 April 2010, and:

- you have come to the UK for fewer than four years for a period of study or education, or

- you came to the UK intending to remain here for three years or more, or
- you have bought or owned accommodation in the UK, or
- you have leased accommodation in the UK for three years or more, or
- you were resident in the UK in each of the four years up to the year ended 5 April 2010.

Put an 'X' in box 4 if you came to the UK before 6 April 2006, and your visits to the UK have exceeded 363 days in the four years ended 5 April 2010. (Exclude any days that a visit to the UK was extended beyond your control because of exceptional circumstances – see box 1 on page RRN 2 about exceptional visits.)

**Box 5 *If you were ordinarily resident in the UK for 2009-10***

If you came to the UK during the tax year ended 5 April 2010, you will be ordinarily resident if:

- you came to the UK for permanent residence, or
- you came to the UK for a period of three years or more, or
- you own or buy accommodation here, or
- you acquire accommodation here on a lease of three years or more, or
- you know when you start visiting the UK that your visits here are going to be for an average of 91 days or more.

If you came to the UK before 6 April 2009 you will become ordinarily resident in a tax year after the year of your arrival if:

- you have been here for three years from the date of your arrival, even though you did not originally intend to stay and have not bought or acquired accommodation on a lease of three years or more. You will become ordinarily resident in the UK from the beginning of the tax year in which the third anniversary of your arrival falls, or
- you decide, after you arrive, to stay in the UK for three years or more from the date of your arrival. You will become ordinarily resident in the UK from the beginning of the tax year in which you make that decision. If you make that decision after you arrived but still in the year of arrival, you will be ordinarily resident from the day you arrived in the UK, or
- you buy or acquire accommodation on a lease of three years or more. You will become ordinarily resident from 6 April in the tax year in which you bought or leased the accommodation. If the only reason for you becoming ordinarily resident is because you have accommodation here, then as long as you dispose of the accommodation and leave the UK within three years of your arrival, you will be not ordinarily resident.

Put an 'X' in box 5 if you have left the UK and prior to your departure you were resident in the UK year after year.

**Boxes 6 and 7 *Dates of arrival and departure***

If you have come to live in the UK or you intend to work here for two years or more, please enter the date you entered the UK in box 6.

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.

If you are claiming split-year treatment and have completed box 3, please enter the date you arrived in the UK in box 6, or the date you left the UK in box 7.

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### **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 put an 'X' in box 8 if your work abroad could affect your residence status for tax purposes. That is, if you:

- worked in full-time employment for the whole of 2010–11, or
- returned to the UK during 2010–11 having worked in full-time employment for one or more previous tax years, or
- took up full-time employment during 2010–11 and will be working abroad for the whole of 2011–12.

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

Please put an 'X' in 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.

## **Time spent in the UK if you were not resident or not ordinarily resident in the UK**

If you have put an 'X' in box 1, box 2 or box 3 you should now complete boxes 10 to 14 in all cases and boxes 15 to 17 where they are relevant to your circumstances.

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 10) in respect of employment income, you need only complete box 13.

### **Box 10** *Number of days spent in the UK during 2010–11*

You should include in box 10 all the days during 2010–11 on which you were in the UK at the end of the day (at midnight). Please ensure that all days are included regardless of the reason for your presence in the UK.

### **Box 11** *Number of days in box 10 attributed to exceptional circumstances*

You should show in box 11 the number of days your visit to the UK was extended beyond your control because of exceptional circumstances, for example an illness that occurred while you were in the UK which prevented you from travelling.

### **Box 12** *Number of separate occasions that you have been to the UK during 2010–11*

Please enter in box 12 the number of separate occasions you have been in the UK during the tax year 2010–11.

When completing box 12 you do not need to count any presence in the UK if you are a passenger travelling between two foreign countries via the UK, and you arrive in the UK on one day and leave for your next foreign destination on the following day. You will not have to count the day you arrived in the UK, even though you were still in the UK at the end of that day; you will also not have to count the day you leave the UK.

However, if you attend a business meeting, visit a property you own, arrange to meet people socially or attend social activities, you are not regarded as simply a travelling passenger so you must count that day as a day of presence if you are in the UK at the end of the day.

### **Box 13 Number of workdays you spent in the UK**

Please enter in box 13 all the days on which you were present in the UK and performed any work duties.

