

Life Assurance Premium Relief (LAPR): Repeal

Who is likely to be affected?

Individuals who continue to pay regular premiums under qualifying life insurance policies issued on or before 13 March 1984. Insurers and Friendly Societies who continue to claim Life Assurance Premium Relief (LAPR) payments from HM Revenue & Customs (HMRC) in connection with these policies.

General description of the measure

Income tax relief of 12.5 per cent is available on regular premiums paid into qualifying life insurance policies issued on or before 13 March 1984. The relief was removed for policies issued on or after 14 March 1984 but continues for premiums payable under policies taken out before this date. The relief is therefore obsolescent but still requires long and complex legislation although the average value of the relief per policy is minimal. Accordingly, the relief is being repealed.

Policy objective

The repeal supports the Government's objective to simplify the tax system and is part of a package of measures which will repeal reliefs that are no longer necessary, have not achieved their policy rationale or are distortive.

Background to the measure

Following the Office of Tax Simplification review of reliefs, the Government announced at Budget 2011 that it would repeal seven reliefs in Finance Act 2011 and confirmed its intention to abolish a further 36 reliefs in Finance Bill 2012 and beyond, subject to a period of consultation.

Consultation on the abolition of 36 tax reliefs was published on 27 May 2011 and views were requested on the Government's proposal to repeal this relief. The Government response was published on 6 December 2011. All documents are available on both the HM Treasury and HM Revenue & Customs (HMRC) websites.

Detailed proposal

Operative date

The measure will have effect for premiums that are either due and payable, or are paid, on or after 6 April 2015.

Current law

LAPR is provided under sections 266 and 274 of, and Schedule 14 to, the Income and Corporation Taxes Act 1988 (ICTA). Provisions for the detailed operation of the scheme are included primarily in the Income Tax (Life Assurance Premium Relief) Regulations 1978, Statutory Instrument 1978/1159 (SI 1978/1159), supplemented by:

- the Industrial Assurance (Life Assurance Premium Relief) Regulations 1977, SI 1977/1144 as amended by the Industrial Assurance (Life Assurance Premium Relief)

(Change of Rate) Regulations 1980, SI 1980/1948 and the Industrial Assurance (Life Assurance Premium Relief) (Amendment) Regulations 1984, SI 1984/322; and

- the Friendly Societies (Life Assurance Premium Relief) Regulations 1977, SI 1977/1143, as amended by the Friendly Societies (Life Assurance Premium Relief) (Amendment) Regulations, SI 1978/1160, the Friendly Societies (Life Assurance Premium Relief) (Change of Rate) Regulations 1980, SI1980/1947, and the Friendly Societies (Life Assurance Premium Relief) (Amendment) Regulations 1984, SI 1984/323.

Under the scheme, an individual resident in the UK who makes an eligible regular premium payment under a qualifying life insurance policy issued before 14 March 1984 is entitled to income tax relief at an amount of 12.5 per cent of the premium paid (subject to a limit on premiums of £1,500 per annum or one sixth of the individuals' total income for the tax year if greater).

Most individuals pay premiums net of the tax relief to insurers or friendly societies, who then claim from HMRC the difference between the net premium received from the individual and the gross amount of premium due under the policy.

Some individuals, who are resident outside the UK, instead pay gross premiums and claim relief directly from HMRC.

Proposed revisions

Legislation will be introduced in Finance Bill 2012 to remove entitlement to relief for premiums that are either due and payable, or are paid, on or after 6 April 2015 and to restrict the period in which insurers and friendly societies can reclaim amounts from HMRC relating to premiums paid before this date.

Provisions will also be included to ensure that changes to policies as a direct consequence of the withdrawal of LAPR will not remove Qualifying Policy status.

