

Contacts

Please phone:

- the number printed on page TR 1 of your tax return
- the SA Helpline on **0845 9000 444**
- the SA Orderline on **0845 9000 404** for helpsheets

or go to
www.hmrc.gov.uk

Living accommodation

This helpsheet (including the Working Sheet on pages 3 and 5) will help you to work out the amount to enter in box 14, on page E 1 of your *Employment* page, if you are provided with living accommodation because of your employment.

Your income from employment includes the value of any living accommodation you or your relations get by reason of your employment. That value is made up of a basic calculation, with an additional calculation if the accommodation cost more than £75,000.

What is living accommodation?

Living accommodation is any accommodation that you can live in, whether you live there all the time or only occasionally. It includes houses, flats, houseboats, holiday homes and apartments.

Living accommodation does not include hotel rooms or board and lodgings, where you are dependent on someone else for cooking, cleaning or laundry, etc. But look at the notes for boxes 13 and 15 in the *Employment notes* to decide if you need to make an entry in either box for hotel, board or lodging expenses etc.

Is there a choice to live in or live out?

If:

- you can choose between taking living accommodation offered by your employer or getting a higher cash wage and arranging your own living accommodation, and
- the extra wages you could get are more than the value of the living accommodation you enter in box 14

enter the excess in box 13. Use the Working Sheet below to calculate the amount to enter in box 13.

If the extra wages are less than (or the same as) the value of the accommodation, just fill in box 14.

Working Sheet

Amount of extra wages* you could have got

A £

Value of accommodation** to be entered in box 14

B £

Amount to enter in box 13 (*box A minus box B*) (enter '0' if less than zero)

C £

* Enter the amount of extra wages for the year or, if the living accommodation was not provided to you for the whole year, the amount for the period it was provided.

** Before any deduction for part of the living accommodation used exclusively for the duties of your job (see Step 6 in the Working Sheet on page 3).

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Cash allowances and rent paid

If you get an accommodation or rent allowance or have your rent paid for you, do not put it in box 14. Put it in box 13 instead.

Is my living accommodation exempt from tax?

Some living accommodation provided is exempt from tax. The rules for exemption are that:

- the living accommodation is necessary for the proper performance of the duties of your job, or
- you are in the kind of employment where it is customary for living accommodation to be provided and the living accommodation enables you to perform your duties better, or
- you face a special threat to your security because of your job, and you live in the living accommodation as a part of special security arrangements in force to protect you.

Most company directors cannot claim exemption under the first two categories. Ask the SA Orderline for booklet 480 *Expenses and benefits – A tax guide* or go to www.hmrc.gov.uk if you want more details about this.

The main occupations which satisfy the rules for exemption are:

- agricultural workers living on farms or agricultural estates
- lock-gate and level crossing gatekeepers
- caretakers who live on the premises for which they are responsible where they are on call outside normal working hours
- stewards and greenkeepers who live on the premises they look after
- managers of public houses who live on the premises
- wardens of sheltered housing who live on the premises where they are on call outside normal working hours
- police officers and Ministry of Defence police
- prison governors, officers and chaplains
- clergymen and ministers of religion, unless engaged on administrative duties only
- members of HM Forces
- members of the Diplomatic Service
- managers of newspaper shops that have paper rounds
- managers of traditional off-licences, that is, those with opening hours equivalent to a public house
- in boarding schools where staff are provided with accommodation on or near the school premises – the head teacher, other teachers with pastoral or other irregular contractual responsibilities outside normal school hours (for example, housemaster), bursar, matron, nurse and doctor
- veterinary surgeons who live close to the practice in order to respond regularly to emergency calls
- managers of camping and caravan sites living on, or near to, the premises
- stable staff of racehorse trainers, who live on the premises and certain key workers who live close to the stables.

Please ask us if you want more details.

Working Sheet to calculate the taxable value of living accommodation that cost £75,000 or less

If you had living accommodation, and it has a rateable value and cost £75,000 or less and you do not share it with any other employees, Steps 1 to 7 will work out taxable amount X. This is the basic calculation.

If the living accommodation cost more than £75,000, the value of the benefit is the sum of taxable amount X (at Step 7) plus taxable amount Y (see the Working Sheet for Step 8 on page 5).

Ask your employer for information about the cost of the living accommodation. If you share the living accommodation with other employees, or if it does not have a rateable value, or if you need more information, use booklet 480 *Expenses and benefits - A tax guide*, available from the SA Orderline and at www.hmrc.gov.uk, or ask us or your tax adviser for help.

Step 1

Find out if the person who bears the cost of providing you with the living accommodation (this will usually be your employer but may have been someone else) pays rent and/or a lease premium for the property. Enter the total of the yearly rent and any amount attributed in respect of a lease premium in box A. For example, your employer may pay rent of £5,000 and no lease premium. If so, enter £5,000 in box A. If your employer has paid or will pay a lease premium for the property, refer to 'How to calculate the amount to attribute in respect of a lease premium' on page 4.

A £

Step 2

Find out what the gross rateable value was when the property was last rated. If the property was in Scotland multiply this figure by $\frac{100}{270}$. Enter this in box B. For example, a property in England may have had a rateable value of £500. If so, you would enter £500 in box B. (If the property was in Scotland and it had a rateable value of £1,350 you would again enter £500 in box B as $\frac{100}{270} \times £1,350 = £500$.)

B £

Step 3

Enter in box C the higher of box A or box B*. In the example this would be the £5,000 rent paid. If your employer had owned the property and not paid rent you would enter £500.

