

The Statutory Residence Test

PKF

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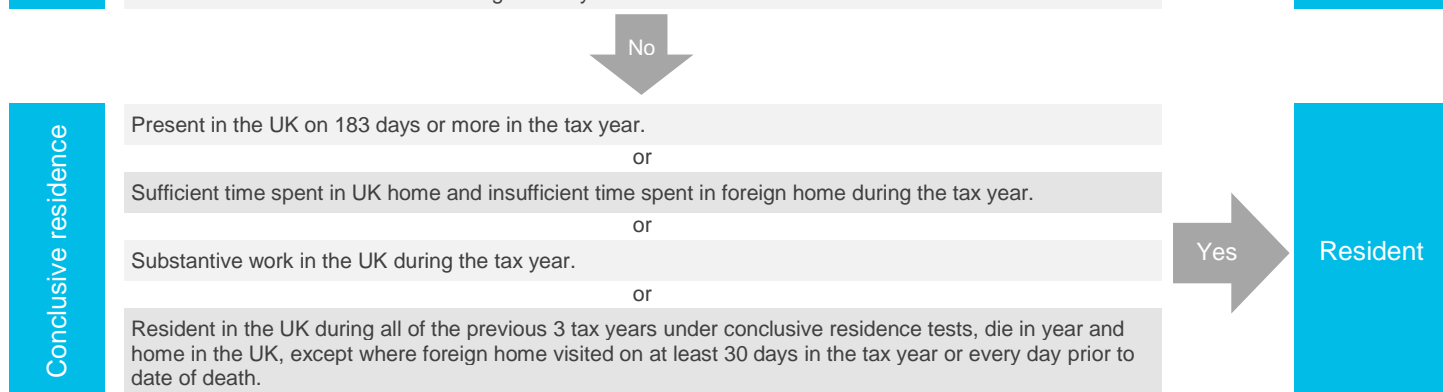
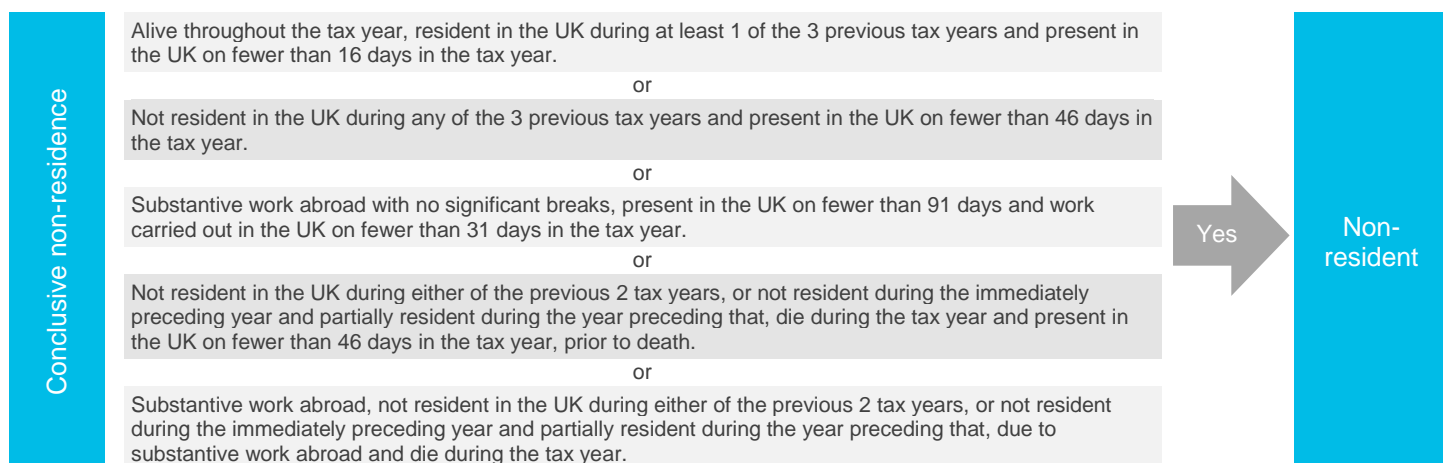
The current tests to determine your residence status for UK tax purposes are structured in three parts, which are summarised overleaf.

The tests include concepts that are more complex than might be immediately apparent, particularly the definitions of 'accommodation', 'homes', 'substantive work', 'available accommodation' and 'sufficient time', which are quite involved. There are also complex provisions dealing with arrivals and departures during the year; death during the year; and being unable to leave the UK due to circumstances beyond your control.

An understanding of the tests and a degree of forward planning should allow you to have certainty as to your residence status but, until a sufficient body of Case Law has built up, there will be issues where the interpretation of the rules could still be subject to dispute.

If ascertaining your residence position is important, you should take professional advice. This will help you plan your visits to the UK and review the extent of your UK connections to discover how your residence status is affected by them.

Prior to 6 April 2013, the tests were different. If your position was tested under the previous tests, you may find the current rules give a different result.



Sufficient UK ties

Family tie	UK resident spouse/civil partner or minor child.
Accommodation tie	Available UK accommodation occupied for at least 1 night in the tax year (16 nights if home of close relative).
Work tie	Work carried out in the UK on more than 39 days in the tax year.
90 days tie	Present in the UK on more than 90 days in either of the 2 previous tax years.
Country tie (relevant to leavers only)	Present in the UK at least as much as any other single country during the tax year.

The number of applicable UK ties from the above list should be compared to the below table, which shows the number of factors required to establish UK residence, depending on the number of days individuals are present in the UK during the tax year. Arrivers are individuals not resident in the UK in any of the previous 3 tax years, whereas leavers are individuals resident during at least one of the previous 3 tax years. The number of days shown below, where indicated (*), is reduced proportionately in the case of death during the year.

Leavers	Days	Arrivers
Always non-UK resident	Fewer than 16	Always non-UK resident
4 connecting factors required	16 - 45*	Always non-UK resident
3 connecting factors required	46* - 90*	4 connecting factors required
2 connecting factors required	91* - 120*	3 connecting factors required
1 connecting factors required	121* - 182	2 connecting factors required
Always UK resident	183 or more	Always UK resident

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