



The Law Society

Statutory definition of tax residence: a consultation

Comments of the Tax Law Committee of the Law Society of England and Wales

Introduction

1. The Law Society is the representative body for over 140,000 solicitors in England and Wales. It negotiates on behalf of the profession and lobbies regulators, the Government and others.
2. This response has been prepared on behalf of the Law Society by the members of the Tax Law Committee. The Committee is made up of senior and specialist tax lawyers from across the country.
3. The Law Society of England and Wales (LSEW) welcomes the opportunity to work with HM Treasury and HM Revenue & Customs in relation to the introduction of a statutory definition of residence. LSEW considers the uncertainty and complexity of the current rules on UK tax residence and ordinary residence to be unfortunate and untenable. LSEW considers that the UK would greatly benefit from the increased certainty of a statutory definition of tax residence, but emphasises that the definition must be clear and fair both to those coming to and those leaving the UK, and must in particular take into account the needs of the business community. In particular it should not make individuals resident in the UK, when the connections between those individuals and the UK may be limited or tenuous. The UK has always believed in transparent markets which has resulted in significant foreign ownership of UK based companies. London is an international finance and business centre, and the UK has many attractions, but many businesses are relatively mobile and ties with the UK can be severed. It is therefore critical that foreign executives can come to the UK for reasonable periods without any risk of becoming UK resident. This sentiment appears in the Consultation Document of 17 June 2011 (the 'Con Doc'), for example paragraph 3.5, but we remain concerned that the proposed SRT could be overly adhesive in some cases.
4. LSEW welcomes the general framework proposed for the new test but has some reservations about the proposals set out in the Con Doc. Answers to HM Treasury's specific questions are set out below, but we start by making several general comments:

General comments

5. The Con Doc proposes various different day counts (10, 20, 40, fewer than 45, fewer than 90, 9 months, 183 days), in addition to the bands of day count under the Part C rules. If these day counts and bands are to be applied we consider that the test would be much easier to apply if the thresholds of each band were slightly adjusted: e.g.

more than 10, 45, 90, 120 rather than fewer in each case. This is because people will find it easier to adjust to '10 or more days' or '90 or more days' rather than nine or less or 89 or less as those respective elements are currently determined. This is also consistent, obviously, with the historic position where the concept of not spending more than 90 days in the UK was well understood. To maintain this would give continuity.

6. We further consider that the test would be simpler in practice if there were fewer different day counts. There seems no reason, for example, in the context of substantive UK employment, why a 45 day period should not be used in place of the presently referenced 40 day period.
7. There should be an 'exceptional circumstances' provision to deal with the situation where an individual is prevented from leaving – or required to be present in – the UK for reasons beyond their control.
8. We note that HMRC propose providing an interactive online tool to allow individuals to self assess their residence status. Assuming that the individual accurately completes the online tool, the results should be binding on HMRC.
9. We appreciate that some guidance accompanying the new legislation will be necessary but we hope that it will be kept to a minimum and would ask that it be binding on HMRC to prevent continued uncertainty.
10. If an individual is UK resident on the basis of the test he may also remain resident in another country at which point double tax agreements may have to be considered. (The new test is not entirely compatible with the OECD Model Treaty tests for residence, but is probably closer to these tests than the current test of residence). In this respect it is to be welcomed. Again, however, it is important that the test does not produce UK residents on too many occasions when the Model Treaty would make those individuals resident in another jurisdiction. Treaty claims are inevitably imperfect and to ask taxpayers to rely on them in too many cases will make the UK unattractive, produce extra burdens for HMRC, and would be unlikely to raise significant revenue.

Residence test – Part A

Question 1: Do you think there are any other circumstances in which an individual should be conclusively non-resident? If so, what are those circumstances?

11. We do not consider that there are circumstances in addition to those set out in Part A in which an individual should be conclusively non-resident, but we have the following comments about the proposals in Part A:
 - (a) LSEW considers the nine day limit of conclusive non residence in Part A to be too low. If an individual is away from the UK (in circumstances where they do not meet the full time work abroad test) and that person is considered to have only one home (that home being in the UK), he may need to return to the UK for family reasons beyond his control (but may not meet any exceptional circumstances test) for a total time of for more than nine days. Doing so, unjustifiably in our view, would make him UK resident for that year and would have consequences in relation to the number of days he is able to spend in the UK in the two following tax years. We propose that the 10 day 'safe harbour' be replaced with 20 days. Our concerns regarding this provision do depend on the definition of the word 'home' as we do consider this key in this context. We accept that the majority of people who leave the UK will establish a 'home' outside the UK in which case this

harsh lower limit will not apply absent additional factors in the UK. Having said this, even if an individual's only home is in the UK he should remain conclusively non resident here if he is only present in the UK for 20 days or less. This is not a considerable period. Given that days of arrival are counted it represents about 3 separate visits of 1 week each (Sunday to Saturday) and a couple of days left over. This is not a significant period.

