

Directions under provisions in Part 7 and Schedules 2 to 5 of the Income Tax (Earnings and Pensions) Act 2003

1. The Commissioners for Her Majesty's Revenue and Customs make these directions for the purposes of the following provisions of the Income Tax (Earnings and Pensions) Act 2003–

sections 421JA and 421JB (other employee share schemes),
paragraphs 81B and 81D of Schedule 2 (share incentive plans),
paragraphs 40B and 40D of Schedule 3 (SAYE option schemes),
paragraphs 28B and 28D of Schedule 4 (CSOP schemes), and
paragraphs 52 and 52A of Schedule 5 (enterprise management incentives).

Annual returns: required information

2. A return to which the following paragraphs apply–

section 421JA(4)(a),
paragraph 81B(4)(a) of Schedule 2,
paragraph 40B(4)(a) of Schedule 3,
paragraph 28B(4)(a) of Schedule 4, or
paragraph 52(5)(a) of Schedule 5,

must contain, or be accompanied by, the information required by HMRC's online Employment Related Securities service at the date the return is given.

Persons who must make a declaration

3. A declaration in a return to which the following paragraphs apply–

paragraph 81B(6) of Schedule 2,
paragraph 40B(6) of Schedule 3, or
paragraph 28B(6) of Schedule 4,

must be made by the company secretary or the person acting as the company secretary.

Method of electronic communication

4a. The return and accompanying information referred to in–

section 421JB(1),
paragraph 81D(2) of Schedule 2,
paragraph 40D(2) of Schedule 3,
paragraph 28D(2) of Schedule 4, or
paragraph 52A(1) of Schedule 5,

must be given electronically in a required format through the Employment Related Securities service which is part of the PAYE for employers system accessed via <https://www.gov.uk/log-in-register-hmrc-online-services>.

4b. Paragraph 4 of the Commissioners' Directions "Employee Share Schemes Directions Concerning Electronic Filing" dated 7 April 2014 is updated so that the notices and accompanying information referred to in–

paragraph 81D(1) of Schedule 2,
paragraph 40D(1) of Schedule 3,
paragraph 28D(1) of Schedule 4, or
paragraph 44(8) of Schedule 5,

must now be given electronically in a required format through the Employment Related Securities service which is part of the PAYE for employers system accessed via <https://www.gov.uk/log-in-register-hmrc-online-services>.

Commencement

6. These directions have effect in relation to returns and accompanying information given on or after 6th April 2015, in relation to the 2014-15 tax year and subsequent tax years.

24th March 2015

Edward Troup
Jim Harra
Two of the Commissioners for Her Majesty's
Revenue and Customs