



PAYE, SA & NIC Directorate
Governance Team
Room 1E/10
100 Parliament Street
London
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Mr Gary Burgess

Fax 020 7147 2530

By e-mail to:

request-30073-d091dfe4@whatdotheyknow.com

www.hmrc.gov.uk

Date 24 March 2010
Our ref FOI 1270/10

Dear Mr Burgess

Freedom of Information Act 2000

I am writing to confirm that HMRC has now completed its search for the information you requested on 3 March 2010.

- 1. Between May 2009 and January 2010 inclusive, how many employers took on more expats than non-expats? i.e. how many employers submitted more P46 (expat) forms than P45 Part3 forms and P46 forms (either online or in paper or other format)?**
- 2. For each of these employers, how many P46 (expat) forms, P45 Part3 forms and P46 forms did they submit between May 2009 and January 2010 inclusive?**

I can confirm that HMRC holds information that falls within the description specified in your request. However, we estimate that the cost of complying with your request would exceed the appropriate limit of £600. The appropriate limit is specified in regulations and for central government is set at £600. This represents the estimated cost of one person spending 3½ working days determining if the department holds the information. This includes locating, retrieving and extracting the information. Under section 12(1) of the Freedom of Information Act 2000 the department is not obliged to comply with your request and we will not be processing it further.

Although we do not have an exact costing figure for you, previous experience with the type of data interrogation required for this sort of analysis, indicates that the cost for each data extraction required is likely to be in excess of £7,000. This charge has been calculated in accordance with section 13 of the Act and the Freedom of Information Fees Regulations.

If you are able to narrow the scope of your request, the department may be able to provide the information free of charge because it would cost less than the appropriate limit to do so. Any reformulated request the department receives from you will be treated as a fresh FOI request.

Information is available in large print, audio and Braille formats.
Text Relay service prefix number – 18001



3. Are there any tax advantages to bringing in expats/seconded workers from outside the UK rather than employing normal permanent workers in the UK? e.g. temporary workplace dispensations.

This information requested is not available. It is not for HMRC to advise whether certain tax arrangements are more advantageous than others. However, to be helpful and outside of the terms of the FOIA, information and guidance on the taxation of employees is available in the Employment Income Manual on the HMRC website at:

www.hmrc.gov.uk/manuals/eimanual/EIM42200.htm.

4. Are there any current investigations ongoing into employers claiming such dispensations for expat employees but keeping the tax deduction, and not passing it to the employee?

5. Have any past investigations uncovered employers claiming such dispensations for expat employees and not passing the tax deduction to the employee?

I can confirm that no current or past compliance activity has revealed evidence of employers “withholding tax reliefs” to which the employee is entitled.

If you have any queries about this letter, please contact me. Please remember to quote the reference number above in any future communications.

If you are not happy with this reply you may request a review by writing to HMRC FOI Team, Room 1C/25, 100 Parliament Street London SW1A 2BQ. You must request a review within 2 months of the date of this letter. It would assist our review if you set out which aspects of the reply concern you and why you are dissatisfied.

If you are not content with the outcome of an internal review, you may apply directly to the Information Commissioner for a decision. The Information Commissioner will not usually consider a case unless you have exhausted the internal review procedure provided by HMRC. He can be contacted at The Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Yours sincerely

Michelle Blake
Governance Advisor