

MARKET BULLETIN

REF: Y4819

Title	Non-UK tax resident members
Purpose	<i>To provide an update to bulletin Y4813 issued on 15 July 2014 and provide revised forms for completion, certifying UK tax residency</i>
Type	Event
From	Simon Claydon, Head of Tax +44 (0) 207 327 6839; simon.claydon@lloyds.com
Date	13 August 2014
Deadline	27 November 2014
Related links	n/a

Market bulletin Y4813 issued on 15 July 2014 advised that all members of Lloyd's wishing to underwrite during 2015 would need to provide a declaration of UK tax residency. Subsequent discussions with HMRC have led us to conclude that in order to provide a robust audit trail for the declaration we also need details of each member's/partner's Unique Taxpayer Reference (UTR).

The attached declarations of UK tax residency have been amended to accommodate the provision of a UTR. In addition, the declaration has been amended to incorporate confirmation that Lloyd's will be notified should any of the declarations regarding tax residency or beneficial ownership change.

All other information provided in the previous bulletin remains unchanged.

Declarations already submitted

Direct Corporate Participants (DCPs) that have already submitted a declaration should provide their UTR to Lloyds-Tax-Operations@lloyds.com quoting their Lloyd's membership number. All other members, that have **already** provided a declaration, should provide their UTR to their member's agent. Please also note the requirement to advise Lloyd's should the declarations given in relation to tax residency and beneficial ownership change.

If members have any queries concerning this bulletin then they should contact their members' agent in the first instance. Queries from Direct Corporate Participants can be addressed to Philip Waghorne, Tax Operations (philip.waghorne@lloyds.com).

DECLARATION OF UK TAX RESIDENCY & STATUS OF BENEFICIAL OWNER FOR US TAX

COMPANY MEMBERS

For completion by members intending to underwrite for the 2015 Year of Account

Member's name:

Membership no:

Unique Taxpayer Reference (UTR) *see note 6*:.....

Declaration of UK Tax Residency

I, a director of the Member, declare that the Member will be resident in the United Kingdom for tax purposes* for the 2014/15 tax year; and

Tick

I further declare that I fully expect the Member to be resident in the United Kingdom for tax purposes* for the 2015/16 tax year.

* 'resident in the United Kingdom for tax purposes' means as determined in accordance with the provisions of the Corporation Tax Act 2009 and any applicable double taxation arrangements.

Declaration of Status of Beneficial Owner for US Tax

Tick

I, a director of the Member, declare that the information provided to Lloyd's on US tax form W-8BEN-E** or W-9** (as appropriate) has not changed and the form has not expired

or

I, a director of the Member, attach a new W-8BEN-E** or W-9** (where no form is in place, the existing form has expired or circumstances have changed).

** W-8 and W-9 forms are a Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding and Reporting. If you are uncertain which is the correct form to use please consult the Lloyd's tax team or your tax advisers.

In the course of providing tax services to members Lloyd's provides information and market data to tax authorities in the UK and elsewhere in connection with filing tax returns, arranging for Certificates of Tax Residence, meeting broader legal and compliance obligations (e.g. "FATCA" and similar exchange of information requirements), negotiating tax arrangements and managing relationships with tax authorities.

The information provided may include, but is not limited to, information provided as part of a tax return filed on behalf of a member, CTA1 and CTA2 forms, auction transaction data, syndicate participation and tax-status under domestic tax legislation. Unless required to by law, Lloyd's will not discuss the detail of an individual member's tax affairs with any tax authority without express consent.

By signing this form I acknowledge and agree on behalf of the Member that Lloyd's may provide such information in the course of providing tax services to members. I also agree to inform Lloyd's if any of the declarations given above in relation to tax residence or beneficial ownership change.

Signed:
a director of the Member

Date:

GUIDANCE NOTES FOR COMPLETION

1. The purpose of this declaration is to obtain confirmation that the Member will be UK tax resident for the 2014/15 tax year (and fully expects to be for the following tax year), in order to comply with the requirement that all active members of Lloyd's are UK tax resident from 1 January 2015. Confirmation is also sought of the Member's beneficial owner status for US tax purposes.
2. In the section entitled *Declaration of UK Tax Residency*, **both boxes should be ticked**. For the section entitled *Declaration of Status of Beneficial Owner for US Tax*, **only one box should be ticked**.
3. Whether a member is resident in the UK for tax purposes is determined by applying the tests set out in the Corporation Tax Act 2009 and any applicable double tax treaty. Members are advised to consult their tax advisor or their members' agent (if they have one) if they are in any doubt as to how the test applies to them.
4. Only one director need sign the declaration on behalf of the Member. Once the declaration has been signed and dated, it should be returned:
 - (i) if the Member has a members' agent, to that members' agent no later than 30 October 2014;
 - (ii) if the Member is a Direct Corporate Participant, to Lloyd's Taxation no later than 27 November 2014:

Lloyd's Taxation
Fidentia House
Walter Burke Way
Chatham
Kent
ME4 4RN

Email: Lloyds-tax-operations@lloyds.com

The original declaration should be returned wherever possible, otherwise a copy sent electronically would be acceptable.

