

Inland Revenue office address

**Centre for Non-Residents  
Non-Resident Trusts (Unit 358)  
St. Johns House  
Merton Road  
BOOTLE  
Merseyside L69 9BB  
England**

Tax Reference

Date of issue

**922/CG/**

/ /

Telephone: 0151 472 6384

From abroad: International access code with 0044 151 472 6384

Name of settlement

## Information for the year ended 5 April 2004

Persons may be liable to income tax, capital gains tax, or both, as a result of:

- payments made or benefits provided to them, directly or indirectly by the trustees
- income or gains arising to the trustees
- income or gains arising to any underlying non-resident company.

The law about these liabilities can be found primarily in:

- Sections 739 & 740 Income and Corporation Taxes Act (ICTA) 1988, and
- Sections 86-98 and Schedules 4B, 4C & 5, Taxation of Chargeable Gains Act (TCGA) 1992.

See also Sections 547, 762 and Part XV ICTA 1988.

**Important changes** were introduced by Sections 130-132 and Schedules 14 & 22/23 Finance Act (FA) 1998, Sections 92, 94 & 96 and Schedules 25/26 FA 2000 and Section 163 & Schedule 29 FA 2003.

**This form** is to help us decide if any tax liability arises to a settlor or beneficiary connected with the above settlement. If the information requested in this form is not supplied, we may need to issue a statutory notice requiring similar details.

**Any person** named in this form, who is resident or ordinarily resident in the United Kingdom, must show on his or her personal Tax Return:

- any payments received
- the value of any benefits received (including assets transferred).

**The settlor** must show on his or her personal Tax Return:

- gains under Section 86 and Schedule 5 TCGA 1992, and
- income under Section 547, Part XV or Section 739 ICTA 1988.

***If at any stage this form asks you to go to another part or question, ignore the intervening questions. For all questions requiring an answer 'yes' or 'no', please enter X in the appropriate box.***

### Part A Is this form needed?

*In Part A of this form 'treated as' means treated as within the context of Section 69(2) TCGA 1992*

1. Were **all** (or a majority of) the trustees actually, or treated as, not resident or not ordinarily resident in the UK throughout the year ended 5 April 2004?

Yes  No

***If the answer is 'No', go to question 3 below***

2. Was the general administration of the trust actually, or treated as, carried on outside the UK throughout the year ended 5 April 2004?

Yes  No

***If the answer is 'Yes', go to Part B***

3. **Only complete this question if you have answered 'No' to either Question 1 or Question 2 above.**

Did the trustees fall to be regarded for the purposes of any double taxation relief arrangements as resident in a territory outside the UK?

Yes  No

***If the answer is 'No' – let me know the names and addresses of the current trustees, and the date they were appointed – send this form to me without completing the rest of it.***

***If the answer is 'Yes', go to Part B***

## Part B General information

1. Please provide a copy of the accounts of the trust and of all companies listed at item 3 below for the accounting period which ended during the year to 5 April 2004. If no accounts have been prepared, please supply a statement of all income arising in that year and a list of assets held on that date.

2. Are the trustees participators in an underlying non-resident company (a company which would be a close company if it were resident in the UK)? Yes  No

**If the answer is 'No', go to Question 4.**

*Broadly speaking, a 'close company' is one under the control of either the directors or no more than five participators (Section 414 ICTA 1988). 'Participator' is defined in Section 417 ICTA 1988.*

*In completing this Part of the form, include any non-resident unit trust under the control of five or less participators in which the trustees have invested, as an **underlying non-resident company**.*

3. State the full name(s) and address(es) of each of the companies referred to at Question 2 above and details of participation, for example percentage and description of shareholdings or of other interests in the company.

Name of company	Address	Description of participation

4(a). Have the trustees made a transfer of value treated as linked with trustee borrowing, so triggering a deemed disposal within Schedule 4B TCGA 1992, at any time after 20 March 2000? Yes  No

**If the answer is 'Yes', please give full details separately, including particulars of any trust that received such a transfer of value**

4(b). Have the trustees received a transfer of value treated as linked with trustee borrowing, so triggering the provisions of Schedule 4C TCGA 1992, at any time after 20 March 2000, or is this trust otherwise a 'relevant settlement' within Paragraph 8A of Schedule 4C? Yes  No

**If the answer is 'Yes', please give full details separately, and see the note regarding Schedule 4C TCGA 1992 in Part H**

5. Was the settlor alive on 5 April 2004? Yes  No

If the answer is 'No', and he or she died in the year ended 5 April 2004, give date of death  /