You may want to include in the 'Any other information' box, box 35 a note about any days in the UK on which you performed only 'incidental duties'.

### **Box 14 Number of days you have spent in the UK since 5 April 2007, or if you left the UK after 5 April 2007, the number of days spent in the UK since you left**

Please enter in box 14 the total number of days you have spent in the UK since 5 April 2007 to 5 April 2011. Or, if you left the UK after 5 April 2007, enter the number of days spent in the UK since you left up to 5 April 2011.

When calculating the number of days present in the UK between 6 April 2007 and 5 April 2008, you should exclude days of arrival and departure. For periods after 6 April 2008 you must count those days on which you were in the UK at the end of the day (at midnight). You should also include any days spent in the UK due to exceptional circumstances.

If you choose to adopt a different basis in calculating the number of days for 2010–11, you should explain this in the 'Any other information' box, box 35.

## **Personal allowances**

### ***Claims for UK personal allowances for non-residents and dual residents***

Helpsheet 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.

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

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

Please put an 'X' in box 15 if you satisfy one of the conditions listed in the three bullet points starting below and you are claiming personal allowances as a non-resident under the terms of a Double Taxation Agreement.

You also 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. Please keep the certificate and documents in case they are needed later to support your claim.

The conditions are that:

- you are a **national** of Bulgaria, Israel and Jamaica, or
- you are a **national and a resident** of Argentina, Australia, Azerbaijan, Bangladesh, Belarus, Bolivia, Bosnia-Herzegovina, Botswana, Canada, China, Croatia, Cyprus, Czech Republic, Denmark, Egypt, Estonia, Finland, Gambia, Hungary, Iceland, India, Indonesia, Italy, Ivory Coast (Cote d'Ivoire), Japan, Jordan, Kazakhstan, Korea (Republic of), Latvia, Lesotho, Lithuania, Malaysia, Malta, Montenegro, Morocco, New Zealand, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Philippines, Romania, Russian Federation, Serbia, Slovak Republic (Slovakia), Slovenia, South Africa, Spain, Sri Lanka, Sudan, Switzerland,

#### **i Further guidance**

For more general information on Double Taxation Agreements and entitlement to UK personal allowances, go to [www.hmrc.gov.uk/cnr/dtdigest.pdf](http://www.hmrc.gov.uk/cnr/dtdigest.pdf)

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Taiwan, Tajikistan, Thailand, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, Uzbekistan, Venezuela, Vietnam or Zimbabwe, or

- you are a **resident** of Austria, Barbados, Belgium, Burma, Fiji, France, Germany, Greece, Ireland, Kenya, Luxembourg, Mauritius, Namibia, Netherlands, Portugal, Swaziland, Sweden or Zambia.

### **Exceptions:**

You should not put an 'X' in box 15, if you are a resident, but not a citizen, of Austria, Belgium, France, Germany, Kenya, Luxembourg, Mauritius, Netherlands, Portugal, Sweden, Switzerland or Zambia and your income consists solely of dividends, interest and royalties or any combination of them. If these conditions apply then you are not entitled to personal allowances.

### **Box 16 If you are entitled to claim personal allowances as a non-resident on some other basis, or as a dual resident remittance basis user under the terms of certain Double Taxation Agreements (DTAs)**

Please put an 'X' in box 16 if you are not resident in the UK and under one or more of the conditions listed below 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 seven conditions are:

- 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, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovak Republic (Slovakia), Slovenia, Spain, Sweden and United Kingdom
- 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, or have been, employed in the service of the British Crown
- you are employed in the service of any State under the protection of Her Majesty
- you are employed in the service of any missionary society
- you are a widow, widower or surviving civil partner whose late husband, wife or civil partner was in the service of the British Crown.

### **Dual residents claiming the remittance basis**

If you are regarded as resident in both the UK and one of the countries listed below you will retain your entitlement to UK personal allowances and the annual exempt amount (AEA) which, in normal circumstances, you would lose when claiming to be taxed on the remittance basis. Put an 'X' in box 16 if you:

- have claimed the remittance basis of taxation by completing box 27 and where an entry in box 28 is not appropriate, and you
- consider yourself as a 'dual resident' 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.

This is no longer an exclusion from online filing. However if this box is not completed personal allowances will not be retained.

You should also provide details in the 'Any other information box', box 35 of the country under which 'dual residence is claimed'.

