

United Kingdom/United States of America Double Taxation Convention (SI 2002 Number 2848)

- Application for relief at source from United Kingdom income tax
- Claim to repayment of United Kingdom income tax on income paid on or after 1 May 2003

This form is for use by an individual resident of the United States receiving pensions, incapacity benefit, purchased annuities, interest or royalties arising in the UK.

Please use the **Guidance Notes for form US/Individual 2002** to help you complete this form and

- Give **ALL** the information requested and **attach supporting documents** where necessary. If you need more room, attach a separate sheet. Remember to sign the **declaration** in Part E.
- If you claim repayment of UK income tax, attach the **tax deduction certificates** (originals, not photocopies)
- Send the completed form US/Individual 2002 to **United States Internal Revenue Service, US Residency Certification Unit, PO Box 16347, Philadelphia PA 19114-0447.**

Note: *In making this application/claim, you are consenting to the Internal Revenue Service certifying to the UK Inland Revenue that you are resident in the United States for the purposes of United States tax. See Guidance Note 2.*

If you need help with this form, please write to **Inland Revenue - Centre for Non-Residents, Fitz Roy House, PO Box 46, Nottingham, England NG2 1BD.** Or phone the Centre for Non-Residents during UK office hours. Our contact numbers are + **44 151 210 2222** if calling from outside the UK, or **0845 070 0040** if calling from the UK.

Part A Your personal details

Please "✓" as appropriate

Full name Mr Mrs Miss Ms Other (specify) _____

Full residential address _____

Telephone number at which the UK Inland Revenue can contact you with any queries _____

Details of your tax adviser or other person (if any), whom you wish the Centre for Non-Residents to contact about the information given on this form. See Guidance Note 3.

Name and address of adviser etc. _____

Telephone number _____

Fax number _____

Reference (if any) or contact name _____

Please give:

Your date of birth

day	month	year
-----	-------	------

Your United States Internal Revenue Service Account Number

Your United States Social Security Number

The location of the Service Center where your latest tax return was filed and the date on which it was filed.

For use by the United States Internal Revenue Service, US Residency Certification Unit

Please affix your official stamp and attach form 6166. Then send this form to Inland Revenue – Centre for Non-Residents, Fitz Roy House, PO Box 46, Nottingham, England, NG2 1BD. You may wish to take a copy of this form for your records.

Please '✓'

Form 6166 attached.

Official Stamp

Part B Please answer the following questions

1 Have you ever lived in the United Kingdom?

If 'Yes',

- give your UK **National Insurance Number** 
- give your exact date of departure from the United Kingdom
- give the date on which you became resident in the United States for United States tax purposes.

Yes

No

--	--	--	--	--

2 Have you been in the United Kingdom during the past four years for as much as

(a) 3 months a year on average?

(b) 6 months in any one tax year? (*a UK tax year starts on 6 April*)

Yes

No

Yes

No

If 'No' to both (a) and (b), go to question 3 now.

If either answer is 'Yes', give details on a separate sheet, then go to question 3.

3 Have you made any previous claim or return of income for the purpose of United Kingdom tax?

Yes

No

If 'Yes'

- give the name of the Tax Office and the reference number, or
- give your last private address and the name and address of your last business or employer in the United Kingdom

4 Are you engaged in any trade or business in the United Kingdom?

If 'Yes', give details on a separate sheet.

Yes

No

5. Are you a United States citizen?

If 'No' go to question 6

If 'Yes' go to question 7

Yes

No

6. Are you an alien of the United States admitted for permanent residence? ('Green card' holder.) 

Yes

No

7. Do you have a **permanent home** in the United States?

If 'No', say on a separate sheet why you think that you qualify for benefits under the terms of this Double Taxation Convention.

Yes

No

8. Are you resident for tax purposes in any country **other than** the United States?

Yes

No

If 'Yes', give details on a separate sheet.

Answer the following question if you are including in this form **interest, royalties or other income** as provided for in the Double Taxation Convention under Articles 11, 12 and 22 respectively. The question does **not** apply to pensions, incapacity benefit or purchased annuities.

9. Is any of the income to which this claim refers paid under, or as part of, a 'conduit arrangement' as defined in Article 3(1)(n) of this Double Taxation Convention? Yes No

 (See Guidance Note 9)

Part C Application for relief at source from UK income tax

See Guidance Note 4

Complete Parts C1, C2, C3 or C4, as appropriate, to apply for relief at source from United Kingdom income tax.

Part C1 State retirement pension or incapacity benefit

See Guidance Note 5

If you receive a UK State retirement pension or UK incapacity benefit, please '✓' and enter the date on which payments began.

