

Class 1A National Insurance contributions on Car and Fuel Benefits

A guide for employers

**Use from
6 April 2009**

Help and further guidance

Help and further guidance about tax and National Insurance contributions (NICs) is available from the following sources.

The Internet

Go to our website at www.hmrc.gov.uk/payee

Your Employer CD-ROM

Your Employer CD-ROM has most of the forms and guidance you will need to run your payroll throughout the year.

The CD-ROM has:

- a P11 Calculator that will work out and record your employees' tax, NICs and Student Loan deductions every pay day with a linked P32 record of deductions that works out what you need to pay us
- a range of other calculators that work out car and car fuel benefit, statutory payments and Student Loan deductions.

If you have used the P11 Calculator for all your employees during the year and have nine or less employees at 5 April you can send us your Employer Annual Return online.

There is also:

- a Learning Zone to help you understand payroll topics such as statutory payments, Student Loan deductions and PAYE Online
- a Payroll Basics section for new and less experienced employers explaining what to do when employing someone for the first time.

Employer Helpbooks

Our employer helpbooks are designed to help you understand and operate PAYE, NICs and other payroll related matters.

The helpbooks are for guidance only, they are not comprehensive and have no legal force.

We also have many other leaflets and booklets that give further guidance, for example:

- CWG2(2009) *Employer Further Guide to PAYE and NICs*
- CWG5(2009) *Class1A NICs on benefits in kind*
- 480(2009) *Expenses and Benefits - A tax guide*
- 490 *Employee travel - A tax and NICs guide for employers*

You can view, download and order the full range of helpbooks, booklets and other forms and guidance from our website at www.hmrc.gov.uk/employers/emp-form.htm or from your Employer CD-ROM.

Or you can order copies from the Employer Orderline:

- by phone **08457 646 646**
- by fax **08702 406 406**.

Forms and guidance in Braille, larger print and audio

For details of employer forms and guidance in Braille, larger print or audio call the Employer Orderline on **08457 646 646** and ask to speak to the Customer Service Team.

Yr Iaith Gymraeg

Ffoniwch **0845 302 1489** i dderbyn fersiynau Cymraeg o ffurflenni a chanllawiau.

By phone – Employer Helplines

New employers and employers with less than three years payroll experience

New Employer Helpline
0845 60 70 143
Monday to Friday
8.00 – 20.00
Saturday and Sunday
08.00 – 17.00

Employers with more than three years payroll experience

Employer Helpline
08457 143 143
Monday to Friday
8.00 – 20.00
Saturday and Sunday
08.00 – 17.00

If you have a hearing or speech impairment, and use a textphone

0845 602 1380
(Only people with specialised equipment such as Minicom are able to use this service.)

A list of helplines and opening hours is available:

- on our website at www.hmrc.gov.uk/contactus/helplines.htm
- on your CD-ROM, and
- in your Employer Bulletin.

Your HM Revenue & Customs office

Your own HM Revenue & Customs (HMRC) office can also help you. All our office contact details are on our website at www.hmrc.gov.uk/local/employers/index.htm

Please tell us your employer reference which is on correspondence from your HMRC office.

In Person

We can help with many payroll topics, explaining:

- what you need to do
- the deadlines you need to meet
- the forms you need to fill in
- the records you need to keep.

This education is available through a range of workshops which are free of charge. Further information is available from our website at www.hmrc.gov.uk/bst or by calling the Advice Team on **0845 603 2691**.

Online Services

For information about our online services go to www.hmrc.gov.uk/online

For help and assistance using our online services contact the Online Services Helpdesk:

- email helpdesk@ir-efile.gov.uk
- phone **08456 055 999** open seven days a week
08.00 – 20.00.

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Introduction

1 Do I need to read this guide?

You should read this guide if you:

- are an employer who provides cars to your employees
- provide cars to employees of another employer.

2 What else do I need to read?

Class 1A National Insurance contributions (NICs) are due on most taxable benefits, including car and fuel benefits. CWG5(2009) *Class 1A NICs on benefits in kind* is the main guide about Class 1A NICs on benefits.

It tells you:

- what benefits are liable for Class 1A NICs
- when liability for Class 1A NICs arises, and
- how Class 1A NICs are reported and paid.

If you provide any type of benefit which you are required to report on forms P11D (or substitute) you should read CWG5(2009) *Class 1A NICs on benefits in kind*. See the Help and further guidance section on the inside cover of this guide if you did not receive a copy of the booklet or you need to obtain a further copy.

3 How can this guide help me?

This guide replaces the April 2008 edition. Because there are special rules about how tax and Class 1A NICs are worked out on car and fuel benefits, this guide is available in addition to CWG5(2009).

This guide tells you how the taxable benefit of providing a car is worked out. It shows you how the taxable benefit can be adjusted, for example because the car is unavailable for part of the year, and how it is used to calculate Class 1A NICs. It also explains what NICs are due if you provide your employees with fuel for use in the cars you provide.

Throughout this guide explanations are given of some of the main terms you will come across in working out car and fuel benefits.

4 Information about PAYE and Class 1 NICs

We provide a wide range of leaflets and booklets to explain different aspects of tax and NICs in plain English.

For general information on PAYE and Class 1 NICs, see the Employer helpbooks. For special or unusual cases, see CWG2(2009) *Employer Further Guide to PAYE and NICs*.

If you are a new employer or are providing car and fuel benefits for the first time, you should read:

- 480(2009) *Expenses and Benefits - A tax guide*
- 490 *Employee Travel - A Tax and NICs Guide for Employers*

To assist accountants, Financial Directors and other Financial Advisors, some sections of this guide include statutory references. The statutory references are taken from:

ITEPA 2003 - *the Income Tax (Earnings and Pensions) Act 2003*

SSCBA 1992 - *the Social Security Contributions and Benefits Act 1992*

SS(C)R 2001 - *the Social Security (Contributions) Regulations 2001*.

6 General guidance only

This booklet is intended for guidance only and reflects the NICs position at the time of writing. It is not a complete description of the law and does not affect any right of appeal.

7 If you are unhappy with our service

If you are unhappy with any aspect of the service you have received from HM Revenue & Customs, you should complain to the manager at the office you have been dealing with.

Part 1 Working out Class 1A National Insurance contributions

8 Introduction

Class 1A NICs are due on most taxable benefits. Class 1A NICs are paid by employers. There is no employee contribution payable.

9 How are Class 1A NICs worked out?

Class 1A NICs are worked out in one calculation, using the total cash equivalent figure of all benefits liable for Class 1A NICs.

The rules for working out the cash equivalent of a benefit are the same for both tax and Class 1A NICs. This means that you can use the figures you report on an employee's P11D (or substitute) - Return of Expenses and Benefits, to work out the amount of Class 1A NICs due. The P11D has been designed to help you do this by showing you which benefits attract a Class 1A NICs liability.

10 How do I work out how much Class 1A NICs I have to pay?

Once you have worked out the cash equivalent of each benefit you provide, including the cash equivalent of car and fuel benefits, you:

- add together each cash equivalent figure recorded on individual P11D forms to get a single figure, and
- multiply that figure by the Class 1A NICs percentage rate.