**Box 17 Enter the code(s) for the country or countries of which you are a national and/or resident**

Where you have put an 'X' in box 15 and/or box 16, you will need to enter in box 17 the code(s) for the country or countries of which you are a national and/or resident.

You can obtain the relevant country codes from pages FN 19 to 21 of the *Foreign notes*. Go to [www.hmrc.gov.uk](http://www.hmrc.gov.uk) and search for *SA106 notes* or obtain them from the SA Orderline.

## Residence in other countries and double taxation relief

**Box 18 Enter the code(s) for the country or countries, other than the UK, in which you were resident for tax purposes for 2010–11**

Enter in box 18 the country code(s) for the country or countries (other than the UK) in which you were resident for tax purposes. You should complete this box even if you are resident in a country with which the UK does not have a Double Taxation Agreement. 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(s) for that country.

You can obtain the relevant country codes from pages FN 19 to 21 of the *Foreign notes*. Go to [www.hmrc.gov.uk](http://www.hmrc.gov.uk) and search for *SA106 notes* or obtain them from the SA Orderline.

**Box 19 If you were also resident in either or both of the countries entered in box 18 for 2009–10, enter the appropriate code(s)**

You should only put an 'X' in box 19 if you have put an 'X' in box 18, and you were also resident in either or both of the countries entered for box 18 in 2009–10 in addition to 2010–11. The same information provided for the completion of box 18 will also apply for box 19.

You can obtain the relevant country codes from pages FN 19 to 21 of the *Foreign notes*. Go to [www.hmrc.gov.uk](http://www.hmrc.gov.uk) and search for *SA106 notes* or obtain them from the SA Orderline.

**Box 20 Relief under Double Taxation Agreements between the UK and other countries - amount claimed because of an agreement awarding residence to another country (see *Helpsheet 302*)**

Complete box 20 if you intend to claim relief under the terms of a Double Taxation Agreement as a 'dual resident'.

In addition to completing box 20, complete and send in the appropriate claim form in the *Helpsheet 302 Dual residents* in support of your claim.

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

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 2010–11 and partly within 2009–10, please give brief details in the 'Any other

**i Further guidance**

More information about residence in other countries and Double Taxation Agreements is given on page RRN 16 and RRN 17.

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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.

### **Box 21 Relief claimed because of other provisions of the relevant Double Taxation Agreements (see Helpsheets 304)**

Complete box 21 if you are a non-resident and want to make a claim for double taxation relief. Further details about the various types of income that relief can be claimed on, and where to go for further help and advice, are provided on pages RRN 16 and RRN 17.

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

In addition to completing box 21, complete and send in the appropriate claim form in the Helpsheets 304 *Non-residents – relief under Double Taxation Agreements*.

## Domicile

If you are not using the remittance basis of taxation, or your domicile is not otherwise relevant for the year ended 5 April 2011, do not fill in boxes 22 to 26.

### **Box 22 If you are domiciled outside the UK and it is relevant to your Income Tax or Capital Gains Tax liability**

If your domicile is relevant for the year ended 5 April 2011, put an 'X' in box 22. Please also complete boxes 23 to 26 as appropriate.

### **Box 23 If 2010–11 is the first year you have told us that your domicile is outside the UK**

If 2010–11 is the first year that you have claimed to be domiciled outside the UK for tax purposes, please put an 'X' in box 23 even if you have never been domiciled within the UK.

### **Box 24 If you have put 'X' in box 22 and have a domicile of origin within the UK, enter the date on which your domicile changed**

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.

### **Box 25 If you were born in the UK but have never been domiciled here**

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.

### **Box 26 If you have put 'X' in box 22 and you were born outside the UK, enter the date that you came to live in the UK**

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 are 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** Further guidance

More information to help you understand your domicile status is available at [www.hmrc.gov.uk/cnr/hmrc6.pdf](http://www.hmrc.gov.uk/cnr/hmrc6.pdf) (the section on domicile) and on pages RRN 16 to RRN 18.

### **i** Further guidance

More information about the remittance basis is given on pages RRN 18 to RRN 22.

## Remittance basis

If you are resident in the UK you are normally treated as being on the 'arising basis of taxation'. This means that you will pay tax on all of your income as it arises and on your gains as they accrue, wherever that income and those gains are in the world. Further information on the arising basis is in HMRC6 *Residence, Domicile and the Remittance Basis* which can be found at [www.hmrc.gov.uk/cnr/hmrc6.pdf](http://www.hmrc.gov.uk/cnr/hmrc6.pdf)

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 27.