**then go to Part E**

6. Was the settlor resident or ordinarily resident in the UK for at least part of the year ended 5 April 2004, and domiciled in the UK in that year? Yes  No

**If the answer is 'Yes', go to Part C  
If the answer is 'No', go to Part E**

## Part C Does the settlor charge apply?

### Section 86 & Schedule 5 TCGA 1992

1. Do you consider the settlor charge applies (or would have applied if any capital gains had arisen)? Yes  No

**If the answer is 'Yes', go to Part D**

2. Did a 'defined person' have an interest in the settlement in the year ended 5 April 2004? Yes  No

**If the answer is 'No', go to Part E**

A **defined person** is:

- |   |  |
|---|--|
| a. the settlor                                | e. any grandchild of a person within a. or b.                        |
| b. the settlor's husband or wife              | f. the husband or wife of any grandchild within e.                   |
| c. any child of a person within a. or b.      | g. a company controlled by one or more of the persons within a. - f. |
| d. the husband or wife of any child within c. | h. a company associated with a company within g.                     |

A person has 'an interest in the settlement' if any income or capital of the settlement has been, or in any circumstances can be, paid to him/her or used for his/her benefit.

In the following questions, a 'grandchild settlement' is a settlement where the only 'defined persons' with an interest in it are within e. and f. above, companies controlled by them, and companies associated with such controlled companies.

3. Is this a grandchild settlement, or one in which the **only** defined persons with an interest in the settlement on 5 April 1999 and on each subsequent 5 April were children within 2c above under age 18? Yes  No

**If the answer is 'No', go to Part D**

4. Was the settlement created on or after 19 March 1991 or, if a grandchild settlement, on or after 17 March 1998? Yes  No

**If the answer is 'Yes', go to Part D**

5. Were non-resident trustees first appointed on or after 19 March 1991 or, if a grandchild settlement, on or after 17 March 1998? Yes  No

**If the answer if 'Yes', go to Part D**

6. Have the terms of the settlement been varied on or after 19 March 1991 or, if a grandchild settlement, on or after 17 March 1998, so that a defined person (see question 2) became for the first time a person who will or might benefit from the settlement? Yes  No

**If the answer is 'Yes', go to Part D**

7. Has any additional capital, income or other value been provided, directly or indirectly for the settlement, on other than arm's length terms, since 18 March 1991 or, if a grandchild settlement, since 16 March 1998? Yes  No

**If the answer is 'No', go to Part E**

8. Does the value of such additional capital etc exceed the surplus of expenses relating to administration and taxation over the income arising to the settlement for the year ended 5 April to which such additions related? Yes  No

**If the answer is 'Yes', go to Part D**

If the answer is 'No', and such additional capital etc, has been provided in the year ended 5 April 2004 give details as follows:

Year to which additions relate	Additional capital etc provided for that year	Details of expenses incurred for that year	Net income arising in that year

**Then go to Part E**



## Part F Capital payments for the year ended 5 April 2004

1. Has any person received a payment of capital or a benefit directly or indirectly from the trustees for the year ended 5 April 2004, or were such payments etc. made in earlier years that were not taxed because income/gains were insufficient? Please see the note at the end of this Part if the person who received the payment was the trustee of another settlement. Yes  No

**If the answer is 'No', go to Part I**

'Benefit' includes loans, transfer or use of assets and accommodation provided (on less than arm's length terms).

'Payment' includes

- capital vesting absolutely
- any payment to a non-resident company under the control of a UK resident person
- any payment from a company under the control of the trustees alone or jointly with the settlor or persons connected with the settlor.

2. Detail below the payment(s) of capital or benefit(s) received for the year ended 5 April 2004. Include such payments brought forward from earlier years which have not been assessed because there was insufficient income/gains.

Name and address of recipient and date of birth if unmarried and under 18		Nature of payment, loan, asset or other benefit and date conferred on the recipient		Amount of payment or value of asset or other benefits £
Recipients who are beneficiaries within the terms of the trust	Date of birth		Date	
Other recipients				
Total amounts of 'payments' of capital or benefits				£ (Y)

If there have been any transfers, other than on arm's length terms, to the trustees of another settlement enter X in the box. Give full details separately (unless already given in response to Part B, question 4(a)) including your computation of gains to be transferred.