(b) As to full-time work abroad:

- (i) 'Employment abroad' should be properly defined. In the case of an employee, this is relatively straightforward as presumably the requirement will be that the duties of the employment are required to be carried out abroad (subject to a number which can be carried out in the UK). Where a self-employed person is concerned, presumably whether the test is satisfied will be viewed retrospectively so it will be a question of demonstrating that the test has been satisfied. It is not quite clear how a self-employed person will achieve this, and it is to be hoped that the requirements will not be too onerous. For example, will timesheets be necessary? Is availability for work the equivalent of work?
- (ii) The Con Doc says that an individual is considered to have FTWA 'if they leave the UK to perform work abroad and are employed abroad under one or more contracts of employment (including consecutive employments) or hold offices which have combined total hours of 35 hours per week or more'.
 - (1) Should the reference be to holding offices abroad, or to offices the duties of which have to be performed abroad (we suggest the latter).
 - (2) Presumably the requirement under FTWA, at least for an employee, is that he is contracted to work abroad under a contract requiring him to work 35 hours per week or more and he leaves the UK to perform that work.
- (iii) The Con Doc refers to 'carrying on one or more trades or professions wholly abroad where 35 hours of work per week or more is undertaken on average.'

It is not clear whether membership of an LLP would be covered by 'carrying on one or more trades or professions'. We presume that this would be the case but would welcome confirmation.

Presumably HMRC accept that in the case of trade or profession an averaging system will allow an individual to satisfy the requirement provided he is abroad even though in some weeks he may not carry on the trade or profession, provided over the year he satisfies the average requirement.

It should be made clear how the average is to be calculated, and what holidays, public holidays and absences through illness are to be taken into account when calculating the average.

- (iv) In relation to 35 hours per week, does this include meal and other breaks? Normally a 35 hour week would (for both the employed and self-employed) include these.

- (v) The Con Doc says 'in either of these cases the work must be carried out for at least one full tax year if it is to be classed as full-time work abroad' but it is not clear whether the work must be carried out on a continuous basis throughout the tax year or whether meeting the minimum total hours of work abroad/average hours per week test would be sufficient, provided that work is being undertaken at the start and the end of the UK tax year.
- (vi) We consider that there should be an "exceptional circumstances" carve-out where either an employee or a person carrying out a trade or profession leaves the UK with the intention of carrying out full time work abroad but is required for reasons beyond his control to leave that employment or cease that trade or profession during the course of the tax year in question.
- (vii) LSEW understands that requiring an individual to work 'full time' abroad may be discriminatory against part-time workers and recommends that further thought be given to this aspect. (Presumably a way in which this could be dealt with satisfactorily is if the part-time worker performed duties part-time outside the UK, the period which could be spent in the UK was pro-rata reduced but he could still be present in the UK for 90 days each tax year (including any pro-rata'd working days but the balance of the year would be spent outside the UK).
- (viii) For the purposes of the full time work abroad test, an individual should be able to aggregate the time spent working abroad under a contract of employment and the time spent carrying on a trade or profession when considering whether the 35 hours per week test (or similar) is met.
- (ix) We note that under the proposal when an individual is working full-time abroad, no more than 20 working days can be performed in the UK in any one tax year, that a working day is any day on which three hours or more of work is carried out, and that where an individual works in the UK for less than three hours on a particular day, they would be expected to have sufficient records to demonstrate this fact. LSEW has concerns about the proposed definition of a 'working day' in this context:
 - (1) It is not helpful if an individual who has left the UK to work full time abroad may not comply with the FTWA requirements if he spends only 60 hours working in the UK (20 days x 3 hours). Of course an individual can work for longer than 3 hours in a day, so the question is what is a reasonable minimum period for a day to be disregarded. The definition of 'working day' has a dual purpose. It is relevant to the concept of substantive UK employment ("SUKE") and to the definition of fulltime work abroad. The proposal for SUKE is effective if the objective is for short periods in the UK to count towards the 40 day limit spent here – for example a meeting "tagged on" to a day of departure will change the day into a working day. But this to us seems to go too far. A working day in reality should involve more than 3 hours – normally you would expect a working day to be 5 hours and exclude meal and other breaks (compare for example the tests employed for the approved share option scheme legislation or enterprise management incentives). We consider this would be a more appropriate test without adversely affecting the coherence of the structure proposed. The definition of working day should not be distorted either to reflect historic concepts of "incidental" UK duties or as an anti-avoidance tool. We believe that it may be preferable if