If you do not want to claim the remittance basis for 2010–11 do not complete boxes 27 to 34.

### **Box 27 If you are making a claim for the remittance basis for 2010–11**

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).

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 have completed box 12 on page Ai 2 of the *Additional Information* pages (see page AiN 18 of the *Additional information notes*) on the basis the amount is not taxable because it has not been remitted to the UK, then you must also complete box 27 of the *Residence, remittance basis etc.* pages. Box 28 on the *Residence, remittance basis etc.* pages should not be completed if the amount you are entering in box 12 is more than £1,999.

### **i** Further guidance

More detailed information about exchange rates is available in the *Residence, Domicile and Remittances manual* which can be found on our website at [www.hmrc.gov.uk/manuals/rdrmmanual/RDRM31190.htm](http://www.hmrc.gov.uk/manuals/rdrmmanual/RDRM31190.htm)  
Exchange rates can be found at [www.hmrc.gov.uk/exrate](http://www.hmrc.gov.uk/exrate)

### **Box 28 If your unremitted income and capital gains for 2010–11 is less than £2,000**

Put an 'X' in this box if:

- you are claiming the remittance basis in 2010–11, and
- you have foreign income and/or gains arising in 2010–11, and
- less than £2,000 of this foreign income and/or gains remains unremitted to the UK at 5 April 2011.

If you have put an 'X' in this box you must also put an 'X' in box 27, and also in boxes 29 and 30 if appropriate.

Having less than £2,000 unremitted foreign income and/or 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/or 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.

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For the purposes of determining whether your foreign income which is ‘not remitted’ in a tax year is below £2,000 you should deduct the total foreign income you have remitted during the year from the total foreign income received, per currency, during the tax year. The balance which is left is the ‘unremitted foreign income’. Translate this into sterling using the exchange rate on the last day of the tax year (5 April 2011) to calculate whether the ‘unremitted foreign income’ is below the £2,000 limit.

This practice applies for the purposes of deciding whether unremitted foreign income is below the £2,000 threshold only.

Calculate foreign chargeable gains using sterling translations at the date of acquisition and the date of disposal.

### **Box 29 If you were UK resident for 2010–11 and for seven or more of the preceding nine tax years**

Put an ‘X’ in 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 2010–11. (You have also put an ‘X’ in box 27.)

If this applies to you then you must pay the remittance basis charge (RBC) unless one of the exceptions below applies – see the notes on page RRN 21. 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 2010–11. If this applies complete box 28, or
- you were under 18 at 5 April 2011. If this applies also complete box 30.

If you put an ‘X’ in box 29 (but not in boxes 28 or 30 because they do not apply) then you should also complete boxes 31 to 35 as appropriate.

### **Box 30 If you were under 18 on 5 April 2011**

If box 30 applies to you because you were under 18 years of age at 5 April 2011, you will not need to pay the remittance basis charge, even if you are a ‘long-term resident’ and have completed box 29.

However, you will still lose your entitlement to personal allowances and the annual exempt amount (AEA) if you have completed box 27 and claimed the remittance basis, unless you have less than £2,000 unremitted foreign income and/or gains for 2010–11 and so have also completed box 28. If you are calculating your own tax do not forget to reflect the loss of allowances in your tax calculation.

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

If you put an ‘X’ only in boxes 27 and 29 you must also complete boxes 31 and 32.

The remittance basis charge (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.

For the purposes of determining the amount of nominated foreign income you should convert each amount into sterling at the rate of exchange at the time when the income arose. Foreign gains are always computed in pounds sterling using the rates of exchange prevailing at the time when the gain is computed and when allowable expenditure was incurred.

## **i** Further guidance

Exchange rates can be found at  
[www.hmrc.gov.uk/exrate](http://www.hmrc.gov.uk/exrate)

In tax year 2010–11 the rate of Capital Gains Tax changed part-way through the year. Chargeable gains which accrued on a sale on or before 22 June 2010 are taxed at 18%, whilst chargeable gains accruing after 22 June 2010 may be charged at 28% if you are chargeable to Income Tax at the higher rate or in certain other circumstances. Details of the Capital Gains Tax rates can be found in the *Capital gains summary* notes.