The percentage rate at which Class 1A NICs are worked out is the employer's not contracted-out Class 1 NICs percentage rate for the tax year in which the benefit is provided. For the 2008–09 tax year, the Class 1A NICs percentage rate is 12.8%.

Example

During the tax year 2008–09, you provide company cars and private health care to 25 of your employees. The cash equivalent figures reported on each employee's P11D are £150 health care and £3,000 car benefit.

To calculate the amount of Class 1A NICs due:

Step 1 Add the total cash equivalent figures together

$$\begin{aligned}£150 \times 25 &= £3,750 \\£3,000 \times 25 &= \underline{£75,000} \\ &= \underline{£78,750}\end{aligned}$$

Step 2 Multiply the figure from step 1 by the Class 1A NICs percentage rate

$$\begin{aligned}£78,750 \times 12.8\% &= £10,080.00 \\ \text{Class 1A NICs due} &= \underline{£10,080.00}\end{aligned}$$

11 When are Class 1A NICs due?

If sending your payment by post it must reach us by 19 July following the end of the tax year. When paying electronically you need to allow enough time for us to have cleared funds by 22 July following the end of the tax year. Most electronic payment methods take at least three bank working days to reach our account. Where the 22nd falls on a weekend or is a Bank Holiday, your cleared funds need to be with us by the previous bank working day. 22 July 2009 is a bank working day.

CWG5(2009) *Class 1A NICs on benefits in kind* provides detailed guidance on how Class 1A NICs are reported and paid.

12 Am I liable to pay Class 1A NICs on the cars I provide?

When employees are provided with company cars and fuel which are available for private use, they are usually taxed on these benefits under special income tax rules contained in Sections 114, 120 and 149 of ITEPA 2003.

As an employer, you may be liable to pay Class 1A NICs for:

- **cars** provided by reason of an employee's employment to
 - directors
 - employees who are paid at a rate of £8,500 or more a year, including taxable benefits and expensesif the car is available for private use by the director or employee, or by members of their family or household, and the benefit is chargeable on the director or employee to income tax under ITEPA 2003
- **fuel** provided for private use in those cars.

Part 2 of this guide tells you in what circumstances Class 1A NICs are not due on car and fuel benefits.

13 What is a car?

ITEPA 2003 Section 115(1)

A car is a mechanically propelled road vehicle, which is not:

- a goods vehicle (a vehicle of a construction primarily suited for the conveyance of goods or burdens of any description, for example lorries and vans). Estate cars, and recreational 'off-road' vehicles rank as cars. With effect from 6 April 2002, vehicles commonly known as 'double cab pickups' are classified as cars or vans in line with their treatment for VAT by HM Revenue & Customs. There is no change to the treatment of these vehicles in earlier years, or to the existing treatment of any:
- vehicles of a type not commonly used as a private vehicle and unsuitable to be so used, for example a Grand Prix racing car
- a motorcycle or invalid carriage, as defined in the Road Traffic Act 1988.

Where a vehicle does not count as a car there will normally be a taxable benefit under the rules for:

- assets placed at an employee's disposal (see chapter 6 of 480(2009) *Expenses and Benefits - A tax guide*)
- vans available for private use (see chapter 14 of 480(2009) *Expenses and Benefits - A tax guide*).

These taxable benefits are also included in the calculation of Class 1A NICs liability.

14 What is a company car?

ITEPA 2003 Section 114

For the purposes of this guide a company car is a car made available by an employer (including a car provided under a leasing arrangement), for the private use of a director or employee, or a member of his or her family or household.

Private use includes ordinary commuting journeys.

A car made available by a third party will also count as a company car if it is provided by reason of the employee's employment.

If you are unsure whether a car you provide to an employee is chargeable to tax and liable for Class 1A NICs you should contact the Employer Helpline or ask your nearest HM Revenue & Customs Enquiry Centre for advice.

If you provide car and fuel benefits you will need to calculate their cash equivalents. How you do this is explained in Parts 3 and 4 of this booklet.

You will need to add the cash equivalent of car and fuel benefits to the cash equivalents of other benefits you provided when calculating how much Class 1A NICs are due, see section 10 on page 4.

In the remainder of this booklet the cash equivalent of providing a car and fuel for private use is referred to as the car benefit and the fuel benefit.

Part 2 Exceptions from Class 1A National Insurance contributions

16 When are Class 1A NICs not payable?

In some cases no Class 1A NICs are payable in respect of a car or fuel used by your employee. You may have to pay Class 1A NICs, or in some cases, Class 1 NICs, on one but not the other.

You do not have to pay Class 1A NICs on:

- cars and fuel provided to employees and certain directors who earn at a rate of less than £8,500 per year – see booklet CWG5(2009) for more information
- directors' or employees' privately owned cars
- cars which are used exclusively for business and for which private use is prohibited
- pooled cars, see section 66
- cars provided to certain disabled directors or employees in particular circumstances, see section 74
- a car if the employee reimburses you for the private use of the car and the sum reimbursed equals or exceeds the car benefit, see section 52
- a car if it can be shown that the car was provided by an individual employer in the normal course of their domestic, family or personal relationship, see section 78
- fuel, if it is only made available for business use, but there may be Class 1 NICs liability, see CWG2(2009) *Employer Further Guide to PAYE and NICs*
- fuel, if the director or employee is required to reimburse the **full cost** of the fuel supplied for private use and does so, see section 62.

Part 3 Working out the car benefit

17 Introduction

This section, including the examples, explains how car benefit is worked out.

18 How do I work out the car benefit?

ITEPA 2003 Section 121(1)

Car benefit is calculated in a series of numbered steps (more details start at the sections given).

- 1 Find the price of the car (see section 20).
- 2 Add the price of any accessories which fall to be taken into account (see section 26).
- 3 Make any required deduction for capital contributions by the employee (see section 34).
- 4 Take the lower of the amount carried forward from step 3 and £80,000 (see section 39).
- 5 Find the appropriate percentage for the car (see section 40).
- 6 Multiply the figure at step 4 by the appropriate percentage at step 5 (see section 48).
- 7 Make any required deduction for periods when the car was unavailable (see section 49).
- 8 Make any required deduction for payments by the employee for private use of the car (see section 52).

This method of calculation is modified in the case of:

- cars that run on road fuel gas (Steps 1, 2 and 5, see section 19)
- classic cars (those 15 years of age or more; steps 1 to 3, see section 36).

There are special rules for disabled drivers affecting Step 2 (see section 33) and Step 5 (see section 46).

Finally, the benefit so calculated may be reduced where the car is shared (see section 73).

The P11D Working Sheet 2 is available to help you work out the car benefit, which is the amount you record on an employee's P11D (or substitute) and is the amount on which Class 1A NICs are worked out.

An example of how car benefit is worked out is shown on page 19.