HMRC wish such a short period to constitute a 'working day' for days of departure to be ignored. If this is not the case the integrity of this new test is damaged without significant benefit. An alternative would be to increase the number of days for the FTWA test to 40 (or 45 as we propose above) so that it is in line with the SUKE test.

- (2) Under the proposed the current definition, we query how an individual is expected to prove that he has not worked for the relevant number of hours in a day.
- (3) In the interests of ensuring that it is possible to satisfy the evidential burden we suggest that the concept of work is defined to mean actively engaging in work related activities.
- (4) For employers operating PAYE who may well have to decide as an individual arrives whether they are likely to be resident or non-resident and deduct tax accordingly, they may have to assume that any day on which an employee works is a "working day" as they could not predict with any certainty any day when less than 3 hours is worked. 5 hours is probably a fairer test for employers as a result (and is likely in the vast majority of cases to have the same outcome).

Residence test – Part B

Question 2: Do you think there are any other circumstances in which an individual should be conclusively resident? If so, what are those circumstances?

12. We consider that an individual should be able to elect to be treated as resident in the UK in a particular tax year, and that if the person so elects he should be treated as conclusively resident in that year.
13. In addition we have the following comments about the proposals in Part B:
 - (a) As indicated above, the concept of 'home' must be properly defined. We consider that there must be a high hurdle to cross before an individual is considered to have a home in the UK. Property in the UK should not constitute a "home" unless a taxpayer's use of the property has sufficient continuity and permanence. The term "home" should not include UK property which is used as a "place to stay" on an infrequent or intermittent basis. The quality of the occupation should be the real test.
 - (b) As to full time work in the UK:
 - (i) The Con Doc proposes that an individual is working full-time in the UK 'if they are employed in the UK under one or more contracts of employment (including consecutive employments) or hold offices with total combined contracted hours of 35 hours per week or more'.
 - (1) 'Employed in the UK' should be properly defined and should address, for example, whether an individual is considered to be employed in the UK by undertaking a certain numbers of hours of work while physically in the UK, or by undertaking a certain numbers of hours of work in the UK for a UK employer. We suspect that it is the contractual obligation that is important.

- (2) Presumably the reference should be to holding offices the duties of which are to be performed in the UK.
- (ii) The Con Doc refers to 'carrying on one or more trades or professions in the UK where 35 hours of work per week or more is undertaken on average'. Again we consider that the significant measure is in fact the total number of hours of work performed in the UK over the period of time chosen rather than the average number of hours worked per week. If an averaging system is to be used it should be made clear how the average is to be calculated, and what holidays, public holidays and absences through illness are to be taken into account when calculating the average.
 - (iii) The Con Doc says 'The work must be carried out in the UK over a continuous period of more than 9 months (excluding short breaks such as illness or holidays) and not more than 25% of the duties can be undertaken outside of the UK within that period'.
 - (1) There appears to be something of a difference between FTWA and full time work in the UK. An individual needs to work a 35 hour week for a full tax year to qualify for FTWA but needs to work only 9 months and 1 day, and not in the same tax year, to be working full time in the UK under Part B.
 - (2) The meaning of 'The work must be carried out in the UK over a continuous period of more than 9 months (excluding short breaks such as illness or holidays)' is not clear. Does it mean that short breaks such as illness or holidays will not be taken into account in considering whether there has been 9 months continuous work carried out in the UK? As mentioned, the full time UK work test does not appear to state how much of the 9 month period has to fall within a tax year – it cannot mean all of the period because the 183 day test would then be satisfied in any event. It would seem strange if a very short period of work in a tax year meant an individual was resident in that year even though the balance of the contract fell in the following year. For a very short period Part A might override Part B, but in other cases (say 50 days in the UK in a tax year under a fulltime contract) Part B and Part C start to overlap. Should there be a minimum of number of working hours (or working days) that have to be performed under a full time contract each tax year for the test to apply? Say 90 days (or the equivalent number of working hours)?
 - (3) It is not helpful to require work to be carried out in the UK over a 'continuous period', which continuous period may then be broken in respect of up to 25% of duties. Presumably this is intended to refer to cases where the individual is contracted to work in the UK for a 9 month continuous period (minimum), or for periods which add up to 9 months, and actually works here for not less than 75% of the time. Is this correct? Does this mean that the "full time work in the UK" test is not met if an employee is contracted to work here but in fact performs, say, 40% of the duties of the employment abroad?
 - (iv) As under Part A, for the purposes of the full time work in the UK test, an individual should be able to aggregate the time spent working abroad under a contract of employment and the time spent carrying on a trade or

