



This Statutory Residence Test (SRT) Flowchart provided by DS Burge & Co is intended only to provide a general overview of determining residence status in the UK from a tax perspective.

While we make every effort to ensure its accuracy, the information contained on this PDF may not be complete, may have changed or may not be relevant to or appropriate for your circumstances. The information in this PDF is not intended as legal, financial or tax advice. Please consult HMRC's documentation for full guidance, or alternatively get in touch with our team for professional advice tailored to your individual situation.

### **Split Year**

Under the SRT, an individual is either UK resident or non-UK resident for a full tax year, and at all times in that tax year.

However, if during a year the individual starts to live or work abroad, or comes from abroad to live or work in the UK, the tax year will be split into 2 parts, if their circumstances meet specific criteria:

- a UK part for which they will be charged to UK tax as a UK resident
- an overseas part for which, for most purposes, the individual will be charged to UK tax as a non-UK resident.

### **Days Spent**

A number of the SRT tests require a count of the number of days an individual spends in the UK. Days an individual is present in the UK at the end of the day count as a day spent in the UK. If an individual is not present in the UK at the end of the day, that day will not count as a day spent in the UK. This is subject to the deeming rule.

### **Working full-time overseas (WFTO)**

An individual will be considered to work full-time overseas if they meet the sufficient hours test, as calculated over the tax year (average of 35 hours per week disregarding certain days).

### **All Homes are in the UK**

An individual will be UK resident for the tax year if they have, or have had, a home in the UK for all or part of the year and the following all apply:

- there is or was at least one period of 91 consecutive days when they had a home in the UK
- at least 30 of these 91 days fall in the tax year when they have a home in the UK and they've been present in that home for at least 30 days at any time during the year
- at that time they had no overseas home, or if they had an overseas home and they were present in it for fewer than 30 days in the tax year

### **Works Sufficient Hours in the UK (WSHUK)**

The individual must work sufficient hours in the UK over a 365 day period (average of 35 hours per week disregarding certain defined days where all or part of the 365 day period is in the current tax year) with no significant breaks from UK work.

### **Work Days / Work Tie Test**

Work Days in the context of SRT is defined differently to a 'day'. A Work Day is counted if the individual completes 3 hours of work a day in the UK for at least 40 days in that year. It does not matter whether the days are continuous or intermittent.

On any day an individual makes a cross-border trip starting in the UK, they will be treated as having worked more than 3 hours in the UK on that day.

### **Sufficient Ties Test**

An individual will use the sufficient ties test to work out their UK residence status for the tax year if they do not meet either the automatic overseas tests, or the automatic UK tests.

They will need to consider their connections to the UK, known as 'ties', to work out if their ties, taken together with the number of days they spend in the UK, will make them resident in the UK for that particular tax year.

### **UK Family Tie**

The individual will have a family tie for the tax year under consideration if any of the following people are UK resident in their own right, for tax purposes for that year:

- their husband, wife or civil partner (unless they are separated)
- their partner if they are living together as husband and wife, or as civil partners
- their child, if under 18 years old

For the purposes of the SRT, HMRC will use the same principles applied to tax credits to determine if people are living together as husband and wife, or civil partners.