19 Cars which run on 'road fuel gas'

There are different rules for the three types of car under this heading:

- 1 Cars manufactured to run on road fuel gas which were first registered in 2000 or later and which have approved CO₂ emissions figures for gas and another fuel: adjustment at Step 5 for P11D type B cars, see section 45.

- 2 All other cars manufactured to run on road fuel gas: adjustments at Step 1 (see section 25) and Step 5 for P11D type C cars, see section 45.
- 3 Cars converted to run on road fuel gas: adjustments at Step 2 (see section 32) and Step 5 for P11D type C cars, see section 45.

'Road fuel gas' means any substance which is gaseous at a temperature of 15°C and under a pressure of 1013.25 millibars, and which is for use as fuel in road vehicles. The two types of road fuel gas currently in use are compressed natural gas (CNG) and liquid petroleum gas (LPG).

Step 1 : The price of the car

20 What is the 'price'?

ITEPA 2003 Sections 122 to 124

The price of a car means:

- its list price, if it has one (see section 21), or
- its notional price, if it has no list price (see section 22).

21 What is the list price?

ITEPA 2003 Section 123

The list price is the inclusive price published by the manufacturer, importer or distributor of the car if sold singly in a retail sale in the open market in the UK on the day before the date of the car's first registration. It includes standard accessories, any relevant taxes (value added tax, car tax (where appropriate), any customs or excise duty, any tax chargeable as if it were a customs duty) and delivery charges, but this excludes the new car registration fee because it is an administration fee, not a tax. The list price is not the dealer's advertised price for the car, nor the price paid for the car, which may incorporate discounts or cashbacks from the list price.

22 What is a 'notional price' of a car?

ITEPA 2003 Section 124

The normal price is the list price. Only if there is no list price can the notional price be used.

The notional price of a car is the price which might reasonably have been expected to be its list price if its manufacturer, importer or distributor had published a price as the inclusive price appropriate for a sale of a car of the same kind sold singly in a retail sale in the open market in the UK on the day before the date of the car's first registration.

The notional price includes all accessories equivalent to the qualifying accessories (section 26) available with the relevant car at the time when it was first made available to the employee (i.e. all accessories which would otherwise be added at Step 2 as initial extra accessories, see section 29), and any relevant taxes (as in section 21).

23 Can I deduct a discount from the price of a car?

For car benefit purposes, the price of a car is the list price of a car which may not be what was paid for the car. No deduction can be made for any discount obtained on the purchase of a car.

24 What happens if I provide second-hand cars?

Second-hand cars are dealt with in the same way as new cars. The list price is the price on the day before it was first registered, that is when it was new.

25 Cars manufactured to run on 'road fuel gas' (type (2) in section 19)

ITEPA 2003 Section 146

The price of the car found under Step 1 is reduced by so much of that price as it is reasonable to attribute to the car being manufactured in such a way as to be capable of running on road fuel gas rather than only on petrol. Normally, this means replacing the price of the car which can run on road fuel gas with the (lower) price of the petrol-only equivalent model.

Step 2 : Accessories

26 What is a 'qualifying accessory'?

ITEPA 2003 Section 125

A qualifying accessory is an accessory which:

- is made available for use with the car without any transfer of the property in the accessory
- is made available by reason of the employee's employment
- is attached to the car (whether permanently or not).

Notes

- Condition a. means that accessories which the employee owns are not included, for example where an employee buys his or her own in-car stereo system for use in the company car.
- Condition c. means that only accessories which are attached to the car are qualifying accessories. A roof rack, for example, which can be removed from time to time will be a qualifying accessory if the other conditions are satisfied. But optional accessories such as car rugs, loose tools, maps and so on, which are not attached to the car, are not included.

27 What is the meaning of 'accessory'?

ITEPA 2003 Section 125(2)

'Accessory' includes any type of equipment, but does not include:

- an accessory necessarily provided for use in the performance of the duties of the employment
- equipment by means of which a car is capable of running on road fuel gas (see section 32)
- equipment to enable a disabled person to use the car (see section 33)
- a mobile phone.

Condition a. means that those accessories which are necessarily provided for use in the performance of duties of the employee's employment are not counted. An example would be a tow bar fitted as an option to a car because as part of the job the employee is required to tow a trailer carrying the equipment needed to carry out the duties of the job. The price of such a tow bar is disregarded at Step 2 and so it is not taxable as a benefit, whether or not any private use is made of it.

28 What are the rules for accessories?

Accessories are dealt with in three groups:

- initial extra accessories (those with the car when it is first made available to the employee, see section 29)
- later accessories (those added after the car was first made available to the employee, see section 30)
- replacement accessories (which can be replacements for accessories in either of the above groups, see section 31).

In all cases, the price includes any charge for delivering the accessory to the seller's place of business, value added tax and any fitting charges.

29 Initial extra accessories

ITEPA 2003 Sections 126(2) and 127(1)

The price of these is only added to a car with a list price (the notional price of the car at section 22 includes them).

An initial extra accessory is a non-standard accessory which is available with the car at the time when it is first made available to the employee.

The price of an initial extra accessory is:

- a the list price published by the manufacturer, distributor or importer of the car for the day immediately before the date of the car's first registration, ITEPA 2003 Section 128
- b if there is no such price, the list price published by the manufacturer, distributor or importer of the accessory at the time immediately before the accessory is first made available with the car, ITEPA 2003 Section 129, or
- c if there is no list price of either kind, the notional price (the inclusive price it might reasonably have been expected to fetch at the time immediately before the accessory is first made available with the car), ITEPA 2003 Section 130.

The price of those in category a. is added whether or not they are available with the car in the tax year in question. The price of those in categories b. and c. are added if they remain available with the car at any time in the tax year in question.

Both list and notional prices are for the accessory if sold singly in a retail sale in the open market in the UK and include any relevant taxes (see section 21) other than car tax.

30 Later accessories

ITEPA 2003 Sections 126(3) and 127(2)

The price of later accessories is added to all cars. The price is in either category b or c of section 29, as appropriate, and is calculated on the same basis.

A later accessory is one which was not available with the car at the time when it is first made available to the employee, but is available in the tax year in question. Later accessories are disregarded if added before 1 August 1993 or if the price does not exceed £100.

The lower limit of £100 means that inexpensive accessories which are made available during the period are not included in the benefit charge. However, a set of items should not be divided for this purpose - for example, a set of four alloy wheels with a total cost of £300 is not treated as four separate wheels each with an individual cost of £75.

If a later accessory is added part way through a tax year, its price is included at Step 2 for the whole year. There is no time-apportionment.

31 Replacement accessories

ITEPA 2003 Section 131

A replacement accessory is an accessory which replaces another qualifying accessory ('the old accessory') and is of the same kind as the old accessory. 'Kind' for this purpose depends on function: a radio/cassette player and a radio/CD player are not of the same kind because their function is different, whereas alloy wheels are of the same kind as steel wheels because their function is the same.

Where the replacement accessory is not superior to the old accessory, Step 2 operates as though the replacement had not been made. The price of the original accessory continues to be counted (even though it may have been removed in an earlier tax year) and the price of the replacement is ignored.

