

Request for an opinion on the application of S505(1)(e) or S505(1B) ICTA 1988

1	Name of Registered Social Landlord (RSL)	
2	Charity reference	<i>For England, Wales & Northern Ireland, this will be a reference commencing with 'X'. For Scotland the reference will commence with 'CR' or 'ED'.</i>
3	Precise location of development	<i>Postal address, when known – otherwise general description with Ordnance Survey grid reference and/or local authority identifier.</i>
4	At what stage is the development?	5
<input type="checkbox"/> Planning/preparation <input type="checkbox"/> Planning on basis of successful grant application or other binding arrangement <input type="checkbox"/> Building commenced.		Accounting period(s) in which sales are likely to take place
6	Previous request	
Date and brief details of any previous request for advice relating to this development		

7 Number of dwellings in the development

Expressing the numbers as ranges should reduce the need for more than one application – see example of completed form.

Total number of dwellings in the development

of which the intention is as follows:

Number for outright sale to non-charitable beneficiaries

Number for outright sale to charitable beneficiaries

Number for sale to charitable beneficiaries on shared ownership basis

Number for social renting to charitable beneficiaries

Other. Number for sale or rent on another basis (please provide brief details in the space below)

8 Key transactions covered by this application

Expressing the numbers as ranges should reduce the need for more than one application – see example of completed form.

Number for outright sale to non-charitable beneficiaries

Number for outright sale to charitable beneficiaries

Number for sale to charitable beneficiaries on shared ownership basis

Number for social renting to charitable beneficiaries

Other. Number for sale or rent on another basis (please provide brief details in the space below, for example, open market homebuy)

9 If the information at box 8 differs from the information at box 7, the questions below should be answered, giving the RSL's reasons for believing the status of the transactions not covered by the application to be free from doubt. Where an opinion is being sought for part of a development, this section should be used for the rest of the development, to cover the kind of information requested at box 10, so that a complete picture is available.

Expressing the numbers as ranges should reduce the need for more than one application – see example of completed form.

Address and tranche

Number and type

Proposed gross household income of purchasers

Proposed price

Terms of sale

Proposed criteria for purchasers

This section should include full details of the criteria employed to distinguish charitable beneficiaries. For key workers, precise details of the criteria used should be provided.

Proposed proportion for purchase

RSL's rights if property sold on

Reason for there being thought to be no doubt regarding primary/non-primary purpose status of proposed sales

Other relevant details

a. Outright sales to non-charitable beneficiaries

Expressing the numbers as ranges should reduce the need for more than one application – see example of completed form.

Address and tranche

Number and type

Proposed gross household income of purchasers

Proposed price

RSL's rights if property sold on

Reason for doubt regarding primary/non-primary purpose status of sales

These sales would normally be non-primary purpose, in which case this section should be used to explain why it is possible that they are primary purpose in this instance.

Other relevant details

b. Outright sale to charitable beneficiaries

Expressing the numbers as ranges should reduce the need for more than one application – see example of completed form.

Address and tranche

Number and type

Proposed gross household income of purchasers

Proposed price

Proposed criteria for purchasers

In this section you should include full details of the criteria employed to distinguish charitable beneficiaries. For key workers, precise details of the criteria used should be provided

RSL's rights if property sold on

Reason for doubt regarding primary/non-primary purpose status of proposed sales

Other relevant details

c. Sale to charitable beneficiaries on shared ownership basis

Expressing the numbers as ranges should reduce the need for more than one application – see example of completed form.

Address and tranche

Number and type

Proposed gross household income of purchasers

Proposed criteria for purchasers

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Proposed proportion for purchase

RSL's rights if property sold on

Reason for doubt regarding primary/non-primary purpose status of sales

Other relevant details

d. Dwellings for social renting to charitable beneficiaries

Construction and rental of these should always be charitable. If, exceptionally, concern exists regarding the charitable nature of the activity, please write to HMRC Charities at the address given on this form, with full details.

e. Other

Expressing the numbers as ranges should reduce the need for more than one application – see example of completed form.

Address and tranche

Number and type

Proposed gross household income of purchasers

Proposed price

Terms of sale

Proposed criteria for purchasers

This section should include full details of the criteria employed to distinguish charitable beneficiaries. For key workers, precise details of the criteria used should be provided.

RSL's rights if property sold on

Reason for doubt regarding primary/non-primary purpose status of sales

Other relevant details

Contact details

Contact person with whom this application can be discussed, and to whom correspondence should be addressed.

Name

Position (*for example, finance director, company secretary, tax adviser*)

Address

Phone number

Mobile phone number

Declaration

To the best of my knowledge and belief, the facts given in this request for advice are correct and all relevant facts have been disclosed.

Signature of director

Name

Position

(for example, finance director, chairman)

Date

Notes

This application can be made by one of the following bodies, provided they are also charities. For convenience, they are referred to throughout this form as 'RSLs'.

- In England & Wales - a Registered Social Landlord. A body registered in the register maintained under Section 1(1) of the Housing Act 1996.
- In Scotland - a Registered Social Landlord. A body registered in the register maintained under Section 57 of the Housing (Scotland) Act 2001.
- In Northern Ireland - a Registered Housing Association. A body registered in the register maintained under Article 14 of the Housing (Northern Ireland) Order 1992 (SI 1992/1725 (NI 15)).

It is recommended that RSLs provide a copy of a HMRC clearance letter (or at least reference details) with any returns for which the clearance applies.

The term 'development' is used. This is a non-statutory, pragmatic term which covers any identifiable group of properties (usually all those on one site) being planned or developed by the RSL, of which the 'key transactions' will form a part and perhaps the whole. The 'key transactions' are those proposed sales by an RSL of interests in properties which could constitute taxable non-primary purpose trading.

A request on this form for advice on the application of S505 (1)(e) or S505 (1B) ICTA 1988 to the key transactions may be made at any stage of the development before marketing commences, although the main purpose of the process is to assist RSLs in their early planning.

The sections of Code of Practice 10 ('COP 10') which relate to 'Information and guidance on interpretation of the law' cover the advice given. COP 10 may be viewed on the HMRC website at

<http://www.hmrc.gov.uk/pdfs/cop10.htm>

COP 10 details the extent to which advice is binding on HMRC. Subject to the exceptions detailed in that document, you can rely on our advice if your application sets out all the relevant facts and draws attention to all the issues (including questions of interpretation of the law) relevant to your request for advice. This would, for example, include all correspondence with a relevant charity regulator on the key transactions – that should be attached to this request.

In accordance with COP 10, HMRC aims to provide a substantive reply within 28 days of receipt. When it is necessary to consult outside HMRC, a substantive response may be delayed, but you will be advised of this and intervals between updates on progress will normally be agreed with you.

Please send this form to

**HMRC Charities
St Johns House
Merton Road
Bootle
L69 9BB**

It should be marked clearly with **Room G08, RSL Application**.

Continuation sheet

Please copy this page as many times as you need

If the information at box 8 differs from the information at box 7, the questions below should be answered, giving the RSL's reasons for believing the status of the transactions not covered by the application to be free from doubt. Where an opinion is being sought for part of a development, this section should be used for the rest of the development, to cover the kind of information requested at box 10, so that a complete picture is available.

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Other relevant details