UK State retirement pension date payments began

UK incapacity benefit date payments began

Part C2 Work pension and/or purchased annuities*See Guidance Note 6*

Please

- enter your nationality aside. 
- enter full details of your work pension(s) and/or any purchased annuities below 

My nationality is

If you also wish to apply for an adjustment to be made that takes account of tax already deducted under the Pay As You Earn (PAYE) system from the pension and/or annuity, please '✓' here. 

Note that any adjustment will go back to the **latest** of the following:

- the date on which you became resident in the United States for United States tax purposes,
- the date payments of the income began, or
- the earliest UK tax year which remains in date for claiming repayment of UK income tax. 

Full description of the income and name and address of the UK payer	Payer's reference number	Date(s) on which payable

Part C3 Interest**Important - see Guidance Note 7 before you complete this part.**

If you have already received payments of interest with UK income tax deducted, please **also** complete Part D to **claim repayment** of the tax.

Amount and full title of security	Name and address in which security is registered	Registrar's account number or reference	Due date(s) of the interest

If you receive interest from privately arranged loans, please give the following details on a separate sheet

- Name and address of the UK payer of the interest
- Date of the loan agreement
- Amount of the loan
- Due date(s) of the interest.

Please also attach a copy of the loan agreement. 

Part C4 Royalties*See Guidance Note 8*

- Complete **columns (a) to (c)** below as appropriate, giving the information requested.
- If you have already received payments of royalties with UK income tax deducted, please **also** complete Part D to **claim repayment** of the tax.

For copyright royalties on literary, dramatic, musical or artistic works

- Enter in **column (a)** a full description of the royalties.
- Enter in **column (b)** the date of the contract between you and the UK payer.
- Enter in **column (c)** the **payer's** name and address. If payments are made **through** or **by** an agent in the UK, also enter the agent's name and address.

For other royalties

- Enter in **column (a)** a full description of the royalties.
- Enter in **column (b)** the date of the **licence agreement** between you and the UK payer **and attach a copy of the licence agreement.**
- Enter in **column (c)** the name and address of the UK payer of the royalties.

Column (a)	Column (b)	Column (c)

Repayment of UK tax deducted from income payments already made

- If you have already received payments of the income from the source(s) you have shown above, please complete **Part D** of this form to claim repayment of the UK tax deducted. Then complete the **Declaration in Part E (see overleaf).**
- If no payments of the income have yet been made, go direct to the **Declaration in Part E (see overleaf).**

Part D Claim for repayment of UK income tax deducted

If you have already received payments of income with UK tax deducted, please give details below to claim repayment of the appropriate amount of tax. There is no need to fill in this part if the only income you have included in this form is a pension or annuity from which tax has been deducted under the Pay As You Earn (PAYE) system.

- If you need more room, attach an additional sheet. Then complete the Declaration in **Part E**.
- Please attach the **original** tax deduction certificate for each item that you show. See *Guidance Note 10*.
- If no payments of the income have yet been made, go direct to the Declaration in **Part E**.

Source of income <i>For example "Copyright royalties paid by [name of payer]"</i> NOTE If you receive the income from a trust or estate, enter the name of the trust or estate.	Date of payment of income	Amount of income before UK tax £	Amount of UK tax deducted £
			
Totals			

Part E Declaration (complete this section in all cases)

- I am beneficially entitled to the income from the source(s) included in this form.
- The information I have given in this application/claim is correct and complete to the best of my knowledge and belief.

'✓' as appropriate

- I apply for relief at source from UK income tax and undertake to tell Inland Revenue Centre for Non-Residents if there is any change to the information that I have given in this form. (See *Guidance Note 4*.)

- I claim repayment of £
(enter the total amount of UK income tax from **Part D** above)
and ask you to send the repayment

- direct to me
- to my bank/agent in the UK.
(Enter name and address aside.)

Signature Date

Name and address of **UK** bank/agent



Account/reference number, if any



For official use by the United Kingdom Inland Revenue

Examined _____	Amount repaid: £ _____ : _____
Authorised _____	CNR Date stamp

Guidance Notes for form US/Individual 2002

- Use these Notes to help you complete form US/Individual 2002. If you need further information, please contact **Inland Revenue – Centre for Non-Residents**. Our address, telephone and fax numbers are in Note 12.

1. Purpose of form US/Individual 2002

Form US/Individual 2002 enables you as a resident of the United States to apply under the United Kingdom/United States Double Taxation Convention (*SI 2002 Number 2848 which, for taxes withheld at source, has effect from 1 May 2003*), for relief at source from UK income tax on **UK-source pensions, (including personal pensions and the state retirement pension), incapacity benefit, purchased annuities, royalties and interest**. You may use the form to claim relief in respect of any other income qualifying under Article 22 of the Convention – the 'Other Income' article. It also provides for a claim to repayment of UK income tax in cases where payments of the income have been made with UK tax deducted.