Where an accessory is replaced by a superior accessory, the price of the replacement accessory is added at Step 2 in the normal way but the price of a non-standard old accessory is disregarded (note that the price of a standard accessory counted at Step 1 is not disregarded).

32 Cost of converting a car to run on road fuel gas

ITEPA 2003 Section 125(2)(b)

The cost of equipment to enable a car to run on road fuel gas is not treated as an accessory and therefore the cost of conversion to run on road fuel gas is not added at Step 2.

33 Equipment for the disabled

ITEPA 2003 Section 172

Equipment to enable a disabled person to use the car is not counted as an accessory (and therefore its price is disregarded at Step 2) if it is either:

- designed solely for use by a chronically sick or disabled person (for example hand controls for people who are unable to operate ordinary pedal controls, or fittings to enable a wheelchair user to use the car), or
- if the employee holds a disabled person's (blue) badge at the time the car is first made available to them, other equipment which is made available for use with the car as a **non-standard** accessory because it enables the employee to use the car in spite of the disability which entitles them to the blue badge (for example optional power steering or electric windows on a car made available to an employee who would not be capable of operating it without them, but note that there is no reduction for such items if they are fitted as standard accessories because these are accounted for at Step 1).

Step 3 : Capital contributions

34 What is the effect of a 'capital contribution'?

ITEPA 2003 Section 132

The effect of Step 3 is to reduce the amount carried forward from Step 2 where the employee has contributed a capital sum, or capital sums, to expenditure on the provision of:

- the car (Step 1), or
- any qualifying accessory (so long as it is taken into account at Step 2).

The amount to be deducted is the lesser of:

- the total of the capital sums contributed by the employee in that and any earlier years to expenditure on the provision of the car or any qualifying accessory taken into account at Step 2, and
- £5,000.

Capital contributions are payments towards the cost of the car or qualifying accessories. They should not be confused with payments for private use of the car, see section 52.

35 For what years are the amount allowed?

ITEPA 2003 Section 132(2)

The deduction under section 34 is made for the year in which the contribution is made and all subsequent years in which the employee is chargeable to tax in respect of the car. Therefore, if the car is transferred from one employee to another, the first employee's contributions are not taken into account in calculating the benefit of that car for the second employee.

Step 4 : Price cap for expensive cars

39 What is the price cap?

ITEPA 2003 Section 121(1)

The figure at Step 3 is restricted at Step 4 to an upper limit of £80,000. This applies to all cars, classic or otherwise.

Example

Steps 1 to 4 for a classic car

A classic car is provided to an employee for private use. The market value of the car is £90,000 (its original list price was £10,000). The employee makes a capital contribution towards the cost of the car of £4,000.

Step 1

price of the car under normal rules	£10,000
-------------------------------------	---------

Step 2

accessories (all are non-superior replacements)	£0
	£10,000

Step 3

deduct capital contributions	(£4,000)
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Figure carried forward from Step 3

	£6,000
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The car is over 15 years old at the end of the tax year and its market value is greater than both the figure carried forward from Step 3 and £15,000, so it is a classic car. For the figure carried forward from Step 3, substitute

market value	£90,000
--------------	---------

deduct capital contributions	(£4,000)
------------------------------	----------

Figure carried forward from Step 3

	£86,000
--	----------------

Step 4

take the lower of the amount carried forward from Step 3 and	£80,000
--	---------

Therefore the amount to carry forward from Step 4

	£80,000
--	----------------

Step 5 : The Appropriate Percentage

40 What is the approved CO₂ emissions figure?

ITEPA 2003 Sections 134 to 136

Cars registered in the United Kingdom (UK) and in other European Community countries must be submitted by their manufacturers or importers for a 'type approval' test. The level of CO₂ emitted by the car is one of the factors reviewed in the course of the test. The approved CO₂ emissions figure for car benefit purposes is that which is recorded on the type approval certificate summarising the results of the type approval testing procedure. The result of this test is available in various ways.

For cars first registered:

- on or after 1 January 1998 **with** an approved CO₂ emissions figure, see sections 41 to 43 and 45
- on or after 1 January 1998 **without** an approved CO₂ emissions figure, see sections 44 and 45
- before 1 January 1998, see section 47 for **all** such cars.

Note: For car benefit purposes, the CO₂ emissions figure that applies at the date of first registration is set for the life of the car.

41 How do I find the approved CO₂ emissions figure?

For cars first registered in the UK from 1 March 2001, the approved CO₂ emissions figure is shown on the Vehicle Registration Certificate (V5C).

For cars first registered in the UK between 1 January 1998 and 28 February 2001, the manufacturer should provide this information if asked to. Although manufacturers are entitled to charge a small fee, some manufacturers are happy to provide this information free of charge.

The Vehicle Certification Agency (VCA) supplies CO₂ (and other) emissions data in two formats:

- on their website at www.vcacarfueldata.org.uk/index.asp
- in a booklet it publishes called New Car Fuel Consumption and Emissions Figures (though the website database is normally more up to date). This is normally updated annually and can be downloaded from the website. Copies of the current and earlier printed editions can be ordered free of charge from the above website or by post from:

Vehicle Certification Agency
1 The Eastgate Office Centre
Eastgate Road
Bristol
BS5 6XX
Phone number **0117 951 5151**.

As the VCA website figures relate to new cars currently on sale in the UK, employers will not be able to use the Internet database to find the approved CO₂ emissions figure for a car sold as new, say, two years ago. However, the downloaded or printed version of the VCA booklet that was current at the time a car was first registered will provide a useful historical record.

42 What if I find two contradictory CO₂ emissions figures?

The figures should normally be the same if they relate to the same car and the same year. But as the figures on the VCA website and in its booklet relate to new cars they may well be different to the figures on the SMMT website (to which readers were referred in earlier editions of this booklet) for cars first registered between January 1998 and February 2001. You should make sure that you refer to the source of information that is most appropriate for the age of the car in question. If you have retained a copy of the VCA booklet from an earlier year, remember that there is no need to check both databases once you have found the CO₂ figure for the right model of car and year. If you do happen to find a small discrepancy, then use the lower figure. If you find a larger discrepancy, then contact your HM Revenue & Customs office for advice.

Remember, for cars registered 1 March 2001 and later the new car registration certificate (V5C) is the definitive source of the approved CO₂ emissions figure.

ITEPA 2003 Section 139

Qualifying low emissions cars

A new category of car was introduced from 2008–09. The new category is ‘qualifying low emissions cars’ (QUALECs). These are cars other than type E cars (electric only, see section 46) with a CO₂ emissions figure not exceeding 120g/km exactly. The rounding rule explained in section 44 does not apply: a car with CO₂ emissions of 121g/km is not a QUALEC.

A low appropriate percentage of 10% applies to QUALECs, though any adjustments for diesel cars, either type D or type L, apply (see section 45).

However, there are no further reductions for cars of type B, C, G or H as described in section 45. The only possible appropriate percentages for QUALECs are therefore 10% and 13% (13% for Diesel (Euro IV car) first registered in or after 2006).