profession, when considering whether the 35 hours per week test (or similar) is met.

Residence test – Part C:

Question 3(a): Do you think that these connection factors are appropriate and are there other connection factors that should be included?

14. As to 'Family':

- (a) We do not think that it is appropriate that, where a divorced non-resident person spends time with their minor but UK-resident children (even outside the UK), this should be a connection factor for that parent only if the time spent amounts to all or part of 60 days or more during the tax year. We are concerned that this could create a disincentive to see one's children and this should not be encouraged for public policy reasons.
- (b) There is no such thing as a 'common law equivalent' to a spouse or civil partner. When this concept is defined in legislation note should be taken of existing legislation which also attempts to define this concept (for example the definition used in s809M ITA 2007 ('a man and woman living together as husband and wife are treated as if they were husband and wife')).
- (c) We note that there could be circularity if the residence status of an individual is dependent on the residence status of one or more of his family members, when at the same time as the residence status of those family members is dependent on the individual's residence status.
- (d) It seems harsh that a partner being resident for any part of a tax year should count as a connecting factor. What if a spouse is only resident for a few weeks of a tax year, or when the individual in question is not in the UK?

15. As to 'accommodation':

- (a) We do not consider it appropriate that an individual is considered to have accommodation in the UK merely because residential property is accessible to be used by him and is used by his family in the year as a place of residence. We consider that the residential property must actually be used by the individual at some point in the tax year to be considered to be 'accommodation' under the Part C test.
- (b) It should be made clear that 'accommodation provided by an individual's employer where the accommodation is also accessible to, and used by, other employees of that employer who are not connected to the individual' refers to consecutive not simultaneous use by work colleagues.
- (c) 'Accessible' (if used), 'residential property' and 'short-term accommodation in hotels' should be properly and exhaustively defined.
- (d) 'Lodging with relatives, where staying in the home of a relative is for a temporary short-term visit only' should be properly defined.

Question 3(b): Does this part of the test provide a fair outcome? If not, why not?

16. The Con Doc says

'the proposed test has been designed so that it is harder to become non-resident when leaving the UK after a period of residence than it is to become resident when an individual comes to the UK. Once an individual has become resident and built up connections with the UK, they should be required to scale back their ties to the UK significantly or spend far less time here or a combination of the two before they can relinquish residence. This is consistent with the principle, reflected in case law, that residence should have an adhesive nature.'

This point is quite fundamental. The LSEW has significant reservations concerning the principle, and would make two points in particular:

- (a) as referred to above, for reasons surrounding the UK as an international centre we do not believe that an individual should become resident in the UK too easily, particularly from casual visits made here. For those who came to the UK who have not been resident in any of the previous tax years the test achieves this. But issues do appear to arise as soon as a person is here for over 90 days in a tax year even though he is not resident in that year.
- (b) there is a risk, if an "adhesive" principle is adopted for leavers, that an individual who has substantive connections with another country but who has become UK resident, will have difficulty ceasing to be UK resident. This is not attractive.