Where a nomination of foreign gains is made during 2010–11, it is important to note that the date the gain is realised will decide on which rate of Capital Gains Tax is used in calculating the RBC. This will need to be taken into account in deciding which rate to use when nominating foreign capital gains.

### Example 1 Nominating both foreign income and/or capital gains

Henri has claimed the remittance basis and his unremitted foreign income for the year 2010–11 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 realised on or before 22 June 2010) 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 (if realised on or before 22 June 2010)

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

If the foreign capital gains were realised after 22 June 2010, Henri would only use £64,287 of his capital gains as follows:

$£30,000 \times 40\% = £12,000$  Income Tax  
 $£64,287 \times 28\% = £18,000$  Capital Gains Tax (realised after 22 June 2010)

Henri would enter the £30,000 nominated income amount in box 31 and the £64,287 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 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 Credit Relief and the prevention of double taxation if you choose to make an insufficient or under-nomination and you should refer to the additional guidance and look at the examples at [www.hmrc.gov.uk/manuals/rdrmmanual/RDRM32360.htm](http://www.hmrc.gov.uk/manuals/rdrmmanual/RDRM32360.htm) first.

## **i** Contacts

Please phone:

- the number printed on page TR 1 of your tax return
- the SA Helpline on **0845 9000 444**
- the SA Orderline on **0845 9000 404** for helpsheets

or go to

[www.hmrc.gov.uk](http://www.hmrc.gov.uk)

## **Example 2**

Ben has claimed the remittance basis for 2010-11 and his unremitted foreign income and/or gains are as follows:

Foreign bank interest	£75,000
Foreign employment income	£80,000
Foreign capital gains	£25,000

Ben is a higher-rate taxpayer. He chooses to nominate only his £25,000 capital gains (all arose on or before 22 June 2010). The RBC so far consists of:

$£25,000 \times 18\% = £4,500$  Capital Gains Tax

The RBC must total £30,000, so an amount of Income Tax of £25,500 is required. Therefore, £63,750 of additional income is to be 'treated' as nominated,

$£63,750 \times 40\% = £25,500$  Income Tax.

The RBC therefore consists of £4,500 Capital Gains Tax and £25,500 Income Tax.

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 for capital gains**

If you have made a nomination of capital gains in box 32, then you must complete box 33.

Only the Income Tax element of the RBC is taken into account in calculating the payments on account. Capital Gains Tax is never included in calculations of payment on account and any part of the RBC coming from capital gains will not form part of the following years payments on account. Please enter the amount of Capital Gains Tax included in the £30,000 RBC.

If you are calculating your own tax, please exclude the amount in box 33 in your calculation of payments on account. If you are using the *Tax calculation summary* page, your first payment on account for 2011-12 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 2010-11**

Put an 'X' in box 34 if you have remitted any nominated foreign income and/or gains to the UK during 2010-11.

Any of the foreign income and/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 and/or gains while any foreign income and/or gains that were not so nominated remain overseas.

### **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.

All other additional information requested in boxes 13, 14, 20, 21 and 34 should also be included here.

## Further information

### Considering your residence status

It is important that you understand how to work out if you are resident in the UK (England, Wales, Scotland and Northern Ireland) as your individual circumstances will affect what UK tax you need to pay. By reading the following guidance you will be able to explain how you have arrived at your decision if we were to ask you.

The terms 'residence' and 'ordinary residence' are not defined in the Taxes Acts. 'Residence' takes its normal everyday meaning. The following guidelines are largely based on the rulings of the courts and set out the main factors that are taken into consideration for making a decision on your residence status.

#### *Residence*

There are many different factors which will determine whether you are resident in the UK. **With one exception; it is not simply a question of the number of days you are physically present in the UK during a tax year, although this is an important consideration.** Different considerations will apply depending on whether you are arriving in the UK for the first time from another country or whether you have been resident in the UK in earlier years.

The only occasion when the number of days that you are physically present in the UK will determine your residence status is when you are here for 183 days or more during the tax year. In all cases when you are here for 183 days or more you will be resident in the UK for that year. **There are no exceptions to this.**

You can also be present in the UK for fewer than 183 days in a tax year and be resident here. You need to consider how often and how long you are here, the purpose and pattern of your presence and your connections to the UK. These might include the location of your family, your property, your work-life and social connections. Just because you leave the UK to live or work abroad does not necessarily mean that you are no longer resident here if, for example, you keep connections in the UK such as property, economic interests, available accommodation, and social activities or if you have children in education here.