For all cars, other than QUALECs, there is a ready reckoner below which gives the appropriate percentages for petrol-powered cars for 2008–09 onwards. See previous editions for earlier years. This is subject to adjustments for cars powered by other fuels as shown at section 45.

Ready reckoner

The ready reckoner below gives the appropriate percentages for a petrol-powered car for 2008–09 to 2010–11 onwards. The exact CO₂ figure is rounded down to the next 5g/km for this purpose (that is, for 188 use 185).

See the example overleaf.

CO ₂ emissions (g/km)	2008–09 to 2009–10	2010 onwards
130	15%	15%
135	15%	16%
140	16%	17%
145	17%	18%
150	18%	19%
155	19%	20%
160	20%	21%
165	21%	22%
170	22%	23%
175	23%	24%
180	24%	25%
185	25%	26%
190	26%	27%
195	27%	28%
200	28%	29%
205	29%	30%
210	30%	31%
215	31%	32%
220	32%	33%
225	33%	34%
230	34%	35%
235	35%	35%

This is subject to adjustments for cars powered by other fuels as shown at section 45.

Example

The appropriate percentage for a petrol car:

- Price of the car is £15,000. Approved figure of CO₂ emissions is 163g/km.
- Round 163 down to 160.
- Look up percentage for 2008–09 in ready reckoner – 20%.
- No adjustments are required (see section 45), so this is the appropriate percentage.
- The figure at Step 6 for 2008-09 is £15,000 x 20% = £3,000.

Appropriate percentage is also 20% for 2009–10 and 21% for 2010–11 onwards.

44 Cars first registered on or after 1 January 1998 without an approved CO₂ emissions figure

ITEPA 2003 Section 140

The appropriate percentage for the very few cars with an internal combustion engine and one or more reciprocating pistons but without an approved CO₂ emissions figure is based on their engine size, as follows.

Cylinder capacity of car in cubic centimetres	Appropriate percentage
1,400 or less	15%
More than 1,400 but not more than 2,000	25%
More than 2,000	35%

If the car does not have an internal combustion engine with reciprocating pistons, the appropriate percentage is:

- 15% if it is propelled solely by electricity (for example by a battery)
- 35% in any other case (for example a car with a rotary Wankel engine).

This is subject to adjustments for cars powered by other fuels as shown at section 45.

45 Cars first registered on or after 1 January 1998: adjustments to the appropriate percentage

ITEPA 2003 Sections 137 and 141, SI 2001 No 1123

The following adjustments are made to the appropriate percentage obtained from sections 43 and 44.

See the examples on page 17. Only the adjustments for type D and type L cars apply to QUALECs (see section 43).

Type of fuel	P11D code	Standard adjustment from 2006–07	Other adjustments
Petrol	P	none	none
Diesel (car not Euro IV)	D	supplement: 3% (see note 4)	none
Diesel (Euro IV car – note 1) first registered before 2006	L	cancel type D supplement, above	none
Diesel (Euro IV car – note 1) first registered in or after 2006	L	supplement: 3% (see note 4)	none
Electric only	E	reduction: 6%	none
Hybrid electric (note 2)	H	reduction: 3%	none
Gas only	B	reduction: 2%	none
Bi-fuel with CO ₂ emissions figure for gas (note 3)	B	reduction: 2%	see note 5
Car manufactured to be able to run on E85 (see note 6)	G	Reduction: 2% (from 2008–09 only)	none
Bi-fuel conversion, or other bi-fuel not within type B	C	none	none

Notes:

- 1 Diesel cars approved to Euro IV emissions standards were first sold on the UK market in 2003. They must meet all of the following standards:
 - carbon monoxide (CO) not exceeding 0.50 g/km
 - nitrogen oxides (NO_x) not exceeding 0.25 g/km
 - hydrocarbons plus nitrogen oxides (HC+NO_x) not exceeding 0.30 g/km
 - particulate matter (PM) not exceeding 0.025 g/km.
- 2 Hybrid electric cars have an internal combustion engine and a battery electric system capable of propelling the car. It should be clear from the vehicle's documentation if the car is a hybrid electric car.
- 3 Bi-fuel car first registered on or after 1 January 2000 with approved CO₂ emissions figures for both gas and petrol; these cars are type 1 in section 19.
- 4 Subject to the overall maximum of 35%
- 5 Adjustment for all years from 2002–03: use lowest CO₂ figure.
- 6 E85 is a mixture of petrol and at least 85% bioethanol.

Example

The appropriate percentage for a diesel car (but not one that meets Euro IV standards):

- Price of the car is £15,000. Approved figure of CO₂ emissions is 161g/km.
- Round 161 down to 160.
- Look up percentage for 2008–09 in section 43 – 20%.
- Add 3% diesel supplement (see section 45), so appropriate percentage is 23%.
- The figure at Step 6 for 2008–09 is £15,000 × 23% = £3,450.
- Appropriate percentage rate is also 23% for 2009–10 and 24% (21 + 3) for 2010–11.

Example

The appropriate percentage for a hybrid electric car:

- Price of the car is £15,000. Approved figure of CO₂ emissions is 104g/km.
- CO₂ emissions figure is exactly 120 or lower, so the car is a QUALEC.
- Appropriate percentage for a petrol-powered QUALEC is 10%.
- The car is neither type D nor type L, so no section 45 adjustments are required.
- The figure at Step 6 is £18,000 × 10% = £1,800.

46 Cars first registered on or after 1 January 1998: reduction for disabled employees

ITEPA 2003 Section 138

If the only car that an employee who holds a disabled person's badge can drive is one with automatic transmission, the appropriate percentage is calculated using the approved CO₂ emissions figure of the closest manual equivalent, which is:

- a car first registered at or about the same time as the automatic car, and
- which does not have automatic transmission, but otherwise is the closest variant available of the make and model of the automatic car.

47 The appropriate percentage for all cars first registered before 1 January 1998

ITEPA 2003 Section 142

The appropriate percentage for every car first registered before 1 January 1998 is based on its engine size, even if (exceptionally) it has an approved CO₂ emissions figure:

Cylinder capacity of car in cubic centimetres	Appropriate percentage
1,400 or less	15%
More than 1,400 but not more than 2,000	22%
More than 2,000	32%

If the car does not have an internal combustion engine with reciprocating pistons, the appropriate percentage is:

- 15% if it is propelled solely by electricity (for example by a battery)
- 32% in any other case (for example a car with a rotary Wankel engine).

Note that the adjustments in sections 45 and 46 do not apply to cars first registered before 1 January 1998.

Step 6 : Calculating the car benefit charge for a full year

48 How do I calculate this?

ITEPA 2003 Section 121(1)

The cash equivalent of the benefit of the car for a full year is calculated by multiplying the figure from Step 4 (the price of the car and accessories) by the appropriate percentage from Step 5.

Step 7 : Reduction for periods when car unavailable

49 When is this reduction available?

ITEPA 2003 Section 143

When the car is unavailable for any part of the year, the figure carried forward from Step 6 is reduced in proportion to the number of days of unavailability.

