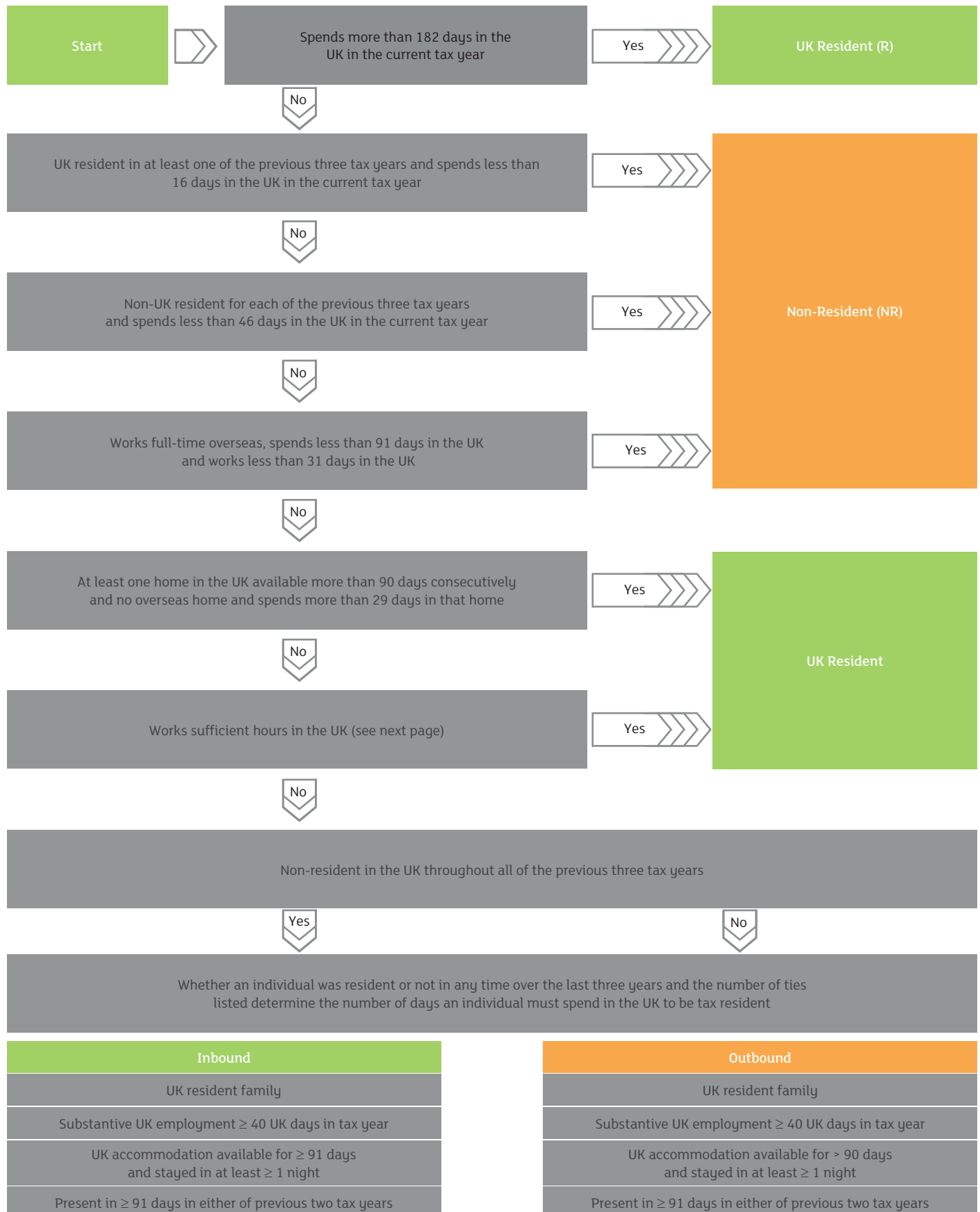


Statutory Residence Test guide

Finance Act 2013

Flowchart for individuals, present in the UK in a UK tax year (6 April to 5 April)



This flowchart is intended to help summarise the Statutory Residence Test (SRT) but it is not a comprehensive analysis of the legislation. Further professional advice should be sought to clarify the facts of any particular situation.

Statutory Residence Test guide

Finance Act 2013

No. of days in the UK in a tax year	When non-resident throughout the three prior tax years				When resident at any time in the three prior tax years				
	1 or No UK ties	2 UK ties	3 UK ties	4+ UK ties	No UK ties	1 UK ties	2 UK ties	3 UK ties	4+ UK ties
Fewer than 16 days	NR	NR	NR	NR	NR	NR	NR	NR	NR
16-45 days	NR	NR	NR	NR	NR	NR	NR	NR	R
46-90 days	NR	NR	NR	R	NR	NR	NR	R	R
91-120 days	NR	NR	R	R	NR	NR	R	R	R
121-182 days	NR	R	R	R	NR	R	R	R	R
183+ days	R	R	R	R	R	R	R	R	R

Days spent

An individual spends a day in the UK for SRT purposes if he is in the UK at midnight. He is not treated as spending a day in the UK if the day is considered a transit day or due to specified exceptional circumstances beyond his control for a maximum of 60 days.

In certain circumstances an individual will be deemed to spend a day in the UK even though he is not in the UK at the end of the day.

Working full-time overseas (WFTO)

The individual must work sufficient hours overseas averaging 35 hours per week (disregarding certain defined days) in the tax year with no significant breaks from overseas work and spend fewer than 91 days in the UK and work in the UK for fewer than 31 days.

Workdays

If an individual works more than three hours in the UK, it is considered a UK workday for the SRT. These are complicated rules and if there is any doubt, further advice should be taken.

Works sufficient Hours in the UK (WSHUK)

The individual must work sufficient hours in the UK over a 365 day period (average of 35 hours per week disregarding certain defined days where all or part of the 365 day period is in the current tax year) with no significant breaks from UK work. More than 75% of the days in the period when the individual does more than three hours work per day must be worked in the UK and the individual must work for more than three hours in the UK on at least one day in the current tax year.

Sufficient Ties Test

When an individual does not meet any of the automatic tests, their residence will depend upon the number of UK ties (or connections) the individual has and the number of days spent in the UK.

All homes are in the UK

An individual is deemed a resident if they have a home in the UK for more than 90 days in which the individual spends at least 30 separate days in the relevant tax year. In addition for 91 consecutive days, at least 30 of which are in the tax year, the individual must have no home overseas in which the individual spends 30 separate days in the tax year. If the individual has more than one home in the UK, those homes must be considered separately from the other home(s) to satisfy the test.

UK resident family

A family tie exists if a person's spouse, civil partner or minor child is resident in the UK in the relevant tax year. A person with whom the individual is living as husband and wife or as if they were civil partners is also included. When a minor child is UK resident because they are in full-time education in the UK, they are not UK resident for family tie purposes unless they spend more than 20 days in the UK outside of term time during the tax year.

Split years

Although an individual can only be regarded as resident for a complete tax year, special rules apply when an individual commences or ceases residence which are outside the scope of this flowchart. The tax year may be split into an overseas part and a UK part for certain purposes.