17. Of particular concern is that an individual who becomes resident in the UK for one tax year due to employment in the UK, would, for the three subsequent years, be regarded as a 'leaver', and if he were to return to the UK within two subsequent tax years for substantive employment in the UK, he could only remain in the UK for fewer than 45 days (assuming that he also has accessible accommodation in the UK) in order to avoid being UK resident. LSEW considers that the UK should not discourage people from coming to the UK for employment or for other business reasons by drawing them so easily into the UK tax residence net. The fact that this individual might be able to avail himself of the protection of a double taxation agreement is, in our view, not relevant. Taking such protection necessarily requires the individual to incur the expense and inconvenience of submitting a UK tax return in order to claim the treaty relief (assuming that such relief is indeed available – which it will not be if the individual has moved to a jurisdiction which does not have an appropriate treaty with the UK or if the treaty is not comprehensive or if it does not provide full relief). As mentioned at the meeting with HMT and HMRC an individual could become resident by reason of having accessible accommodation in the UK and performing duties which amount to "SUK". Accessible accommodation would include a property held on a lease of less than six months. 40 working days in the UK constitutes SUK. On this basis 120 days in the UK would be sufficient to qualify an individual as resident under Part C(i). Once this occurs, that individual, if he comes to work in the UK (SUK) in a later year and has accessible accommodation, can only be present in the UK for fewer than 45 days. We believe that, in a case where an individual has become resident in the UK by reason of satisfying the SUK condition and having accessible accommodation, but does not have a UK resident family (and perhaps does not have his home in the UK), the condition of spending 90 days or more in a previous tax year should be ignored. This makes the test more complex, but is fairer for individuals who have no substantive connection with the UK and only come here for work or business requirements.

Residence test

Question 4: Would the lack of a transitional rule as described in paragraph 3.57 leave significant uncertainty?

18. LSEW considers that it would cause uncertainty not to have a transitional rule when ascertaining residence in previous years for the purposes of determining whether an individual has been resident in any of the previous three tax years in order to determine whether he is in fact a leaver or an arriver for the purposes of the new test.
19. If a transitional rule is introduced consideration must be given as to which test of 'residence' will apply in the previous tax years. LSEW propose that an individual be allowed to elect, when ascertaining whether they were resident in a given tax year, either to apply the concepts, definitions and scales of the new rules or the tests for residence that actually applied in that tax year.
20. Moreover LSEW considers that it would cause uncertainty for individuals not to be able to elect to apply the new rules when ascertaining residence in previous years for any purpose which is relevant to the individual's current tax position (for example for the purpose of ascertaining whether he is deemed domiciled in the UK or the point at which he becomes liable to pay the remittance basis charge if he wishes to claim the remittance basis of taxation).

Residence definitions

Question 5(a): Do you think that the proposed definitions are appropriate?

21. See answers to questions 3(a) and 3(b) above.

Question 5(b): Would these definitions have an adverse impact for particular groups? If so, which groups and what would the impacts be?

22. See comments to questions 3(a) and 3(b) above.
23. There are no specific questions relating to split years or the proposed anti-avoidance measures so we make the following comments:

Split years

24. The Con Doc does not contain enough detail on how the general rules will interact with the enactment of split year treatment. For example, Part A as currently drafted states that an individual who leaves the UK part way through a tax year for FTWA, and meets the 90/ 20 day tests for the year, will be non-resident for the whole of the year, not just from the date of departure. Also it is not clear whether, if an individual has had split year treatment in a tax year, he will be considered to have been resident in that tax year for the purposes of the 'previous tax years' tests in Parts A and C.
25. One of the criteria for split year treatment is that the person becomes resident in the UK by virtue of their only home being in the UK. Again the concept of 'home' must be defined.
26. One of the criteria for split year treatment is that the person 'establishes their only home in a country outside the UK and becomes tax resident in that country and does not come back to the UK in that tax year'. On the basis of this criteria an individual

would not be able to claim split year treatment if he had more than one home but all those homes were outside the UK. Further LSEW does not think it is appropriate to require an individual to show that he has become tax-resident elsewhere as:

