

The Statutory Residence Test



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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.

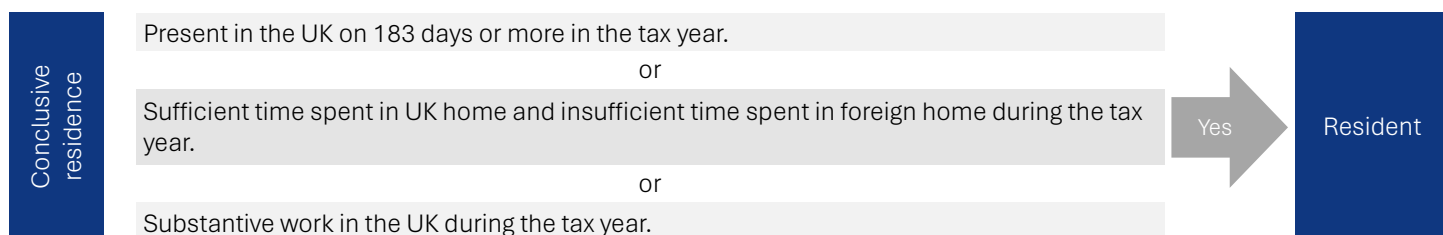
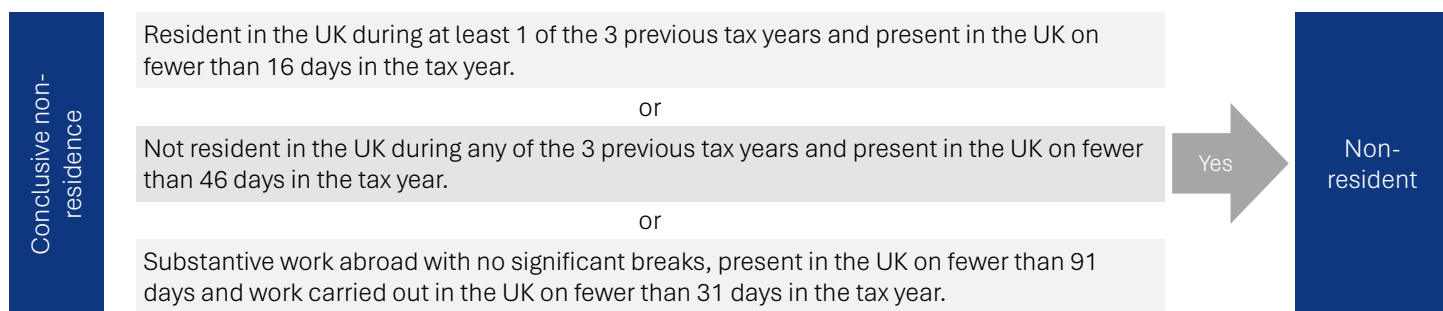
A 'day' means where you spend the midnight. For example, if you left the UK on an evening flight, this would not be considered a 'UK day' for the purposes of the Statutory Residence Test. Although, there are anti-avoidance rules to prevent individuals from regularly leaving the UK before midnight.

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.

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Sufficient UK ties

The maximum number of days that can be spent in the UK depends on the number of ties, and whether you have been UK resident at any time in the past three years.

- 'Arrivers' are individuals not resident in the UK in any of the previous 3 tax years
- 'Leavers' are individuals resident during at least 1 of the previous 3 tax years.

Number of ties	UK days available to 'Leavers'	UK days available to 'Arrivers'
No ties to the UK	182 days	182 days
1	120 days	182 days
2	90 days	120 days
3	45 days	90 days
4+	15 days	45 days

Ties and definitions

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 at least 40 days in the 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)	Present in the UK at least as much as any other single country during the tax year.

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