



## COMING TO THE UK – WILL I BE UK TAX RESIDENT?

### HMRC will regard you as **RESIDENT** in the UK if you:

- Are in the UK for 183 days in any tax year
- Come to the UK permanently or indefinitely or for three years or more
- Remain in the UK for at least two years but no more than three years (but you may not be ordinarily resident – see below)
- Work in the UK for an extended period
- Make a series of separate visits and spend 91 days or more in a tax year when averaged over a period of up to three tax years

### HMRC should regard you as **NOT RESIDENT** in the UK if you:

- Make a one off visit
- Are in the UK for a temporary rather than a settled purpose
- Are on holiday
- Work in the UK for a short period  
and in all these cases spend less than 183 days in the UK in the relevant tax year

**But** in determining your residence status HMRC will also consider the following factors:

- Whether you have been resident in the UK before – if so, did you cease to be UK resident?
- How many days you spend in the UK
- The pattern and regularity of your presence in the UK
- Your family, social and work ties to the UK
- Your accommodation arrangements

### HMRC will regard you as **ORDINARILY RESIDENT** in the UK if you:

- Come to the UK for a settled purpose, for example, to live or work in the UK for three years or more
- If you own or lease accommodation on a long lease of three years or more this is an indication that your presence forms part of a settled purpose – but ownership of the property does not of itself make you ordinarily resident if you dispose of it within three years
- You can still be ordinarily resident even if you leave within three years if, for example, your purpose for being here was settled when you first came here

### Day counts

You must count any day spent in the UK if you are here at midnight. You do not need to include days of transit including if you arrive one day and leave the next so long as you do not engage in

any activities unrelated to your journey while in the UK. This is HMRC general practice and will not necessarily be appropriate in all cases.

*The residence and ordinary residence rules are very complex and the above information is intended to provide broad guidance only. As the interpretation of the rules and the precise time when you first become UK tax resident depends on the facts and your intentions no action should be taken without obtaining tailored tax advice based on your own personal circumstances. This guidance is correct as at 29 March 2011 but the rules may change. In particular, a new statutory residence rule has been proposed and is likely to be introduced with effect from 6 April 2012. This should make it much easier to determine residence status.*

For more details in relation to becoming UK tax resident please contact Marcus Parker on +44 20 7430 7181 or at [marcus.parker@nqpllp.com](mailto:marcus.parker@nqpllp.com)