Taxation of Chargeable Gains Act 1992

Changes to legislation:

Taxation of Chargeable Gains Act 1992, Section 1M is up to date with all changes known to be in force on or before 10 September 2026. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

View outstanding changes

[F1 1M Temporary non-residents

(1) If, in the case of the disposal of an asset by an individual who is temporarily non-resident—

(a) a gain or loss accrues to the individual in the temporary period of non-residence, and

(b) the asset is not excluded from this subsection by section 1N (certain assets acquired in that period),

the gain or loss is treated instead as accruing to the individual in the period of return.

[F2(1A) Subsection (1) does not apply to a gain that accrues to an individual who was temporarily non-resident in tax year 2025-26 or an earlier tax year under section 103KA(2) or (3) of TCGA 1992 (as it then had effect).

But see section 23M of ITTOIA 2005 which charges the amount of the gain to income tax in the period of return.]

(2) If—

(a) a gain is, as a result of subsection (1), treated as accruing to an individual in a tax year for which the remittance basis applies to the individual,

(b) the tax year consists of or includes the period of return, and

(c) the gain was remitted to the United Kingdom in the temporary period of non-residence,

the gain is treated instead as remitted to the United Kingdom in the period of return.

(3) If—

(a) an individual is temporarily non-resident, and

(b) a gain would, as a result of section 86, have accrued to the individual in a tax year falling wholly or partly in the temporary period of non-residence if the individual had been resident in the United Kingdom for that year,

the gain is treated instead as accruing to the individual in the period of return (but see also section 86A).

(4) Nothing in any double taxation arrangements prevents a charge to capital gains tax arising as a result of this section.

(5) Nothing in this section is to affect a gain or loss which, apart from this section, would be chargeable to capital gains tax or would be an allowable loss.

(6) For the purposes of this section each of the following expressions has the meaning given by Part 4 of Schedule 45 to the Finance Act 2013 (statutory residence test: anti-avoidance)—

"the period of return"

"temporarily non-resident"

"the temporary period of non-residence".

(7) In this section the reference to "the remittance basis" applying to an individual for a tax year is to section 809B, 809D or 809E of ITA 2007 applying to the individual for the year.]

Textual Amendments

F1 Pt. 1 substituted (with effect in accordance with Sch. 1 paras. 120, 123 of the amending Act) by Finance Act 2019 (c. 1), **Sch. 1 para. 2**

F2 S. 1M(1A) inserted (for the tax year 2026-27 and subsequent tax years (but in relation to investment management services whenever performed)) by Finance Act 2026 (c. 11), s. 58(6), **Sch. 11 para. 2(4)**

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