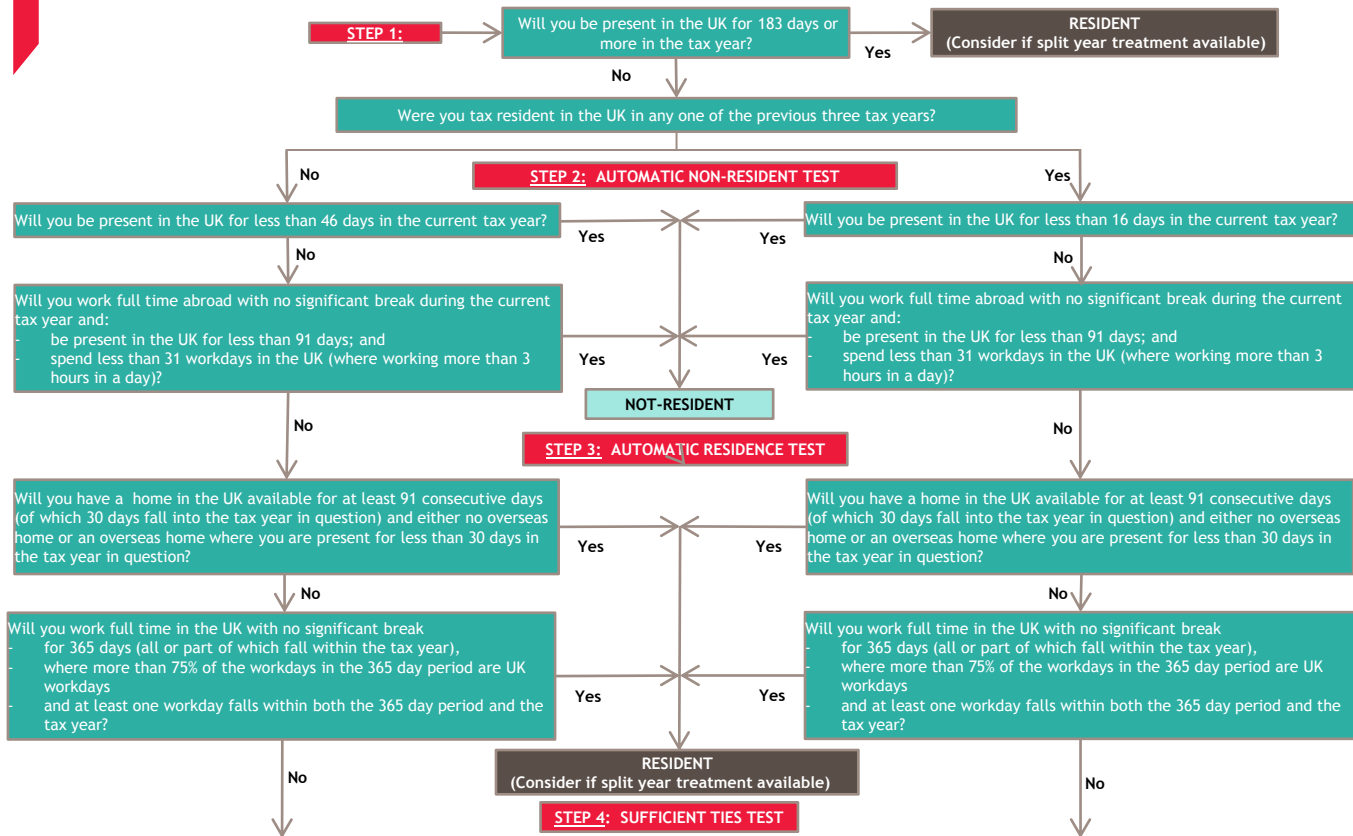


UK STATUTORY RESIDENCE TEST (SRT)



UK TIES	Y/N
Family Tie (UK resident spouse, partner or child?)	
Accommodation Tie (UK accommodation available for 91 days and used for at least one night, or at least 16 nights where the accommodation is the home of a close relative, during the tax year?)	
Workday Tie (40 or more days where more than 3 hours a day is worked in the UK?)	
90-day Tie (>90 days spent in the UK in either of previous 2 tax years?)	
Total number of ties	

UK Ties	Y/N
Family Tie (UK resident spouse, partner or child?)	
Accommodation Tie (UK accommodation available for 91 days and used for at least one night, or at least 16 nights where the accommodation is the home of a close relative, during the tax year?)	
Workday Tie (40 or more days where more than 3 hours a day is worked in the UK?)	
90-day Tie (>90 days spent in the UK in either of previous 2 tax years?)	
Country Tie (More midnights spent in the UK than any other country?)	
Total number of ties	

Days spent in UK	Number of UK ties				
	0	1	2	3	4
Fewer than 46	Not resident (NR)				
46-90	NR	NR	NR	NR	R
91-120	NR	NR	NR	R	R
121-182	NR	NR	R	R	R
183 +	Resident (R)				

Days spent in UK	Number of UK ties					
	0	1	2	3*	4*	5*
Fewer than 16	Not resident (NR)					
16-45	NR	NR	NR	NR	R	R
46-90	NR	NR	NR	R	R	R
91-120	NR	NR	R	R	R	R
121-182	NR	R	R	R	R	R
183 +	Resident (R)					

* Day count must include deemed days

Note: Different rules apply for International Transport Workers. Please check definition section if this may apply to you.

UK STATUTORY RESIDENCE TEST (SRT)

Definitions

What period does the UK tax year cover?

The 365 day period ranging from 6 April to 5 April (366 in a leap year).

What constitutes a day for UK residence purposes?