5. Lloyd's Taxation should be notified immediately in the event that the declarations given in this form cease in any way to be correct.
6. Provision of the Unique Taxpayer Reference (UTR) is mandatory. The UTR is ten digits long and can be located on documents issued by HMRC such as a notice to deliver a company tax return (CT603), or other type of document issued. Depending on the type of document issued the reference may be printed next to 'Tax Reference', 'UTR', or 'Official Use'.

DECLARATION OF UK TAX RESIDENCY & STATUS OF BENEFICIAL OWNER FOR US TAX

INDIVIDUAL MEMBERS

For completion by members intending to underwrite for the 2015 Year of Account

Member's name:

Membership no:

Unique Taxpayer Reference (UTR) *see note 6:*

Declaration of UK Tax Residency

Tick

I declare that I will be resident in the United Kingdom for tax purposes* for the 2014/15 tax year; and

I further declare that I fully expect to be resident in the United Kingdom for tax purposes* for the 2015/16 tax year.

* 'resident in the United Kingdom for tax purposes' means as determined in accordance with the provisions of the Finance Act 2013.

Declaration of Status of Beneficial Owner for US Tax

Tick

I declare that the information provided to Lloyd's on US tax form W-8BEN or W-9** (as appropriate) has not changed and the form has not expired**

or

I attach a new W-8BEN or W-9** (where no form is in place, the existing form has expired or circumstances have changed).**

** The W-8 and W-9 forms are a Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding and Reporting. If you are uncertain which is the correct form to use please consult the Lloyd's tax team or your tax advisers.

In the course of providing tax services to members, Lloyd's provides information and market data to tax authorities in the UK and elsewhere in connection with filing tax returns, arranging for Certificates of Tax Residence, meeting broader legal and compliance obligations (e.g. "FATCA" and similar exchange of information requirements), negotiating tax arrangements and managing relationships with tax authorities.

The information provided may include, but is not limited to, information provided as part of a tax return filed on behalf of a member, CTA1 and CTA2 forms, auction transaction data, syndicate participation and tax-status under domestic tax legislation.

By signing this form I acknowledge and agree that Lloyd's may provide such information in the course of providing tax services to members. I also agree to inform Lloyd's if any of the declarations given above in relation to tax residence or beneficial ownership change.

Signed:
the Member

Date:

GUIDANCE NOTES FOR COMPLETION

1. The purpose of this declaration is to obtain confirmation that the Member will be UK tax resident for the 2014/15 tax year (and fully expects to be for the following tax year), in order to comply with the requirement that all active members of Lloyd's are UK tax resident from 1 January 2015. Confirmation is also sought that the Member's US tax documentation remains valid.
2. In the section entitled *Declaration of UK Tax Residency*, **both boxes should be ticked**. For the section entitled *Declaration of Status of Beneficial Owner for US Tax*, **only one box should be ticked**.
3. Whether a Member is resident in the UK for tax purposes is determined by applying the 'statutory residence test' contained in the Finance Act 2013. Members are advised to consult their tax advisor if they are in any doubt as to how the test applies to them.
4. Once the declaration has been signed and dated, it should be returned to the Member's members' agent no later than 30 October 2014. If it is necessary to submit a new W-8BEN or W-9 then a correctly completed version should be returned with the declaration. The original declaration should be returned wherever possible; otherwise a copy sent by fax or electronically would be acceptable.
5. A Member should notify his members' agent immediately if his circumstances change and the declarations in this form cease to be correct.
6. Provision of the Unique Taxpayer Reference (UTR) is mandatory. The UTR is ten digits long and can be located on documents issued by HMRC such as the tax return (SA100), notice to complete a tax return (SA316), or a statement of account. Depending on the type of document issued the reference may be printed next to 'Tax Reference', 'UTR', or 'Official Use'.

DECLARATION OF UK TAX RESIDENCY & STATUS OF BENEFICIAL OWNER FOR US TAX

SLP/LLP MEMBERS

For completion by members intending to underwrite for the 2015 Year of Account

Member's name:

Membership no:

Declaration of UK Tax Residency

Tick

I, a partner¹ of the Member, declare that all of the partners of the Member for the 2015 Year of Account will be resident in the United Kingdom for tax purposes* for the 2014/15 tax year;

AND

I further declare that I fully expect that all of the partners of the Member for the 2015 Year of Account to be resident in the United Kingdom for tax purposes* for the 2015/16 tax year.

