





## **UK NON-RESIDENCE AT A GLANCE**

*SRT Thresholds, NHS Pitfalls & Practical Guardrails*

### **1) STATUTORY RESIDENCE TEST (SRT): TIES & NUMBERS YOU MUST KNOW**

- Family tie – spouse/partner or minor child is UK-resident (child in full-time UK education is usually excluded if you spend <61 days with them in the UK in the tax year).
- Accommodation tie – a place to live in the UK available for  $\geq 91$  consecutive days, and you spend  $\geq 1$  night there (or  $\geq 16$  nights if it is a close relative's home).
- Work tie – you work in the UK for >3 hours on  $\geq 40$  days in the tax year (days need not be consecutive).
- 90-day tie – you spent >90 days in the UK in either of the two previous tax years.
- Country tie (leavers only) – the UK is where you are present at midnight for the greatest number of days in the year.

### **2) DAY-COUNT RULES & TRAPS**

- Midnight rule – a UK day is one when you are in the UK at midnight.
- Transit rule – certain transit-only days can be ignored if you do nothing unrelated to travel.
- Exceptional circumstances – up to 60 UK days can be ignored if you are genuinely prevented from leaving (strict, time-limited).
- Deeming rule – if resident in one of the previous three tax years and you have  $\geq 3$  UK ties, “qualifying days” in the UK beyond the first 30 may count as UK days even if you were not in the UK at midnight.

### **3) NHS ORDINARY RESIDENCE – WHY IT MATTERS FOR NON-RESIDENTS**

- Secondary care charging in England is based on being “ordinarily resident” (NHS Charges to Overseas Visitors Regs 2015) – a factual test separate from the SRT.
- A GP registration, NHS number or British passport does not itself prove ordinary residence.
- Routine NHS usage (regular GP/dentist appointments, repeat prescriptions, referral letters to a UK address) creates a documentary trail consistent with living in the UK.
- For SRT, these records can corroborate UK presence and support Family/Accommodation ties, especially when day-counts are borderline.

### **4) EVIDENCE TO KEEP (TO SUPPORT NON-RESIDENCE AND CENTRE-OF-LIFE ABROAD)**

- Day-count logs plus travel tickets/boarding passes; passport stamps where available.
- Foreign lease/ownership documents, utilities and tax residency certificates.
- Local medical insurance and healthcare records abroad.
- HMRC forms and returns consistent with status (e.g., P85 on departure, relevant Self Assessment pages).
- Calendars/meeting logs and bank/merchant data consistent with overseas living.



## DO

Keep UK days comfortably below your tie-thresholds (under 91 is often pivotal for “leavers” with ties).

Limit availability and overnight use of UK accommodation, including family homes.

Keep UK work under 3 hours/day on fewer than 40 days; separate passive oversight from active UK management.

Use private medical cover for visits; avoid representing yourself as “ordinarily resident” if you are not.

Align addresses, banking and medical correspondence with your non-UK centre of life; keep contemporaneous travel evidence.



## DON'T

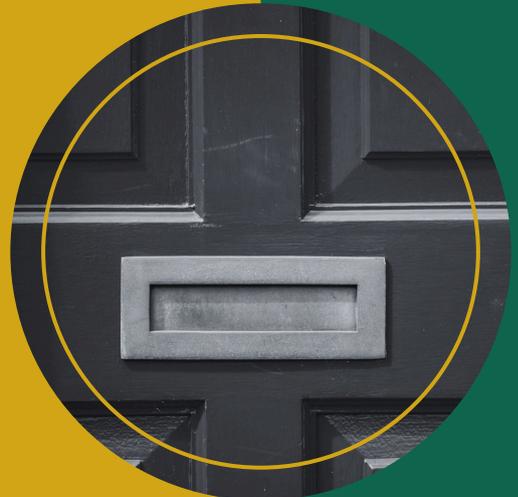
Rely on memory for day-counts; reconstruct later from emails/diaries.

Anchor correspondence to a UK “home-type” address you regularly use.

Stack up nights at a close relative’s home ( $\geq 16$  nights triggers the accommodation tie).

Accidentally create UK “work days” via long admin calls/emails ( $> 3$  hours).

Send mixed signals to NHS/banks/insurers that suggest you live in the UK.



*This is a summary handout.*

*The SRT is statutory (FA 2013, Sch 45) and interacts with detailed HMRC guidance (RDR3/RDRM). NHS charging rules differ by UK nation; England uses the NHS Charges to Overseas Visitors Regulations 2015.*

*Always take advice on your exact facts.*



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# NEED FURTHER ASSISTANCE?

*For personalised advice, contact our expert consultant today.*

### Dr. Clifford Frank – International Tax Advisor

*Dr. Clifford J. Frank is the Senior Partner at LEXeFISCAL LLP, a London-based boutique tax law firm specializing in UK and international taxation. Recognised as the Best UK Tax Law Adviser (World Finance Awards, 2015), he advises on property taxation, trusts, mergers and acquisitions, and arbitration, helping clients structure their affairs efficiently and remain compliant across multiple jurisdictions.*

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