#### *Days*

When you count the number of days that you have been present in the UK during a tax year you must include all of the days in which you have been in the UK at the end of the day (that is, midnight). It is the number of days counted in this way that is important, not the number of visits you make to the UK. These rules apply from 6 April 2008.

If looking at tax years before 6 April 2008, you would not normally include any days on which you arrived or departed from the UK.

## **i** Contacts

Please phone:

- the number printed on page TR 1 of your tax return
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- the SA Orderline on **0845 9000 404** for helpsheets

or go to

[www.hmrc.gov.uk](http://www.hmrc.gov.uk)

You will be resident from the date you arrive, if your home has been abroad and you have come to the UK to live here permanently, or to live or work for three years or more.

If you have previously been resident in the UK and are returning to become resident here again after a period of residence abroad, you might need to consider whether your absence from the UK was a period of ‘temporary non-residence’. If you were temporarily non-resident in the UK, this may affect your liability to UK tax when you return to become resident again.

If you are someone who comes to the UK on a regular basis and have a settled lifestyle pattern connecting you to this country, you are likely to be resident here.

**It is possible to be resident in the UK under our tax rules and at the same time be considered resident in another country by that country under their rules.** This is called ‘dual residence’.

### ***Ordinary residence***

Ordinary residence is different from ‘residence’. The word ‘ordinary’ indicates that your residence in the UK is typical for you and not casual.

You do not have to intend to remain in the UK permanently or indefinitely in order to be ordinarily resident here. It is enough that your residence has the following attributes:

- your presence here has a settled purpose. This might be for only a limited period, but has enough continuity to be properly described as settled. Business, employment and family all provide a settled purpose, but this list is not exhaustive
- your presence in the UK forms part of your regular and habitual mode of your life for the time being. This can include temporary absences from the UK. For example if you come to live in the UK for three years or more then you will have established a regular and habitual mode of life here
- you have come to the UK voluntarily. The fact that you chose to come to the UK at the request of your employer rather than seek another job does not make your presence here involuntary.

The pattern of your presence, both in the UK and overseas, is an important factor when you are deciding if you are ordinarily resident in the UK. You will also need to take into account your reasons for being in, coming to or leaving the UK and your lifestyle and habits.

If you have come to the UK for a settled purpose (for example, to live and to work for three years or more) you will be ordinarily resident from when you first arrive. If you own or acquire accommodation on a long-term lease, this may be taken as evidence that you are remaining in the UK for several years and are ordinarily resident.

Although ordinary residence in the UK is not simply a question of the number of days you are physically present here over a period of time, you can look at the average number of days you are in the UK to get an idea of whether or not you are ordinarily resident here. If you come to the UK regularly and your presence here averages 91 days or more in a tax year over an appropriate period of time, you are likely to be ordinarily resident here.

You can be ordinarily resident in the UK and, at the same time, be ordinarily resident in another country. Your ordinary residence in another country does not prevent you being ordinarily resident in the UK.

- It is possible to be resident in the UK but to be not ordinarily resident here. This means that although you are resident in the UK during a tax year, your residence does not have one or more of the factors that would make you ordinarily resident.
- It is also possible to be not resident in the UK but remain ordinarily resident here. If you normally live in the UK you might become not resident solely for one tax year. As you would normally be resident in the UK and this is where you have your normal home, family ties and other social connections, you might still be ordinarily resident here.

## Residence in other countries and double taxation relief

### *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.

### *Double taxation relief - dual residence*

**It is possible to be resident in the UK under our tax rules and at the same time be considered as resident in another country under that country's rules. This is called 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. 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.

Helpsheet 302 *Dual residents* gives you information that will enable you to decide whether you are a resident of the UK or another country for the purposes of applying the provisions of the DTA between the UK and that other country.

### *Non-UK residents and Double Taxation Agreements*

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.

### **i** Further guidance

If you are resident in the UK and another country, please go to part 9 of HMRC6 which tells you about Double Taxation Agreements (DTAs). HMRC6 is available at [www.hmrc.gov.uk/cnr/hmrc6.pdf](http://www.hmrc.gov.uk/cnr/hmrc6.pdf)

## **i** Contacts

Please phone:

- the number printed on page TR 1 of your tax return
- the SA Helpline on **0845 9000 444**
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or go to

[www.hmrc.gov.uk](http://www.hmrc.gov.uk)

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/sa/forms/content.htm](http://www.hmrc.gov.uk/sa/forms/content.htm) or ask the SA Orderline for Helpsheet 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.

