
4 Deduction of income tax at source

The Schedule contains provisions about deduction of income tax at source.

SCHEDULE TO CLAUSE 4

DEDUCTION OF INCOME TAX AT SOURCE

PART 1

ABOLITION OF DUTY TO DEDUCT TAX FROM INTEREST ON CERTAIN INVESTMENTS

- 1 In Chapter 2 of Part 15 of ITA 2007 (deduction of income tax at source by deposit-takers and building societies) omit –
 - (a) section 851 (duty to deduct when making payment of interest on relevant investment), and
 - (b) the italic heading preceding it.

PART 2

DEDUCTION OF TAX FROM YEARLY INTEREST: EXCEPTION FOR DEPOSIT-TAKERS

- 2 In section 876 (interest paid by deposit-takers), for subsections (1) and (2) substitute –
 - “(1) The duty to deduct a sum representing income tax under section 874 does not apply to a payment of interest on an investment if –
 - (a) the payment is made by a deposit-taker, and
 - (b) when the payment is made, the investment is a relevant investment.
 - (1A) In this section “deposit-taker”, “investment” and “relevant investment” have the meaning given by Chapter 2.”

PART 3

AMENDMENTS OF OR RELATING TO CHAPTER 2 OF PART 15 OF ITA 2007

Amendments of Chapter 2 of Part 15 of ITA 2007

- 3 Chapter 2 of Part 15 of ITA 2007 (deduction of income tax at source by deposit-takers and building societies) is amended in accordance with paragraphs 4 to 18.
- 4 For the Chapter heading substitute “Meaning of “relevant investment” for purposes of section 876”.
- 5 (1) Section 850 (overview of Chapter) is amended as follows.
 - (2) For subsection (1) substitute –
 - “(1) This Chapter has effect for the purposes of section 876 (duty under section 874 to deduct tax from payments of yearly interest: exception for deposit-takers).”

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- (3) Omit subsection (2) (which introduces sections 851 and 852).
- (4) In subsection (4)(b) (which introduces sections 858 to 870), for “858” substitute “863”.
- (5) In subsection (5) (which introduces sections 871 to 873), for “871 to” substitute “872 and”.
- (6) In subsection (6) (interpretation), for the words from “Chapter—” to “crediting” substitute “Chapter, crediting”.
- 6 Omit section 852 (power to disapply section 851).
- 7 In section 853(1) (meaning of “deposit-taker”), after “In this Chapter” insert “and section 876”.
- 8 In section 854(3) (meaning of “relevant investment” in section 851(1)(b)), for “851(1)(b)” substitute “876(1)(b)”.
- 9 For section 855(1) (meaning of “investment”) substitute—
- “(1) In this Chapter, and section 876, “investment” means a deposit with a deposit-taker.”
- 10 (1) Section 856 (meaning of “relevant investment”) is amended as follows.
- (2) In subsection (1), for “this Chapter” substitute “section 876”.
- (3) In subsection (2) (exceptions), for “858” substitute “863”.
- 11 In section 857 (treating investments as being or not being relevant investments) omit “or building society” in each place.
- 12 Omit—
- (a) sections 858 to 861 (investments which are not relevant investments and in relation to which duty under section 874 does not apply), and
- (b) the italic heading preceding section 858.
- 13 In the italic heading preceding section 863, for “Other investments” substitute “Investments”.
- 14 In sections 863, 864, 865 and 868(4) (investments with deposit-takers or building societies) omit “or building society” in each place.
- 15 Omit sections 868(3), 869 and 870(2) (investments with building societies).
- 16 Omit section 871 (power to make regulations to give effect to Chapter).
- 17 In section 872 (power to amend Chapter)—
- (a) in subsection (2) (different provision for different deposit-takers)—
- (i) for “which amends this Chapter in its application to deposit-takers may do so” substitute “may amend this Chapter”, and
- (ii) in each of paragraphs (a) and (b), for “relation” substitute “its application”, and
- (b) omit subsections (4) and (5) (which refer to provisions repealed by this Act).
- 18 Omit section 873(3) to (6) (interpretation of section 861).