- A day for residence purposes continues to be where you are present in the UK at midnight. This is subject to the “deeming rule” and the rules on transit days and days of presence for exceptional circumstances.
- The “deeming rule” will be relevant when counting days if you:
 - have at least 3 UK ties for a tax year; and
 - have been UK tax resident for at least 1 of the previous 3 tax years; and
 - have been present in the UK on more than 30 days without being present at the end of that day (a ‘qualifying day’) in that tax year
- All subsequent ‘qualifying days’ are treated as a day spent in the UK for the purposes of counting days for residency purposes. Deemed days are not counted when determining a UK tie under the 90 day rule nor for the purposes of the 90 day rule which forms part of the “full time work” abroad test.
- A day in transit is where you are present at midnight only because you are in transit through the UK. This will not be counted as a day for residence purposes provided that you arrive in the UK on one day, leave the following day, and while here do not engage in activities that are substantially unrelated to your passage through the UK (e.g. going to the cinema or catching up with friends)
- Days of presence will not be counted if you are only present in the UK at midnight due to exceptional circumstances beyond your control. National or local emergencies such as war, civil unrest or natural disaster are examples which are likely to be considered exceptional. Similarly needing to stay in the UK due to sudden or life-threatening illness or injury to yourself, partner or dependent child would be considered exceptional. This concession is subject to a 60-day limit and you must intend to leave the UK as soon as the exceptional circumstances have ended. There are restrictions on which tests within the SRT have day counts which can be reduced by exceptional circumstances and this should always be double checked by your tax advisor.

What classifies as 'full-time work' abroad or in the UK?

HMRC have published calculations to determine whether someone works full-time abroad or full-time in the UK.

The full-time working abroad calculation considers the following:

- Days where you worked in the UK for more than 3 hours
- Total hours worked abroad in the relevant period
- Any employment gaps
- Annual, sick and parental leave taken (including embedded days which are non-working days preceded and followed by at least 3 consecutive days of annual, sick or parental leave)

The full-time working in the UK calculation considers the following:

- Days where you worked abroad for more than 3 hours
- Total hours worked in the UK in the relevant period
- Any employment gaps
- Annual, sick and parental leave taken (including embedded days which are non-working days preceded and followed by at least 3 consecutive days of annual, sick or parental leave)

In essence, if you work more than 35 hours a week in a country and work solely in that country (with no business days elsewhere) then you should meet the requirement of working full-time in that country. However due to the complexity of the calculations it is advised that professional advice is sought to confirm whether you meet the 'full-time' test.

I took an extended holiday, would this be considered a 'significant break' from my full-time work?

You would be considered to take a significant break from overseas work if you go for 31 consecutive days without working overseas for three hours or more on any given day within the period. Similarly, you would be considered to take a significant break from UK work if you go for 31 consecutive days without working in the UK for three hours or more on any given day within the period.

However, this does not include days on which you would have worked had you not been on annual, parental or sick leave.

What constitutes a 'home' in the UK?

HMRC have defined a 'home' as any building, part of a building, vehicle, vessel or any kind of structure used by an individual as a dwelling where there is a sufficient degree of permanence or stability. A home does not include a holiday home nor does it include a property which is let out provided you have no rights to continue living there. A place starts to be a home once it is capable of being used as a home (even if temporarily unavailable because of renovation) or once you actually use it as a home.

You will be automatically resident in the UK if you have a home in the UK (for a period of at least 91 consecutive days, 30 of which fall in the current tax year) and you either do not have an overseas home or you were present for less than 30 days in your overseas home in the tax year in question.

What constitutes an ‘accommodation tie’ for the purposes of the sufficient ties test?

You will have an accommodation tie in the UK if you have a place to live in the UK which is available to you for a continuous period of 91 days or more during the tax year (disregard any break of 16 days or less) provided you spend at least one night there in the relevant tax year. If the available accommodation is the home of a close relative then you will need to have spent at least 16 nights there to qualify as having an accommodation tie.

A close relative is defined as a parent, grandparent, brother, sister, child or grandchild aged 18 or over. Also includes any of the pre-mentioned relatives related through half-blood, marriage or civil partnerships as well as adopted children.

What constitutes a ‘family tie’ for the purposes of the sufficient ties test?

If you have a UK resident spouse, civil partner, or common law equivalent you will be deemed to have a family tie unless you are separated.

You will also have a family tie if you have a child under the age of 18 and spend 61 days or more in the relevant tax year with your child in the UK. For this purpose you will be treated as spending a day with your child if you spend all or part of the day together.

However, you will not be considered to have a family tie if your child is in full time education in the UK, provided that they would be considered non-resident if the time they spent in full-time education was disregarded and if they spend less than 21 days in the UK outside of term time.

Are you an international transport worker and, if so, how does this affect your residency position?

If your employment takes place on board a vehicle, aircraft or ship which makes international journeys (e.g. cabin crew, ferry staff, pilots, lorry drivers) you may be an international transport worker. In order to qualify as an international transport worker, your employment must involve at least 6 cross-border trips during the tax year that either begin or end in the UK and substantially all of your trips must involve the crossing of international boundaries (although each case must be looked at on its own merits, it is likely you will meet this where at least 80% of the journeys made during the course of your employment are cross-border).

International transport workers should not consider whether they work full-time abroad or full-time in the UK for the purposes of the SRT. If you are unable to determine whether you are resident or non-resident via the other automatic UK and overseas tests then you should go straight to the sufficient ties test. For the purposes of the ‘work tie’, cross-border trips originating in the UK would be treated as a UK work-day and cross-border trips ending in the UK would not.

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