### ***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](http://www.hmrc.gov.uk) or the SA 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 (Helpsheet 320 *Gains on UK life insurance policies* and Helpsheet 321 *Gains on foreign life insurance policies*, available from [www.hmrc.gov.uk](http://www.hmrc.gov.uk) or the SA Orderline, explains what to do) and, in the 'Additional information' box, box 20 on page Ai 4, add 'I claim relief under Extra Statutory Concession C33 on my gain on life policy(ies)'.

### **Domicile**

If you are not resident in the UK you will not usually need to consider domicile for Income Tax and Capital Gains Tax purposes. Domicile is relevant only if you have foreign income and/or gains during a tax year. If you do not then your domicile status has no bearing on your UK Income Tax or Capital Gains Tax liability.

Domicile is a general 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 will continue until you acquire a new one
- domicile is distinct from nationality and residence, although both can have an impact on your domicile. You may be resident in the UK but have a domicile somewhere else

## **i** Further guidance

More information to help assist you to determine your residence and domicile status is available at [www.hmrc.gov.uk/cnr/hmrc6.pdf](http://www.hmrc.gov.uk/cnr/hmrc6.pdf)

- the fact that you register and vote as an overseas elector is not normally taken into account when deciding whether or not you are domiciled in the UK.

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 and is not easy to displace. For example, even 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.

### ***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 will automatically acquire the same domicile, in place of your domicile of origin.

Before 1974 a married woman automatically acquired her husband's domicile. As a married woman who married before 1974, you would 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 generally only relevant if you are claiming the remittance basis of taxation for 2010–11 in respect of your foreign income and/or gains; please see the notes starting below.

### **Remittance basis**

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 2010–11, 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.

If you do not claim to use the remittance basis you will usually be taxed on your worldwide income and gains in the normal way. You may also be

#### ***i* Further guidance**

Further guidance on all of the remittance basis rules is available in HMRC6 or in the remittances technical manual, available at [www.hmrc.gov.uk](http://www.hmrc.gov.uk)

## **i** Contacts

Please phone:

- the number printed on page TR 1 of your tax return
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or go to

[www.hmrc.gov.uk](http://www.hmrc.gov.uk)

chargeable on any income and gains that arose in a previous year, a year for which you were taxed on the remittance basis if they are brought to, received or used in the UK in the year.

### ***Using the remittance basis without completing a tax return***

Normally you must claim to use the remittance basis on these pages of your tax return. However in some circumstances, and as long as you meet certain requirements, you may be taxed on the remittance basis without needing to complete a tax return. Broadly, this will apply only if you are not-domiciled in the UK but are working here and you have:

- unremitted foreign income and/or gains of less than £2,000 for the tax year, or
- you have been resident in the UK for fewer than seven of the nine tax years before 2010–11 and
  - you have no foreign income and/or gains and no UK income and gains (except taxed UK investment income of less than £100), and
  - you had no taxable remittances of your foreign income and/or gains to the UK during 2010–11.

Even if these criteria apply, if you need to complete a tax return for some other reason, for example, you receive an untaxed source of income, you should claim the remittance basis using box 27.

If you meet the necessary ‘requirements’ above but you do not want the remittance basis to apply automatically you will need to complete a tax return, declaring your foreign income and/or gains on the normal arising basis. You do not need to complete these SA109 pages, but you may want to note that you are not using the remittance basis in the white space on your tax return.

For more information on this you can refer to HMRC6 *Residence, Domicile and the Remittance Basis*.

### ***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/or 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 to the UK’). You should enter the full amount only of what you have remitted to the UK in 2010–11 in the relevant boxes on your tax return.