50 What is the meaning of 'unavailable'?

ITEPA 2003 Section 143(2)

A car is treated as being 'unavailable' on any day if the day:

- falls before the first day on which the car is available to the employee, or
- falls after the last day on which the car is available to the employee, or
- falls within a period of 30 consecutive days or more throughout which the car is not available to the employee. Such a period can span two years.

51 Replacement cars

ITEPA 2003 Section 145

If the normal car is not available for a period of less than 30 days, there is no reduction because the car is not 'unavailable'.

If during that period the employee is provided with a replacement car, it is not also charged as a benefit if:

- it is not materially better than the normal car, or
- it is not provided as part of an arrangement whose purpose was to provide the employee with a materially better car than the normal car. If these conditions are not satisfied the replacement car will be charged as a benefit. The calculation of the car benefit will need to take account of the replacement car's unavailability in the normal way.

Examples

An employee commenced employment on 22 April and a car was made available for private use from that day. The period of unavailability was 6 April to 21 April inclusive, that is 16 days.

A different car was involved in an accident on 3 November. Between that date and 4 December the car was under repair in a garage. On 4 December the employee collected the car from the garage. The car was incapable of being used for a continuous period of 30 days, from 4 November to 3 December inclusive, so it was unavailable for that period. If the car had been repaired and ready for collection on 30 November, the car would only have been unavailable for 26 consecutive days and so would not be treated as unavailable for any part of this period.

Step 8 : Reduction for payments for private use

52 When is this reduction available?

ITEPA 2003 Section 144

Payments that an employee makes for the private use of the car are deducted from the figure carried forward from Step 7 and can reduce the benefit charge to nil. To qualify as a deduction:

- there must be a requirement in the year to make payments as a condition of the car being available for private use, and
- the payments must be specifically for that private use. Payments for supplies or services, such as petrol or insurance, do not count.

Any payments which the employee makes specifically for the private use of a replacement car, as described in section 51 above, are allowed as though they were payments for the private use of the normal car in that period.

If the payment(s) for private use reduce the benefit charge to nil no Class 1A NICs are due.

When an employee reimburses you from their salary, do not deduct the reimbursement from gross pay before calculating the Class 1 NICs and PAYE Income Tax.

Cars with very low CO₂ emissions of exactly 120g/km or below qualify for a new 10% appropriate percentage from 2008–09 (see section 43). The reductions for alternative fuels at section 45 do not apply to these cars, though the diesel supplement will apply to the same cars as it does at present. Full details are included in 480(2009) *Expenses and Benefits - A tax guide*.

Example

Working out the car benefit using all available reductions

An employee is provided with a car on 1 May 2008 for business and private use. The car has a list price of £13,000. It is supplied with automatic transmission and a sunroof as optional extras. These items have a list price of £800. The employee makes a capital contribution of £4,000 towards the car and £200 towards the optional accessories. The employee also pays £50 per month for the private use of the car. CO₂ emissions are 185g/km.

Step 1	find the price of the car	£13,000
Step 2	add the price of any accessories (£13,000 + £800) =	£800 £13,800
Step 3	make any required deductions for capital contribution (£13,800 minus £4,200) =	£4,200 £9,600
Step 4	use the figure from Step 3 or £80,000 - whichever is lowest	£9,600
Step 5	find the appropriate percentage for the car - see Section 40	25%
Step 6	multiply Step 4 by Step 5 (£9,600 x 25%) =	£2,400
Step 7	make deduction for when car is unavailable. The car is unavailable 6 April to 30 April sum equals	25 days
	£2,400 minus ($\frac{25}{365} \times £2,400$) =	£2,235 (rounded down)
Step 8	deduct payments by the employee for private use (11 x £50) =	£550
	Car benefit =	£1,685

53 What is 'business travel'?

ITEPA 2003 Section 171(1)

'Business travel' means travel for which expenses would qualify for deduction if they were incurred by the employee. Broadly, this means travelling expenses which involve two types of business journey. These are:

- journeys which employees have to make in the performance of their duties, **and**
- journeys which employees make to or from a place they have to attend in the performance of their duties - but not journeys which are ordinary commuting or private travel.

Detailed guidance on the types of journey which give rise to qualifying travelling expenses is contained in 490 *Employee Travel - A Tax and NICs Guide for Employers*.

Part 4 Working out the fuel benefit

54 Introduction

This section tells you what NICs are due if you provide fuel to your employees for use in a company car. It also tells you how you work out the fuel benefit.

55 Methods of provision

The general rule is that whatever method you use, for example supply from your own pumps, credit card, voucher or reimbursement of your employees' fuel bills, to provide fuel for private use in a company car, Class 1A NICs will be due on that fuel.

56 Exceptions to this general rule

If you pay a round sum allowance, which bears no relation to the actual expenses incurred, you must include the allowance with the employee's gross pay and pay Class 1 NICs in the normal way.

If you pay a mileage allowance, a liability for Class 1 NICs may arise. Ask the Employer Helpline how this is calculated.

57 What if I provide fuel for business use only?

Fuel supplied for business use only is not taken into account when calculating Class 1A NICs if:

- none of the fuel was used for private purposes, or
- the fuel was used for private mileage but the employee reimbursed the full cost.

58 When is there a car fuel benefit charge?

ITEPA 2003 Section 149

Where fuel is provided for a car the benefit of which is taxed in accordance with Part 3 (referred to below as 'company cars' for short), a **car fuel benefit charge** will normally apply to tax the fuel provided in addition to the car benefit charge.

Accordingly a liability for Class 1A NICs may arise.

The Class 1A NICs you have to pay will depend on:

- whether the fuel is only supplied for business (see section 57)
- whether the employee has fully reimbursed the cost of the fuel used privately (see section 62).

59 Calculating the car fuel benefit charge for a whole year

ITEPA 2003 Section 150

The car fuel benefit charge is calculated by multiplying two figures:

- a fixed sum (£14,400 for 2003–04 to 2007–08 and £16,900 from 2008–09), and
- the 'appropriate percentage' used to calculate the car benefit (see section 40 onwards).

There is never any need to calculate a new appropriate percentage for car fuel benefit. In every case, whether or not the car has an approved CO₂ emissions figure, the appropriate percentage used to calculate the car benefit charge is used to calculate the car fuel benefit charge.

Example

A car powered by petrol has CO₂ emissions of 180g/km, so the appropriate percentage used to calculate the car benefit charge for 2008–09 is 24%.

The fuel benefit charge is £16,900 × 24% = £4,056.

60 Reducing the charge: car unavailable

ITEPA 2003 Section 152(1)

The car fuel benefit charge is reduced proportionately for periods for which the car is unavailable (see section 49). The proportion by which the charge is reduced is the same for both car benefit and car fuel benefit.

61 Reduction because private fuel is withdrawn

ITEPA 2003 Section 152

The car fuel benefit charge is reduced if free fuel ceases to be provided to an employee during the tax year. However, if free fuel is received again later in the same tax year the car fuel benefit is not reduced.