## Part G Questions relating to Sections 740 and 762 ICTA 1988 liabilities

1. Is there an amount at (U) of Part E, item 2 and, if so, does it equal or exceed the total payments of capital and benefits at (Y) of Part F, item 2? Yes  No

**If the answer is 'Yes' go to Part I**

2. Is the whole of the income arising to the settlement, and to any underlying company shown in Part B, item 3, to be treated as that of the settlor because he/she or his/her spouse has an interest in the settlement? (see Part C, Question 2 for an explanation of 'an interest in the settlement') Yes  No

**If the answer is 'Yes' go to Part H**

3. State the amount of 'relevant income' as defined at Section 740(3) ICTA 1988 \* for years up to and including the year ended 5 April 2004 of
- a. the trustees of the settlement ... .. £
- b. each of the underlying companies shown at Part B item 3
- Name of company \_\_\_\_\_ £
- \_\_\_\_\_ £
- \_\_\_\_\_ £
- \* broadly speaking undistributed income, but also including life policy gains taxable under Section 547(10) or (11) ICTA 1988, introduced by Schedule 14 FA 1998
- Total 'relevant income' £ (Z)

4. Does the total 'relevant income' (see (Z) at question 3 above), together with any offshore income gains (see (U) of Part E, item 2), equal or exceed the total payments of capital and benefits (see (Y) at Part F, item 2)? Yes  No

**If the answer is 'Yes' go to Part I - if the answer is 'No' go to Part H**

## Part H Schedule 4C and/or Section 87 TCGA 1992 and Section 91 TCGA 1992

1. Enter full details of capital gains remaining **unmatched at 5 April** (or where **Schedule 4C TCGA 1992 applies, 8 April 2003**) in respect of any earlier year(s) for the whole of which the trustees were
- not resident or not ordinarily resident in the UK, or
  - (for any period after 18 March 1991) dual resident.

*'Unmatched' means gains not previously set against payments of capital / benefits nor transferred to another settlement.*

If the settlement came within Section 87 TCGA 1992 for the first time because of Section 130 FA 1998, enter only gains arising after 16 March 1998.

If the settlement is a 'relevant settlement' within paragraph 8A of Schedule 4C TCGA 1992, include all Schedule 4C gains as defined in paragraph 1(2) of that Schedule. In such a case, if the settlement also has Section 87 gains not within Schedule 4C, please give details separately.

### Unmatched capital gains arising to trustees and to any underlying company *Part B, item 3*

	Amount	£
<b>Table a. Years 1981-82 to 1997-98* (inclusive)</b>		
<i>Arising to the trustees</i> ... ..		
<i>Arising to underlying companies</i> ... ..		
<b>Total</b>		£
<b>Table b. Year to 5 April 1999*</b>		
<i>Arising to the trustees</i> ... ..		
<i>Arising to underlying companies</i> ... ..		
<b>Total</b>		£
<b>Table c. Year to 5 April 2000*</b>		
<i>Arising to the trustees</i> ... ..		
<i>Arising to underlying companies</i> ... ..		
<b>Total</b>		£
<b>Table d. Year to 5 April 2001*</b>		
<i>Arising to the trustees</i> ... ..		
<i>Arising to underlying companies</i> ... ..		
<b>Total</b>		£
<b>Table e. Year to 5 April 2002*</b>		
<i>Arising to the trustees</i> ... ..		
<i>Arising to underlying companies</i> ... ..		
<b>Total</b>		£
<b>Table f. Year to 5 April 2003*</b>		
<i>Arising to the trustees</i> ... ..		
<i>Arising to underlying companies</i> ... ..		
<b>Total</b>		£

### 2. Computation of capital gains for the year to 5 April 2004 \*

	Amount of gain/loss	£	⊕
<i>Arising to the trustees</i> ... ..			
<i>Arising to underlying companies</i>			
Name of company _____			
_____			
_____			
<b>Total</b>		£	

\* Exclude any gains assessable on settlor under the Settlor Charge (Section 86 TCGA 1992)

⊕ Enter X in the end column if the disposal was to a 'connected person' (as defined in Section 286 TCGA 1992), or not at arm's length, or of shares/securities not quoted on a 'recognised stock exchange' (as defined in Section 841 ICTA 1988)

## Part I Declaration

To the best of my knowledge and belief the particulars given on this form are correct and complete.

Enter X in the appropriate box

- I attach a copy of the settlement accounts or a statement and a list as described at Part B item 1 for the accounting period ending in the year to 5 April 2004
- I attach a copy of the accounts or a statement and a list as described at Part B item 1 for the underlying non-resident companies mentioned at Part B item 3 for the accounting period ended in the year to 5 April 2004

Your name

Address

Capacity in which completed

Date

 /  / 

Postcode