2. Evidence of residence in the United States and where to send the completed form

It is a condition of relief from UK income tax under the terms of the United States/United Kingdom Double Taxation Convention that the beneficial owner of the income is resident in the United States. Your completed form US/Individual will therefore need certification by the US Internal Revenue Service as evidence that you are resident in the United States. Please send the completed form to the **Internal Revenue Service, US Residency Certification Unit, PO Box 16347, Philadelphia, PA 19114-0447**.

3. Confidentiality

All the information that you provide to the Centre for Non-Residents is confidential. We can therefore only discuss your tax affairs with you or any tax adviser named by you.

4. Relief at source from UK income tax on future income payments

Relief at source from UK income tax on future payments of income may be available in cases where the Centre for Non-Residents is able to exercise its discretion to issue a notice (under Statutory Instrument 1970 Number 488, as amended). The Centre for Non-Residents deals with each application on its merits. Where the Centre for Non-Residents cannot agree to allow relief at source or cannot arrange it, you can claim **repayment** of the UK tax deducted.

The declaration in Part E of form US/Individual 2002 includes an undertaking to tell Inland Revenue Centre for Non-Residents if there is any change to the information that you have given on the form.

5. UK State retirement pension or incapacity benefit

The UK State retirement pension, or UK Incapacity Benefit, is normally liable to UK income tax. As a resident of the United States you can apply to have this income exempted from UK income tax.

6. UK Pensions from former employers, other occupational and personal pensions and purchased annuities

Certain types of pension and most annuities from the UK, paid to you as a United States resident, can be exempted from UK income tax. If your application includes a UK National Insurance Retirement pension we can also exempt this from UK income tax.

If however you receive a pension paid by the UK for **service to the UK Government or a local authority**, there are special provisions in the agreement. Your pension from that employment will be exempt from UK tax **only** if you are a **United States national** as well as being resident there.

If these provisions mean that your pension will be taxed in the UK, you may be able to claim UK personal allowances, provided that you satisfy certain conditions. Details are in booklet IR20 'Residents and non-residents'. If you have any questions or wish to make a claim, please contact

- **For pensions paid for service to a UK local authority:**
Centre for Non-Residents at the address in Note 12.
- **For pensions paid for service to the UK Government:**
Inland Revenue South Wales Area MU2, Ty Glas, Llanishen, Cardiff, Wales CF14 5YA.
Telephone + 44 2920 501290 if calling from outside the UK, or 0845 300 3949 if calling from the UK.

7. UK Interest

Interest can be paid to you with no UK tax deducted. Any UK tax that has been deducted can be repaid to you in full.

◆ **Interest from securities**

UK tax is deducted from interest on loan stocks issued by

- companies which are **not quoted** on the Stock Exchange and
- local authorities

that is paid to persons who are outside the UK. We may be able to arrange for interest on these stocks to be paid with no UK tax deducted, as explained in note 4.

Interest from the following UK sources is paid with no UK tax deducted, so there is no need to apply for relief from UK tax at source. Please **do not** enter in Part C3 of form US/Individual 2002

- interest from company loan stocks quoted on the Stock Exchange (*paid automatically without deduction of UK tax*)
- interest from UK government securities (*paid automatically without deduction of UK tax*).

Additionally, some UK banks and building societies operate a scheme for payment of interest without deduction of UK tax to non-residents. Ask your UK bank or building society for information. The Centre for Non-Residents cannot arrange for payment of bank or building society interest with no UK tax deducted, so again, please do not enter such interest in Part C3 of the form.

If you have already received any interest with UK tax deducted, you may claim **repayment** of the tax by completing **Part D** of the form.

◆ **Other interest**

Where interest is payable on a loan to a UK resident individual or company, the Centre for Non-Residents routinely asks the UK Tax Office dealing with the tax affairs of the payer of the interest for a report. We can do this **before** we receive the certified form US/Individual 2002 if you send us

- a copy of the loan agreement(s) *and*
- an advance copy of the completed form US/Individual 2002.

But please remember that the Centre for Non-Residents cannot finalise matters until we have received a satisfactory certified form US/Individual 2002.

8. UK Royalties

Most royalties can be paid to you with no tax deducted. Any UK tax that has been deducted can be repaid to you in full.

The Double Taxation Convention allows relief only to the **beneficial owner** of the royalties. The beneficial owner is normally the originator of the work or product.

◆ **Copyright royalties for literary, dramatic, musical or artistic works**

If you are **not** the originator but have acquired the rights, please attach to the form US/Individual 2002 a copy of the licence, contract or assignment under which you have acquired the UK rights. This will help the Centre for Non-Residents to check that the beneficial ownership condition in the Double Taxation Convention is satisfied.