62 Employee reimburses cost of fuel provided for private use

ITEPA 2003 Sections 151(2) and 152 (2)

If the employee reimburses the full cost of any fuel provided for private use, the fuel benefit charge is reduced to nil.

Partial reimbursement by the employee of the cost of fuel provided for private use does not reduce the fuel benefit charge.

If an employee is required to repay the cost of private fuel, they can:

- pay a sum of money
 - directly, or
 - by deduction from pay, or
- replace the fuel used for private mileage by an equal amount of fuel purchased by them.

When an employee reimburses you from their salary, **do not** deduct the reimbursement from gross pay before calculating the Class 1 NICs and PAYE income tax.

Example

Partial reimbursement

An employee is provided with fuel costing £2,000 for the company car in the example at section 59.

The employee reimburses the company by £1,000.

As the employee has failed to fully make good the cost of the private fuel, the car fuel benefit charge still applies and Class 1A NICs are due on the full amount of the charge.

63 Providing fuel for use in an employee's privately owned car

Class 1A NICs may be due if you provide fuel, for example from your own fuel pump or by means of a garage or agency fuel card, for use in an employee's own car. See CWG5(2009) *Class 1A NICs on benefits in kind* for further information.

Part 5 Special cases

64 Introduction

This section deals with some less common situations and some cases where there may be no liability for Class 1A NICs on car and fuel benefits.

Employees going and coming from abroad

65 General

Some employers provide cars to employees who are required to work abroad. These cars may be:

- provided to employees whilst they are abroad
- left behind for their use once they return
- available to family members whilst they are abroad.

For employees going to, or coming from, abroad who are provided with company cars, two factors determine whether there is a Class 1A NICs liability. For Class 1A NICs liability to arise:

- the benefit of the car must be chargeable to income tax under ITEPA 2003, even though tax may not actually be paid, and
- there must be liability for employer's Class 1 NICs for any part of the tax year in which the car was provided for private use. In some cases a liability for Class 1 NICs may arise for only a proportion of a tax year because of the 52 week liability period for people working abroad. Guidance on Class 1 NICs for people working abroad can be found on our website at www.hmrc.gov.uk/nic/work/index.htm

If you are unsure whether an employee, who either comes from or goes abroad, is chargeable to income tax on the provision of a car which is available for private use, please contact your local HM Revenue & Customs Enquiry Centre.

If you are unsure whether you are liable to pay employer Class 1 NICs on earnings paid to the employee or the period for which there is liability to pay Class 1A NICs, contact the Employer Helpline.

Once you have established that a liability for Class 1A NICs arises, the calculation is the same as for any other car.

Liability for Class 1A NICs ceases if liability for Class 1 NICs also ceases. For any such period, the car is treated as being unavailable and you can apply the appropriate adjustment to the amount of Class 1A NICs due (see section 49).

If Class 1A NICs are due for a car provided to an employee who has come from, or is going, abroad you will need to keep the same records as you would for any other car. You may also need to keep a note of the relevant exchange rates, so that you can determine the correct amount of Class 1A NICs due.

Pooled Car ITEPA 2003 Section 167

66 General

There is no tax charge on the benefit of a car if it is a pooled car, used only by employees. Similarly, there is no liability to pay Class 1A NICs for that car or for fuel supplied for that car. There may, however, be a liability for Class 1 NICs if a lump sum or mileage allowance is paid, see CWG2(2009) *Employer Further Guide to PAYE and NICs*.

67 Conditions

A car only qualifies as a pooled car if all of these conditions are satisfied:

- a it is made available to, and actually used by, more than one employee
- b it is made available, in the case of each of those employees, by reason of their employment
- c it is not ordinarily used by one of them to the exclusion of the others
- d any private use by any employee is merely incidental to their business use of it, and
- e it is not normally kept overnight on or near the residence of any of the employees unless it is kept on premises occupied by the provider of the car.

The reference to employees above means any employee irrespective of the level of earnings.

68 Meaning of 'merely incidental'

ITEPA 2003 Section 167(3)(d)

The expression '**merely incidental to**' imposes a qualitative rather than a quantitative test. The use of a car for what is primarily a business journey but embracing some limited private use would be within the terms of b in section 67 above. A simple example might be where an employee who is required to undertake a long business journey is allowed to take a **pool car** home the previous night in readiness for an early morning start. The **office to home** journey although private is, in this particular context, subordinate to the lengthy business trip the following day and is undertaken to further the business trip. In short, it is **merely incidental** to the business use of the car on that occasion. A reservation is necessary in this type of case: if it happened too often, condition 'e' in section 67 above would not be met.

69 Meaning of 'not normally kept overnight'

ITEPA 2003 Section 167(3)(e)

It is accepted that a car is **not normally kept overnight** at or near the homes of employees if the number of occasions on which it is taken home by employees does not amount to more than 60% of the year. But where a car is garaged at employees' homes on a large number of occasions, although for less than 60% of the year, it is unlikely that all the home to work journeys would satisfy the '**merely incidental to**' test in section 68.

70 Inadequate parking facilities

All five conditions at section 67 must be satisfied if the car is to qualify for exemption as a pooled car.

So a car which met the four tests at 'a' to 'd' in section 67, but which was normally taken home at night by an employee because of inadequate parking facilities at the employer's premises, would fail test e in section 67 and would thus not count as a **pooled car**.

71 Car fails any of the conditions for a pooled car

If a car fails any of the conditions for being a pooled car, it may be regarded as a shared car.

Shared cars

SS(C)R 2001 Reg 36

72 General

A shared car can be:

- 1 a car made available for concurrent use by two or more employees by reason of their employment and available for private use by both, or
- 2 a car which is made available for private use to one employee by reason of two or more employed earners' employments with the same or different employers.

For 1, a Class 1A NIC liability will arise in respect of each employee.

For 2, each employment attracts a Class 1A NIC liability. If the two employments are with the same employer, the calculation will need to take into account any differences in the employee's conditions of employment in the separate employments.

73 Working out Class 1A NICs for a shared car

When working out the car benefit for Class 1A NICs purposes in shared car situations, ignore sharers who are:

- employees, other than directors, who are remunerated at a rate of less than £8,500 a year including taxable benefits and taxable expenses
- 'employee directors' who fall into the above category.

The following explains the general principles involved but they will not all apply in all cases.

Step 1

Work out the car benefit for the car as if each employee who shares it had the sole use of the car.

Step 2

The amount of Class 1A NICs can be adjusted after action as in step 1 where:

- an employee has two or more employments with the same or different employers, or
- two or more employees by reason of their respective employments share the car.

The amount of Class 1A NICs due is calculated by dividing the figures at Step 1 by the appropriate number of employments or employees.

See example below.

Example

One car shared by two employees for the whole tax year.

A car in 2008–09 with a price of £15,000 is available to two employees to share for the whole tax year. No fuel is provided for private use. CO₂ emissions are 153g/km.

