



Date: ...../...../.....

HMRC PSS SF 74/  
previous reference .....  
(if any)

Our Ref: .....

**Application for an overseas pension scheme to be accepted as a corresponding scheme for the purposes of sections 355 and 390 of the Income Tax (Earnings and Pensions) Act 2003.**

**Incorrect information may lead to tax reliefs not being given or being withdrawn**

1	Overseas employer name	..... .....
2	Title of overseas retirement benefit scheme	..... .....
3	Country in which the scheme is recognised as a scheme for the provision of relevant benefits by the tax or supervisory authorities (see note 1)	..... .....
4	If the scheme is set up under trust, state the country where the trustees are resident (see note 2)	.....
5	Does the UK-based member's employer, or an employer in the same group have an operating presence in each country entered at 3 or 4, above? (see notes 3 and 4)	<b>Yes / No *</b>
6	Name of 'sponsor', 'founder', or 'principal employer' of the scheme, if it is not the employer at 1, above.	.....
7	Name(s) and reference(s) of the United Kingdom Tax Office(s) dealing with the tax affairs of UK-based members	..... ..... .....

**Name and Address for Contact Purposes**

Name:

Address For Official  
Correspondence:

Telephone:   
Facsimile:

**Declaration by Scheme Administrator, Agent, Sponsoring Employer or Member**  
(See Note 5)

I declare that, to the best of my knowledge and belief, the information given in this application is correct and complete. I also declare that, to the best of my knowledge and belief, the retirement benefit scheme referred to overleaf at box 2, "corresponds" to a United Kingdom approved retirement benefit scheme (see note 6).

Signed by administrator/  
agent/ sponsoring  
employer/ member\* .....

Print Name: .....

Date: ...../...../.....

\*delete as appropriate

**Submitting the Application**

Please ensure that you have fully completed boxes 1 to 3, 5 and 7. Please also ensure that you complete boxes 4 and 6 if appropriate. We will reject incomplete applications. Send the completed application form to:

**Pension Schemes Services  
Yorke House  
Castle Meadow Road  
Nottingham  
NG2 1BG**

(Please do not staple this form and keep applications and general correspondence for HMRC (PSS) in separate mailings)

## Notes on Completion

1. If the scheme is recognised in more than one country, please specify all of the countries.
2. If not all of the trustees are resident in the same country, please specify each of the countries of residence.
3. If the total number of countries in Boxes 3 and 4 combined, is more than one, then please specify whether or not there is an operating presence in each of the countries mentioned in these boxes.
4. "Operating presence" should be interpreted as either a permanent establishment (in accordance with the term used in the OECD Model Treaty Commentary) or a location in which the employer or an associated employer carries out a trading activity.

## Notes to Declaration

5. "Scheme administrator" is intended to mean the body performing the administration of the scheme. It is normally the equivalent of the administrator or trustees of a UK approved pension scheme.
- 6 Guidance on the phrase, "corresponds to a United Kingdom approved retirement benefit scheme", is provided in the Inland Revenue Practice Notes (IR12) (2001), paragraphs 15.16 – 15.17, as follows:-

"15.16 In order for an overseas scheme to be accepted as "corresponding", the following conditions must all be met. They are:

(a) the scheme should be established in a country where the employee was working or resident immediately before being sent to the United Kingdom, or in a country where the employer or an *associated employer* has an operating presence.

In exceptional circumstances, an "international scheme" (i.e. a scheme exclusively for the benefit of employees working outside the country in which the scheme is established) may also be acceptable even where it does not meet the criterion above (see paragraph 15.17 below);

(b) the tax or supervisory authorities of the country in which the scheme is established should recognise it as a scheme for the provision of *relevant benefits*;

(c) the amount of the benefits should be reasonable (for example a pension should not normally exceed 70% of the final salary for an employee with at least 20 years service [with a pro rata amount for periods of service of less than 20 years], or in some cases the usual maximum allowed in the country in which the scheme is established);

(d) the primary purpose of the scheme should be provision of *relevant benefits* which should normally be payable on retirement no earlier than age 50 (unless earlier payment dates are permitted in the country in which the scheme is established) or upon death; and

(e) the contributions to the scheme by the employer and the employee should be reasonable in relation to the benefits to be paid. The level of contributions paid should conform to the actuarial standards of the country where the scheme is established, or in the absence of such standards to United Kingdom actuarial practice.

15.17 An “international scheme “ will normally only be exempt from the location criterion set out in paragraph 15.16(a) if:

- i) it is legally impossible to establish a scheme for the foreign emoluments employee in the jurisdiction of location,
- or
- ii) it is a scheme for a multi-national group to which all expatriate (or at the least career expatriate) employees belong.”

7. Please note that any claims made in respect of an “international scheme”, should be accompanied by a covering letter providing additional information showing that one of the conditions in PN 15.17 has been satisfied.

### **Data Protection**

The HM Revenue & Customs is a Data Controller under the Data Protection Act. We hold information for the purposes specified in our notification made to the Data Protection Commissioner, and may use this information for any of them.

We may get information about you from others, or we may give information to them. If we do, it will only be as the law permits to

- check accuracy of information
- prevent or detect crime
- protect public funds.

We may check information we receive about you with what is already in our records. This can include information provided by you as well as others such as other government departments. We will not give information about you to anyone outside the HM Revenue & Customs unless the law permits us to do so.