Amendments relating to Chapter 2 of Part 15 of ITA 2007

- 19 In Schedule 12 to FA 1988 (transfer of building society's business to a company), in paragraph 6(1) (treatment for tax purposes of benefits conferred in connection with a transfer) omit –
- (a) “either”, and
 - (b) paragraph (b) (benefit not to be subject to deduction of tax under Chapter 2 of Part 15 of ITA 2007), and the “or” preceding it.
- 20 (1) In section 564Q(1) of ITA 2007 (alternative finance return: deduction of income tax at source under Chapter 2 of Part 15) –
- (a) after “Chapter 2 of Part 15” insert “and section 876”,
 - (b) for “deduction by deposit-takers and building societies” substitute “exception for deposit-takers”, and
 - (c) after “Chapter 2 of that Part” insert “and section 876”.
- (2) In section 564Q(5) of ITA 2007 (alternative finance return: deduction of income tax at source under Chapters 3 to 5 of Part 15) –
- (a) after “of Part 15” insert “except section 876”, and
 - (b) for “those Chapters” substitute “those provisions”.
- 21 In section 847 of ITA 2007 (overview of Part 15) –
- (a) in subsection (2) omit paragraph (a) (which introduces Chapter 2), and
 - (b) in subsection (5) (which introduces Chapters containing provision connected with the duties to deduct), before paragraph (a) insert –
 - “(za) Chapter 2 (interpretation of section 876 in Chapter 3: exception for deposit-takers),”.
- 22 In section 946 of ITA 2007 (collection of tax deducted at source: payments to which Chapter applies) omit paragraph (a) (payments from which deductions required to be made under section 851).
- 23 In Schedule 2 to ITA 2007 omit paragraphs 154 to 156 (transitional provisions related to Chapter 2 of Part 15 of ITA 2007).
- 24 In Schedule 4 to ITA 2007 (index of defined expressions) –
- (a) omit the entry for “beneficiary under a discretionary or accumulation settlement (in Chapter 2 of Part 15)”,
 - (b) in the entry for “deposit-taker (in Chapter 2 of Part 15)”, after “Part 15” insert “and section 876”,
 - (c) omit the entry for “dividend (in Chapter 2 of Part 15)”,
 - (d) in the entry for “investment (in Chapter 2 of Part 15)”, after “Part 15” insert “and section 876”, and
 - (e) omit the entry for “relevant investment (in Chapter 2 of Part 15)”.
- 25 In consequence of the amendments made by Part 1 of this Schedule and the preceding provisions of this Part of this Schedule –
- (a) in Schedule 1 to ITA 2007 omit paragraph 277,
 - (b) in Schedule 1 to FA 2008 omit paragraph 25,
 - (c) in Schedule 46 to FA 2013 –
 - (i) in paragraph 68(1) omit paragraph (a) including the “and” at the end,

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- (ii) in paragraph 69(1) omit paragraph (a) including the “and” at the end,
 - (iii) omit paragraph 70(1), and
 - (iv) in paragraph 71(3) omit paragraph (a) and the “and” preceding it, and
- (d) in FA 2014 omit section 3(4).

PART 4

DEDUCTION OF TAX FROM UK PUBLIC REVENUE DIVIDENDS

- 26 In section 877 of ITA 2007 (duty to deduct under section 874: exception relating to UK public revenue dividends) –
- (a) for “in respect of” substitute “that is”, and
 - (b) after “dividend” insert “(as defined by section 891)”.
- 27 (1) Chapter 5 of Part 15 of ITA 2007 (deduction from payments of UK public revenue dividends) is amended as follows.
- (2) In section 893(2) (securities which are gross-paying government securities) –
- (a) before the “or” at the end of paragraph (a) insert –
 - “(aa) securities, so far as they are not gilt-edged securities, issued or treated as issued under –
 - (i) the National Loans Act 1939, or
 - (ii) the National Loans Act 1968,” and
 - (b) in paragraph (b), for “894(1) or (3)” substitute “894(3)”.
- (3) In section 894 (power to direct that securities are gross-paying government securities) –
- (a) omit subsections (1) and (2) (power in relation to securities within the new section 893(2)(aa)), and
 - (b) in subsection (5) omit “(1) or”.

PART 5

COMMENCEMENT

- 28 (1) The amendments made by Parts 1 and 3 of this Schedule have effect in relation to –
- (a) interest paid or credited on or after 6 April 2016, and
 - (b) dividends or other distributions paid by a building society on or after that date.
- (2) Sub-paragraph (1) does not apply to –
- (a) the repeals in Schedule 12 to FA 1988;
 - (b) the amendments in section 564Q of ITA 2007;
 - (c) the repeal of paragraph 277 of Schedule 1 to ITA 2007.
- (3) The repeals mentioned in sub-paragraph (2)(a) and (c) have effect in relation to benefits conferred on or after 6 April 2016.
- (4) The amendments mentioned in sub-paragraph (2)(b) have effect in relation to alternative finance return paid on or after 6 April 2016.

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- (5) The amendments made by Part 2 of this Schedule, and the amendments made by this Schedule in sections 893 and 894 of ITA 2007, have effect in relation to interest paid on or after 6 April 2016.