#### **Example 3**

Ian is resident but not domiciled in the UK. He has claimed the remittance basis for 2010–11, and for earlier years too. He opened an overseas interest-bearing bank account in 2007–08 and interest arose as follows:

<b>2008–09</b>	<b>2009–10</b>	<b>2010–11</b>
£200	£400	£500

If none of the interest was received in the UK in 2008–09 or 2009–10, but £800 was brought to the UK in 2010–11, Ian will be liable to UK Income Tax for 2010–11 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 and/or gains arising in 2010–11 do not complete boxes 27 to 34. Instead, you should enter all your income and gains arising in 2010–11 on your tax return. If you used the remittance basis in earlier years you should also tell

us about any remittances of foreign income and/or gains that arose in those earlier years but were remitted in 2010–11, 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 2010–11 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 2010–11 of which less than £2,000 remains unremitted to the UK at 5 April 2011. You will keep your personal allowances in this situation. For more information refer to HMRC6 *Residence, Domicile and the Remittance Basis*.

### ***Dual residents***

The other exception is if you are ‘dual resident’ (see page RRN 16) and you should now complete box 16 where this is the case.

Box 16 provides further details on this point.

#### **Example 4**

Martha is resident but not domiciled in the UK in 2010–11.

She receives interest of £20,000 on an offshore bank account, of which she transfers £19,000 to the UK in 2010–11. She has no other foreign income or gains in the year.

Martha decides to use the remittance basis. She shows £19,000 interest on the *Foreign* pages. She has less than £2,000 unremitted income and gains from 2010–11 so she will not lose her personal allowances and annual exempt amount.

### ***Remittance basis charge***

If you claim the remittance basis for 2010–11 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 2001–02 and 2009–10), 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/or gains left outside the UK. It is chargeable in addition to any UK tax due on any foreign income and/or gains remitted to the UK.

#### **Example 5**

Wayne is resident in the UK in 2010–11. His offshore income and capital gains are £200,000.

Wayne has been resident in the UK for the preceding years as follows:

2001–02

2004–05

2005–06

2006–07

2007–08

2008–09, and

2009–10

Wayne lived in Spain during tax years 2002–03 and 2003–04.

He has therefore been resident for seven of the preceding nine years and so he must pay the RBC if he wants to use the remittance basis in 2010–11.

## **i** Contacts

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- the number printed on page TR 1 of your tax return
- the SA Helpline on **0845 9000 444**
- the SA Orderline on **0845 9000 404** for helpsheets

or go to

[www.hmrc.gov.uk](http://www.hmrc.gov.uk)

## **i** Further guidance

Further information on 'Remitted income and gains' can be found in both the glossary in section 1 and in section 5 covering the 'Remittance basis' in HMRC6 which can be found at [www.hmrc.gov.uk](http://www.hmrc.gov.uk)

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

### ***Paying the 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.

### ***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 and/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/or 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.

### ***Election of foreign losses***

The election of foreign losses will need to be considered if you are not domiciled in the UK and want to offset any overseas losses against your foreign chargeable gains. This must be done as part of your claim to the remittance basis, and should be made on the *Capital gains summary* pages of the tax return. The election can be made in the 'Any other information' box on the *Capital gains summary* pages and should **not** be made on these pages.

Please note: It will not be possible to make an election after the first year in which the remittance basis is claimed from 2008–09 onwards.

Further information can be found on this subject in HMRC6 *Residence, Domicile and the Remittance Basis*.

### ***Temporary non-residents and the remittance basis***

The rules on temporary non-residents may apply to any remittances in 2010–11 of relevant foreign income that arose in years up to and including the year ending 5 April 2010, if you were resident in the UK and 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 2010–11 following a period of residence abroad (the year of return)
- you became not resident in the UK in 2005–06, 2006–07, 2007–08, 2008–09 or 2009–10 (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.

There are comparable rules for chargeable gains accruing to temporary non-residents. *Temporary non-residents and Capital Gains Tax* provides further information on this and can be found at [www.hmrc.gov.uk](http://www.hmrc.gov.uk)

If temporary non-residence is claimed then a declaration will need to be made on the *Foreign* pages. Further details should be provided in the 'Any other information' box, box 35.

Further details on the temporary non-resident rules can be found in HMRC6 *Residence, Domicile and the Remittance Basis*.

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.

## Further advice

Special rules apply to some people working abroad. 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](http://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](http://www.hmrc.gov.uk/cnr/email.htm)

### **Non-resident entertainers and sportspersons**

HMRC CAR, Personal Tax International

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)

These notes are for guidance only and reflect the position at the time of writing. They do not affect any rights of appeal. Any subsequent amendments to these notes can be found at [www.hmrc.gov.uk](http://www.hmrc.gov.uk)