

2015 No. X

INCOME TAX

**The Income Tax (Pay As You Earn)(Amendment No. X)
Regulations 2015**

<i>Made</i>	- - - -	***
<i>Laid before the House of Commons</i>		***
<i>Coming into force</i>	- -	***

The Commissioners for Her Majesty’s Revenue and Customs make the following Regulations in exercise of the powers conferred by section 132 of the Finance Act 1999(a) and now exercisable by them(b) and section 716B of the Income Tax (Earnings and Pensions) Act 2003(c).

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Income Tax (Pay As You Earn)(Amendment No. X) Regulations 2015.

(2) These Regulations come into force on [] 2015 and have effect in relation to tax quarters beginning on or after that date.

(3) In this regulation tax quarter has the meaning given in regulation 2(1) of the Income Tax (Pay As You Earn) Regulations 2003(d).

Amendment of the Income Tax (Pay As You Earn) Regulations 2003

2.—(1) The Income Tax (Pay As You Earn) Regulations 2003 are amended as follows.

(2) In regulation 2—

(a) after the definition of “Board of Inland Revenue” insert—

“the client” has the meaning given in section 44 of ITEPA(e), and cognate expressions shall be construed accordingly;”.

(b) After the definition of “employment” insert—

““employment intermediary” has the meaning given in section 716B(2) of ITEPA,”.

(c) After the definition of “tribunal”(a) insert—

(a) 1999 c. 16. Section 132 was amended by paragraph 156 of Schedule 17 to the Communications Act 2003 (c. 21) and S.I. 2011/1043.

(b) The functions of the Commissioners of Inland Revenue were transferred to the Commissioners for Her Majesty’s Revenue and Customs by section 5(1) of the Commissioners for Revenue and Customs Act 2005 (c. 11). Section 50(1) of that Act provides that, in so far as it is appropriate in consequence of section 5, a reference, however expressed, to the Commissioners of Inland Revenue is to be read as a reference to the Commissioners for Her Majesty’s Revenue and Customs.

(c) 2003 c. 1. Section 716B was inserted by section 18(1) of the Finance Act 2014 (c. 26).

(d) S.I. 2003/2682.

(e) ITEPA has the meaning given in regulation 2(1) of the Income Tax (Pay As You Earn) Regulations 2003 (S.I. 2003/2682). Section 44 was substituted by section 16 of the Finance Act 2014.

““United Kingdom continental shelf” means the area designated under section 1(7) of the Continental Shelf Act 1964**(b)**.”.

(3) After regulation 84D insert—

“Employment Intermediaries: return of information relating to agency workers for whom they have not operated PAYE

Specified employment intermediaries

84E. An employment intermediary is a specified employment intermediary if at any time during a tax quarter—

- (a) the employment intermediary is an agency,
- (b) more than one individual provides services to a client under or in consequence of a contract between the employment intermediary and one or more clients,
- (c) those services are not provided exclusively on the UK continental shelf, and
- (d) one or more of the individuals would have been agency workers, but for section 44(2) of ITEPA.

Returns by specified employment intermediaries

84F.—(1) A specified employment intermediary must, for each tax quarter, provide to HMRC the information specified in regulation 84C no later than 30 days after the end of that quarter.

(2) The information must be included in a return in a form prescribed by HMRC and include a declaration that the information provided in the return is correct and complete to the best of the knowledge and belief of the person completing it.

(3) The return is to be made using an approved method of electronic communication.

(4) The return may be amended until 30 days after the end of the tax quarter following the tax quarter to which the return relates.

(5) Where a return is made in relation to a tax quarter, the specified employment intermediary shall continue to provide a return to HMRC in relation to every subsequent tax quarter until either—

- (a) regulation 84E(b) to 84E(d) have not been satisfied in any tax quarter for three consecutive tax years, or
- (b) the specified employment intermediary notifies HMRC that it is no longer an employment intermediary.

Specified information

84G. The specified information is—

- (a) in respect of the employment intermediary making the return its—
 - (i) name,
 - (ii) address,
 - (iii) postcode,
 - (iv) employers PAYE reference number**(c)**,

(a) The definition of tribunal was inserted by paragraphs 92 and 93 of Schedule 2 to the Transfer of Tribunal Functions and Revenue and Customs Appeals Order (S.I. 2009/56).

(b) 1964 c. 29. Section 1(7) was amended by paragraph 1 of Schedule 3 to the Oil and Gas (Enterprise) Act 1982 c. 23 and section 103 of the Energy Act 2011 (c.16).

(c) Employers PAYE reference number is defined in regulation 2(1) of the Income Tax (Pay As You Earn) Regulations 2003 (S.I.2003/2682).

- (b) in respect of each individual to who regulation 84E(d) applies in relation to some or all of the services the individual provided in the tax quarter to which the return relates—
 - (i) the individual’s
 - (aa) title,
 - (bb) full name,
 - (cc) date of birth,
 - (dd) address,
 - (ee) postcode,
 - (ff) gender,
 - (gg) national insurance number (if the individual has one),
 - (hh) Unique Taxpayer Reference (where self-employed or a member of a partnership),
 - (ii) passport number (if the individual does not have a national insurance number) or national identity card number (if the individual does not have a national insurance number or passport),
 - (ii) the date on which the individual began providing the services referred to in 84E,
 - (iii) the date (if any) on which the individual stopped providing the services referred to in regulation 84E,
 - (iv) the number of hours worked by the individual for each client in the tax quarter;
- (c) in respect of payments made by the specified employment intermediary for services provided by an individual to whom regulation 84E(d) applied in the tax quarter—
 - (i) in respect of the person receiving the payment the person’s—
 - (aa) full name (if the recipient is a registered company their company name or if they are a partnership the name under which they are trade), and
 - (bb) address,
 - (ii) the total of the payments made by the specified employment intermediary to the person in the tax quarter,
 - (iii) the reason why the specified employment intermediary has not deducted income tax from those payments,
 - (iv) where the reason is that the payments made are to a limited company the company registration number of that company, and
 - (v) whether the payments included amounts in respect of Value Added Tax.

Retention of records

84H.—(1) An agency must keep and preserve non-PAYE records which are not required to be sent to HMRC under any other provision of these Regulations for not less than three years after the end of the tax year to which they relate.

(2) The duty under paragraph (1) to keep and preserve non-PAYE records may be discharged by preserving them in any form or by any means.

(3) In this regulation “non-PAYE records” means information, records and documents which evidence the specified information.”.

Signatory text

Name

Date

Two of the Commissioners for Her Majesty's Revenue and Customs