◆ **Other royalties**

Please attach to the form US/Individual 2002 a copy of the licence agreement between **you** and the **UK payer** of the royalties. If you are **not** the originator of the product giving rise to the royalties but have acquired the rights, please also attach a copy of the licence, contract or assignment under which you have acquired the UK rights.

9. **'Conduit arrangement'**

This note applies if you include in the form US/Individual 2002 interest, royalties or other income as provided for in the Double Taxation Convention under Articles 11, 12 and 22 respectively.

Question 9 on form US/Individual 2002 asks whether any income to which the claim refers is paid under a 'conduit arrangement'. The definition in Article 3(1)(n) of the Double Taxation Convention is as follows:

"(n) the term "conduit arrangement" means a transaction or series of transactions:

(i) which is structured in such a way that a resident of a Contracting State entitled to the benefits of this Convention receives an item of income arising in the other Contracting State but that resident pays, directly or indirectly, all or substantially all of that income (at any time or in any form) to another person who is not a resident of either Contracting State and who, if it received that item of income direct from the other Contracting State, would not be entitled under a convention for the avoidance of double taxation between the state in which that other person is resident and the Contracting State in which the income arises, or otherwise, to benefits with respect to that item of income which are equivalent to, or more favourable than, those available under this Convention to a resident of a Contracting State; and

(ii) which has as its main purpose, or one of its main purposes, obtaining such increased benefits as are available under this Convention."

10. **Repayment claims and tax deduction certificates**

If you have completed **Part D** of the form US/Individual 2002 to claim repayment of UK income tax, you **must** attach the **original** UK tax deduction certificate(s) to the completed form. If you do not send the tax certificate(s) your claim will not be valid. The Centre for Non-Residents cannot accept photocopy certificates as evidence for repayment purposes.

11. **Election to make a claim under the prior Double Taxation Convention**

Article 29(3)(b) of the Double Taxation Convention as amended by Protocol, includes a provision for a claimant to elect to make a claim under the prior Convention (SI 1980 Number 568) where that Convention provides greater benefits.

Please note that

- it is for **you as the claimant** to decide whether to elect, where you judge that the benefits are greater under the prior Convention
- any **election** must be made in writing to Inland Revenue Centre for Non-Residents, Fitz Roy House, PO Box 46, Nottingham, England NG2 1BD (giving your full name and, if known, your CNR reference ['FD 13...']),
- if an election is made, then the prior Convention **will apply in its entirety**, to all relievable UK source income arising over the period of **12 months** from 1 May 2003 and not just to the income included in a specific claim.

12. **Help or further information**

If you need help or further information, please

- write to **Inland Revenue, Centre for Non-Residents, Fitz Roy House, PO Box 46, Nottingham, England NG2 1BD**
- **or**, phone the Centre for Non-Residents during UK office hours, Monday to Friday. Our contact numbers are **+ 44 151 210 2222 if calling from outside the UK,** or **0845 070 0040 if calling from the UK**

Our fax number is + 44 115 974 1918 from outside the UK, or 0115 974 1918 from the UK.

Please quote your Centre for Non-Residents reference number (for example 'FD13/A/123456') whenever you contact us.

You can also get further information about double taxation relief by visiting the Centre for Non-Residents website:

www.inlandrevenue.gov.uk/cnr/

Our service commitment to you

The Inland Revenue and Customs & Excise are committed to serving your needs well by

Acting fairly and impartially

We

- treat your affairs in strict confidence, within the law
- want you to pay or receive only the right amount due.

Communicating effectively with you

We aim to provide

- clear and simple forms and guidance
- accurate and complete information in a helpful and appropriate way.

Providing good quality service

We aim to

- handle your affairs promptly and accurately
- be accessible in ways that are convenient to you
- keep your costs to the minimum necessary
- take reasonable steps to meet special needs
- be courteous and professional.

Taking responsibility for our service

- We publish annually our customer service aims and achievements.
- If you wish to comment, or make a complaint, we want to hear from you so we can improve our service. We advise you how to do this.

We can provide better service if you help us by

- keeping accurate and up to date records
- letting us know if your personal/business circumstances change
- giving us correct and complete information when we ask for it
- paying on time what you should pay.

Further information on customer service is available at Inland Revenue and Customs and Excise local offices, set out in our Charters, complaints leaflets (IR120 and Notice 1000) and Codes of Practice.

The Inland Revenue is a Data Controller under the Data Protection Act. We hold information for the purposes specified in our notification 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 the accuracy of information
- prevent or detect crime, or
- 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 by others such as other government departments and agencies and overseas tax authorities. We will not give information about you to anyone outside the Inland Revenue unless the law permits us to do so.

These notes are for guidance only and reflect the UK tax position at the time of writing. They do not affect any rights of appeal.