AND

I have attached a list of each partner's Unique Taxpayer Reference (UTR) as issued by HMRC on the attached schedule. [see note 6](#)

* 'resident in the United Kingdom for tax purposes' means as determined in accordance with the provisions of the Finance Act 2013 (individual partners) or the provisions of the Corporation Act 2009 and any applicable Double Taxation arrangements (company partners).

Declaration of Status of Beneficial Owner for US Tax

Tick

I, a partner of the Member, declare that the information provided to Lloyd's on the US tax form W-8 IMY* and withholding statement has not changed and the form has not expired. I also declare that the information provided to me by each partner of the Member on US tax forms W-8 or W-9** has not changed and the forms have not expired;**

OR

I, a partner of the Member, attach a new W-8 IMY and withholding statement for the Member and new forms W-8** or W-9** (as appropriate) for the partners (where no forms are in place, the existing forms have expired or circumstances have changed).**

** W-8 and W-9 forms are a Certificate of Foreign Status of Beneficial Owner for United States Tax Withholding and Reporting. A W-8 IMY is a form used by an intermediary which will usually include a partnership. If you are uncertain which is the correct form to use please consult the Lloyd's tax team or your tax advisers.

In the course of providing tax services to members Lloyd's provides information and market data to tax authorities in the UK and elsewhere in connection with filing tax returns, arranging for Certificates of Tax Residence, meeting broader legal and compliance obligations (e.g. "FATCA" and similar exchange of information requirements), negotiating tax arrangements and managing relationships with tax authorities.

¹ For the purposes of this declaration, to include a member of a LLP.

The information provided may include, but is not limited to, information provided as part of a tax return filed on behalf of a member, CTA1 and CTA2 forms, auction transaction data, syndicate participation and tax-status under domestic tax legislation. Unless required to by law, Lloyd's will not discuss the detail of an individual member's tax affairs with any tax authority without express consent.

By signing this form I acknowledge and agree on behalf of the Member that Lloyd's may provide such information in the course of providing tax services to members. I also agree to inform Lloyd's if any of the declarations given above in relation to tax residence or beneficial ownership change.

Signed:
a partner of the Member

Date:

GUIDANCE NOTES FOR COMPLETION

1. The purpose of this declaration is to obtain confirmation that all partners of the Member will be UK tax resident for the 2014/15 tax year (and fully expect to be for the following tax year), in order to comply with the requirement that all active members of Lloyd's are UK tax resident from 1 January 2015. For the purposes of this declaration, 'partner' means both the general partner and the limited partner(s) of a SLP, and the members of a LLP. Confirmation is also sought that the Member's US tax documentation remains valid.
2. In the section entitled *Declaration of UK Tax Residency*, **both boxes should be ticked**. For the section entitled *Declaration of Status of Beneficial Owner for US Tax*, **only one box should be ticked**.
3. Whether a partner of the Member is resident in the UK for tax purposes is determined by applying the tests set out in either the Finance Act 2013 (in the case of an individual) or the Corporation Tax Act 2009 and any applicable double tax treaty (in the case of a company). Partners are advised to consult the Member's members' agent (if it has one) or tax advisor if they are in any doubt as to how the test applies to them.
4. Only one partner need sign the declaration, although they will be making the declaration on behalf of all the Member's partners and so should be satisfied that those other partners will be resident in the United Kingdom for tax purposes for the relevant tax years. The Member should keep a written record of each partner's tax status on an annual basis, duly signed by or on behalf of that partner.

If new forms W-8 or W-9 are to be submitted they must be returned, correctly completed, with the declaration. Once the declaration has been signed and dated, it should be returned:

- (i) if the Member has a members' agent, to that members' agent no later than 30 October 2014;
- (ii) if the Member is a Direct Corporate Participant, to Lloyd's Taxation no later than 27 November 2014:

Lloyd's Taxation
Fidentia House
Walter Burke Way
Chatham
Kent ME4 4RN

Email: Lloyds-tax-operations@lloyds.com

The original declaration should be returned wherever possible; otherwise a copy sent electronically would be acceptable.

5. Lloyd's Taxation should be notified immediately in the event that the declarations given in this form cease in any way to be correct.
6. Provision of the Unique Taxpayer Reference (UTR) for each partner is mandatory.

For individual partners the UTR is ten digits long and can be located on documents issued by HMRC such as the tax return (SA100), notice to complete a tax return (SA316), or a statement of account. Depending on the type of document issued the reference may be printed next to 'Tax Reference', 'UTR', or 'Official Use'.

For corporate partners the UTR is ten digits long and can be located on documents issued by HMRC such as a notice to deliver a company tax return (CT603), or other type of document issued. Depending on the type of document issued the reference may be printed next to 'Tax Reference', 'UTR', or 'Official Use'.

Trusts: where a trustee participates as a partner on behalf of the Trust it is the UTR of the trust that is required.