C £

Step 4

If you pay any money for the living accommodation (to the person mentioned at Step 1), enter in box D the total you paid for the year unless the amount in box C is less than what you pay. If so, copy box C to box D.

D £

Step 5

Subtract box D from box C. Enter the result in box E. For example, if you paid £30 a week to your employer throughout the year you would subtract £1,560 (£30 x 52) from £5,000, and enter the result, £3,440, in box E.

E £

Step 6

If any part of the living accommodation is set aside exclusively for the duties of your job then multiply the amount in box C (or box E, if appropriate) by the fraction that the part makes of the whole accommodation. This is the business use amount. For example, if one room is a study that you use all the time for work, and that room is $\frac{1}{7}$ of the whole living accommodation, then the business amount is £492 (£3,440 x $\frac{1}{7}$).

Business use amount £

Step 7

Subtract the business use amount (if any) from box C or box E, as appropriate. This is taxable amount X. In the example, taxable amount X would be £2,948 (£3,440 minus £492).

Taxable amount X £

Enter taxable amount X in box 14 in your *Employment* page unless the living accommodation cost more than £75,000. If so, there may be an additional calculation. Follow Step 8 on page 5 if you need to do the additional calculation and work out taxable amount Y.

* If the living accommodation was provided to you for part of the tax year only, take an appropriate proportion of the higher figure. For instance, if the accommodation was first provided to you on 6 October 2011, the appropriate proportion would be: $\frac{183}{366} \times £5,000 = £2,500$.

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How to calculate the amount to attribute in respect of a lease premium

Where a lease premium is payable and the property is subject to a lease for a term of 10 years or less which was entered into or extended on or before 22 April 2009, in addition to any rent payable, an amount is to be attributed in respect of the lease premium.

An attribution is not required if the property consists of premises or a part of premises that are mainly used for purposes other than the provision of living accommodation. For example, where the premises are mainly used as a shop and the living accommodation consists of a flat above the shop.

If an attribution is required, the lease premium is treated as rent paid and spread over the duration of the lease. The amount to be attributed in respect of a lease premium is given by the formula A/B multiplied by C where:

A is the taxable period (in days). This will generally be the period in the tax year in which the accommodation is provided

B is the term of the lease (in days)

C is the total amount of lease premium that has been paid or will be payable by the provider.

There are special rules for attributing the lease premium for leases with break clauses. For this purpose, a break clause is a provision of a lease that gives a person a right to terminate the lease which can be exercised in such a way that the term of the original lease will be 10 years or less. The Employment Income Manual (that you can find on our website) contains guidance on the application of these rules.

Example

On 1 October 2011, an employer enters into a lease of living accommodation that it provides rent-free to an employee from that date. The lease is for a term of five years and does not contain a break clause. Under the lease, the employer pays rent of £120 per calendar year and a premium of £70,000 payable in two instalments, £30,000 on 1 October 2011 and £40,000 on 1 October 2012.

For 2011-12:

A is 188 days (1 October 2011 to 5 April 2012)

B is 1,827 days

C is £70,000

The amount of lease premium to be attributed will be A/B multiplied by $C = £7,203$.

The amount to enter in box A (Step 1) would be £7,263 which is the total of the rent payable for the taxable period (£60) and the amount of lease premium attributed (£7,203).

Working Sheet to calculate the taxable value of living accommodation that cost more than £75,000

Step 8

Use this section to work out taxable amount Y* if the living accommodation cost more than £75,000. The cost includes expenditure incurred in acquiring an estate or interest in the property. For example, a premium paid under a lease is part of the cost of the property.

Enter in box F either:

- the cost of the living accommodation (including the cost of improvements** made to it since it was acquired), or
- if you first occupied the living accommodation after 30 March 1983, and your employer*** held an interest in it throughout a period beginning six years before you first occupied the living accommodation, the market value of the accommodation at the date you first occupied it, plus the cost of any subsequent improvements.**

Cost of the living accommodation (including cost of improvements)**

F £

Payments made by you towards that cost or for the grant of a tenancy

G £

Subtract box G from box F. Enter the result in box H

H £

Enter in box J the figure in box H minus £75,000

J £

Multiply the figure in box J by 4% (official rate of interest at 6 April 2011)

K £

If the living accommodation was provided for part of the tax year only, enter here the number of days it was provided

days

Divide the number of days by 366. Multiply the result by the figure in box K and enter this in box L

L £

Enter in box M the rent you pay for living accommodation

M £

Enter in box N the amount of any rent that you have already included in box D

N £

Subtract the figure in box N from the figure in box M. Enter the result in box P

P £

Subtract the figure in box P from the figure in box K (if the accommodation was provided for the whole tax year), or subtract the figure in box P from the figure in box L (if the accommodation was provided for only part of the tax year)

Enter the result in box Q

Q £

If part of the accommodation was set aside exclusively for your job, multiply the figure in box Q by the fraction you used at Step 6 to work out the business use amount.

This is the business use amount

Business use amount

£

Subtract the business use amount from the figure in box Q. This is taxable amount Y

Taxable amount Y

£

+

Enter taxable amount X from Step 7

Taxable amount X

£

=

Add taxable amount X to taxable amount Y. Enter the total in box 14 in your *Employment* page

£

* If taxable amount X is based on the full open market rent, then ignore Step 8 and taxable amount Y.

** Do not include improvements made in the 2011-12 tax year.

***Or whoever provided the accommodation to you, or a connected person.