Step 1

Calculate the car benefit for each car as if each employee had the sole use of it

Employee A

$$18\% \times £15,000 = £2,700$$

Employee B

$$18\% \times £15,000 = £2,700$$

Step 2

Adjust the amount of Class 1A NICs due for each sharer by dividing the total by the number of sharers involved.

Employee A

$$£2,700 \times 12.8\% = £345.60$$

$$£345.60/2 = £172.80$$

Employee B

$$£2,700 \times 12.8\% = £345.60$$

$$£345.60/2 = £172.80$$

Disabled drivers SS(C) R 2001 Reg 38

74 General

Home to work travel is normally regarded as private mileage but there are different rules if cars are provided to disabled drivers.

75 Cars provided to disabled drivers

Class 1A NICs are not payable on cars provided to disabled drivers if the following conditions are satisfied:

- 1 the car is provided to assist the disabled driver in travelling between their home and place of work
- 2 no other private use of the car is permitted or takes place.

76 Private use of a car provided to a disabled driver

If a disabled driver, or a member of their family or household, makes additional private use of a car, with or without your permission, Class 1A NICs will be due.

77 Converting a car for use by disabled drivers

Accessories which are designed specifically for use by disabled drivers, or added at extra cost to adapt a car for use by disabled drivers, such as a modified steering wheel, are excluded from the price of a car when calculating the car's price.

Accessories which are not specifically designed for disabled drivers but are provided to those disabled drivers who hold a disabled person's badge (blue badge holder) are also excluded.

These further accessories are excluded if:

- the disabled driver held the blue badge at the time the car was first made available, and
- they are provided because they enable the employee to use the car in spite of the disability.

Examples such as automatic transmission and electric windows provided to blue badge holders would qualify for this exception, provided they are not standard accessories.

Family or household members

78 Cars provided to a family or household member

The general rule is that if a car is made available to a member of an employee's family or household, it is deemed to be made available by reason of that employee's employment. The family or household member is considered to have received the car because they are connected with the employee, whether or not the same employer employs both.

However, if an employer employs their child and provides a car in their capacity as a parent, Class 1A NICs will not be due. Facts to support such a claim would be that the car had not been treated as a business asset and that no expenses or capital depreciation allowance relating to the car have been allowed as deductions in computing the parents' profits for tax purposes.

ITEPA 2003 Section 721(4)(5)

Unless specified otherwise, members of an employee's family or household include the employee's:

- spouse
- sons, daughters, and their spouses
- parents
- servants
- dependants
- guests.

If you are unsure if a person is classed as a family or household member, please contact your nearest HM Revenue & Customs Enquiry Centre or the Employer Helpline on **08457 143 143** for advice.

79 Exception to the family member rule

ITEPA 2003 Section 169

If a car is provided to an employee (employee A) by reason of their own employment and that employee is a member of the family or household of another employee (employee B), who is also employed by the same employer, liability for Class 1A NICs will arise in respect of employee B for employee A's car, unless:

- there is already liability for Class 1A NICs in respect of employee A because they are either a director or an employee earning at a rate of £8,500 or more a year including taxable benefits and taxable expenses
- there is no liability in respect of employee A because they are neither a director nor employee earning at a rate of £8,500 or more a year, and
 - a equivalent cars are made available on the same terms, to other employees in similar employments with the same employer, who are not related to the directors and those earning at a rate of £8,500 or more, or
 - b the provision of an equivalent car is in accordance with the normal commercial practice for a job of that kind.

Example

A company with a sole director also employs the director's wife. The wife is not a director and is paid at a rate below £8,500. Both are provided with cars. There is no liability for the wife because she is neither a director nor an employee earning at a rate of £8,500, including taxable benefits and expenses.

There is a Class 1A NIC liability for both cars for the director. The car benefit should be calculated on each car independently under the normal rules.

80 Car provided by a third party

SSCBA 1992 Section 10ZA

If a car is made available by someone other than the employee's employer for private use by an employee or member of their family or household because of the employee's employment, any Class 1A NICs are payable by:

- the employee's employer, if they have arranged or facilitated the provision of the car for the employee.
- the third party in all other cases.

See CWG5(2009) *Class 1A NICs on benefits in kind* for further information.

81 More than one car provided

Working out the car benefit for two or more cars provided concurrently

Where two or more cars are provided to an employee concurrently, each car must be treated individually.

Example

Two cars are made available to the same employee concurrently throughout the 2008–09 tax year. Car A has a list price of £15,000 and has CO₂ emissions of 185g/km. Car B has a list price of £13,000 and CO₂ emissions of 175g/km. The employee makes a capital contribution of £3,000 and makes payments for private use of £50 per month in respect of Car B.

To work out the benefit of car A

Work out the full car benefit

25% of £15,000 = £3,750

Car benefit for car A = £3,750

To work out the benefit of car B

Step 1

price of the car £13,000

Step 3

capital contributions (£3,000)

Step 4

price after adjustments £10,000

Step 5

appropriate percentage 23%

Step 6

car benefit for the year £2,300

Step 8

payments for private use £600

Car benefit for car B = £1,700

Working out the car benefit for two or more cars provided consecutively

Where two cars are provided consecutively the benefit chargeable in respect of each car will depend on the length of time each car was unavailable to the employee. They are treated as separate cars with the relevant reductions applied to each car.

82 Cash alternatives to company cars

ITEPA 2003 section 119

Where a car is provided to an employee under a cash alternative scheme, the benefit of the car is taxed under the special rules relating to company cars. NICs are due on what the employee actually receives. That is:

- Class 1A NICs, if they have the benefit of the car
- Class 1 NICs, if they take the cash.

83 Motoring expenses associated with company cars

SS(C) R 2001, Paragraph 7, Part 8, Schedule 3

No NICs, other than Class 1A NICs on the car benefit, are due on motoring costs you pay in connection with a company car. This does not include mobile phones and chauffeurs.

84 Leased cars

Liability for Class 1A NICs depends on who is involved in leasing the car:

- if a car is leased by the employer and available to the employee or director, Class 1A NIC liability arises, or
- if the arrangement for leasing the car is made by the employer, for example the employer negotiates a deal on behalf of the employee or director, Class 1A NIC liability may arise.

If the employee or director makes an independent arrangement to lease the car, there is no Class 1A NIC liability, although there may be Class 1 NIC liability if the employer pays the leasing costs.

85 Vans

For guidance about vans see Chapter 14 of 480(2009) *Expenses and Benefits - A tax guide*.

Part 6 Records and record keeping

86 Other car records

You will need to keep details of the:

- price of the car
- car's date of first registration
- date the car was provided, and
- type of fuel used (petrol, diesel, road fuel gas etc).

You will also need to keep details of:

- periods when a car is unavailable
- any payments made to you by employees and directors for use of the car or fuel used on private journeys.

87 Incomplete or non-existent records

The action you need to take if your records are incomplete or non-existent will depend on what records are missing.

If you do not know the period of unavailability

You cannot make any reduction to the car benefit for unavailability if you have no record of the period(s) that the car was unavailable.