- (a) residence may not be basis of liability to tax in the destination country.
 - (b) It is not clear at what point the 'split' from UK residence would occur under the proposed test. Say an individual leaves the UK towards the end of the calendar year, takes up residence in another country but does not become tax-resident in the new country until, say, 1 January when the new country's tax year begins, would the split occur on departure from the UK, or from 1 January? (The test should arguably be satisfied if the tax residence starts in the **following** tax year in the country of residence, i.e. 1 January in our example.)
 - (c) The split year test requires that one should not come back to the UK in the tax year. We consider that this is unacceptably harsh and that an individual should be permitted to return to the UK for a reasonable number of days in any event. At the very least, since it may be necessary for the individual to return to the UK due to circumstances beyond his control (for example for the funeral of a close family member), we think that there should be an 'exceptional circumstances' provision in this context.
27. Paragraph 3.46 of the Con Doc says that "If a person becomes not resident by virtue of leaving the UK to work full-time abroad and is accompanied by their spouse or civil partner, split year treatment would also apply to the spouse or civil partner provided their sole or main home is outside the UK." Expats temporarily leaving the UK to work abroad will often retain their UK home and will not rent it out. It appears that paragraph 3.46 will not prejudice non-resident treatment for their spouse unless he or she continues living in the UK for substantial periods (so that the UK home is their "main" home, rather than wherever the couple are staying abroad). Could HMRC confirm this is right?

Anti-avoidance

28. The Con Doc says that the test 'will apply to dividends paid by closely controlled companies that reflect profits that have built up during a period of residence and which are then taken out during a short period of non-residence.'
- (a) It should be clear how 'profits that have built up during a period of residence' would be ascertained and how any dividends paid could be regarded as reflecting such profits (for example, would this be on a first in first out basis?).
 - (b) Are HMRC targeting the accrued profits of both trading and investment companies?
 - (c) We consider that if an individual is not able to control whether or not he receives a dividend during his period of non-residence, he should not be subject to the anti avoidance rule. So a dividend on a fixed rate preference share, where the holder cannot alter the terms on which the share is issued, should not be caught by this rule. Or if he is a minority shareholder and not connected with the other shareholders, should he only be taxed if the dividend is 'abnormal' in the sense meant by what was section 709 ICTA 1988?

- (d) Generally, more detail is needed on what income will be subject to the anti-avoidance rule.

Ordinary residence:

Question 6(a): Should ordinary residence be abolished for all tax purposes other than overseas workday relief?

- 29. LSEW does not object in principle to ordinary residence being abolished for all tax purposes other than overseas workday relief. However:
 - (a) The Con Doc says that 'The situations where capital gains tax is charged on an individual who is not resident but ordinarily resident are very rare', whereas anecdotally we understand that such situations are not so rare, for example an individual may have ceased to become resident but may have remained ordinarily resident in the year following departure.
 - (b) We note that individuals who are currently resident and not ordinarily resident could become liable to charges under the transfer of assets legislation if the concept of ordinary residence is abolished for all tax purposes except overseas workday relief. Assuming that liability under the transfer of assets legislation will become based on residence and not ordinary residence, we propose that the commencement date for the abolition of ordinary residence in this context (and any other context where the abolition of ordinary residence gives rise to a new liability to tax) should be the later of April 2013 and the date on which the transfer of assets abroad legislation is amended to address the European Commission's concerns with the regime or is agreed by the European Commission not to infringe EU free movement principles, to allow those who may be affected to re-arrange their tax affairs.

Question 6(b): If a new definition of ordinary residence was introduced, should it be restricted to non-domiciled individuals only?

- 30. If a new definition of ordinary residence were introduced, LSEW would not object to it being restricted to non-domiciled individuals only.

Question 6(c): Is the proposed definition of ordinary residence appropriate? If not, are there alternatives that would not have a material Exchequer cost?

- 31. LSEW notes that the proposed definition is that individuals who are resident in the UK should be treated as ordinarily resident unless they have been non-resident in the UK in all of the previous five tax years, and that the status of being not ordinarily resident should be available in the tax year in which the individual arrives in the UK and for a maximum of two full tax years following the tax year of arrival. It is not clear how the two elements are compatible as in the two tax year period, the individual will have been resident in the UK in some of the previous five tax years.
- 32. We note that it is proposed that there will be exclusions from being not ordinarily resident if the individual is resident in the UK on the basis that their only home is in the UK. Again, 'home' must be clearly defined.

Contact details:

If you have any questions concerning these representations or would like to discuss anything contained in them, please contact the Chair of the Tax Law Committee Tel: 020 7849 2512 Email: ashley.greenbank@macfarlanes.com), or the Chair of the Capital Taxes Sub-Committee, Penelope Williams (tel: 020 7597 6093, e-mail: Penelope.Williams@withersworldwide.com), or the Chair of the Income Tax Sub-committee Mr Richard Stratton (tel: 020 7295 3219, email: richard.stratton@traverssmith.com).

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