Summary of impacts

Exchequer impact (£m)	2011-12	2012-13	2013-14	2014-15	2015-16
	This measure is expected to reduce tax relief repayments to insurers and friendly societies by approximately £5 million in 2015-16. The final costing will be subject to scrutiny by the Office for Budget Responsibility, and will be set out at Budget 2012.				
Economic impact	This change has no significant economic impacts.				
Impact on individuals and households	<p>This change will only affect individuals and households who continue to pay premiums under qualifying life insurance policies issued before 14 March 1984.</p> <p>The impact for individuals will depend on the life insurance policy itself, the expected life of the policy (based on the age of the individual) and the action taken by individuals and insurers/friendly societies in response to the abolition of the relief. Amounts paid into a life insurance policy may, for example, be increased by the amount of relief withdrawn, or benefits from a policy may be reduced proportionately (such as benefits paid on maturity or death of the life assured). In other cases, individuals may choose to stop paying premiums into their policy.</p> <p>The average amount of relief claimed per policy is about £14 per year.</p>				

	Although many policies attract significantly less relief, those individuals or households who pay premiums in excess of the average or into more than one policy will be affected to a greater extent.																																							
Equalities impacts	<p>The withdrawal of the relief will only affect policyholders who have policies that were issued on or before 13 March 1984 and where they continue to pay regular premiums.</p> <p>As a result of the withdrawal of relief for new policies taken out on or after 14 March 1984, relief is only available to policyholders who are generally now over 40. The removal of this relief treats policyholders who benefited from LAPR in the same way as those who were unable to take out policies before 14 March 1984.</p>																																							
Impact on business including civil society organisations	<p>The change will affect around 70 insurers and friendly societies that currently make claims to HMRC each year.</p> <p>Responses to the consultation suggest that ongoing operation of the LAPR scheme does not entail a significant administrative burden for providers, but that a significant one-off cost of abolishing the relief is likely to arise.</p> <p>The impact will vary from provider to provider, depending on the type of policies issued by that provider that are still in force, and the number/age of those policies. However, costs are likely to arise from contacting policyholders, making changes to IT systems, changing collection systems to manage increases to premiums or in calculating a reduction to benefits payable from a policy. One industry representative body has estimated that the cost of abolition will be in the range of £100,000 to £200,000 for each provider.</p>																																							
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Operational impact (£m) (HMRC or other)	There will be negligible costs for HMRC in updating guidance and dealing with claims made, including final claims made in the limited period following abolition of the relief.																																							
Other impacts	Small firms: as the relief is limited to premiums paid by individuals to providers, it is not expected that there will be an impact on small employers although some smaller insurers, friendly societies and financial adviser firms may be affected.																																							

Monitoring and evaluation

This change does not require monitoring or evaluation. It removes an obsolescent relief. Any correspondence received on the impact of the repeal will be dealt with on a case by case basis.

Further advice

If you have any questions about this change, please contact Jon Prothero on 020 7147 2785 (email: insurancequeries.ct&vat@hmrc.gsi.gov.uk).

Life Assurance Premiums Paid by Employers Under EFRBS: Repeal of Relief

Who is likely to be affected?

Employees and their employers where the employer is paying premiums in respect of an employee under a life assurance policy issued on or before 13 March 1984. This measure does not affect relief available under other pension or retirement provisions.

General description of the measure

Income tax relief of 12.5 per cent is available on life assurance premiums paid by an employer under an employer-financed retirement benefit scheme (EFRBS) to provide an employee (or their spouse, widow(er), children or dependants) with retirement or death benefits. The relief only applies to payments made under a policy issued on or before 13 March 1984, where the payments are being made in respect of an individual employed before that date who continues to be employed by the same employer.

Very few individuals are likely to still be eligible for the relief which is limited to £12.50 per person per year in connection with policies providing retirement benefits. The relief is no longer necessary and is being repealed.

Policy objective

The repeal supports the Government's objective to simplify the tax system and is part of a package of measures which will repeal reliefs that are no longer necessary, have not achieved their policy rationale or are distortive.

Background to the measure

Following the Office of Tax Simplification review of reliefs, the Government announced at Budget 2011 that it would repeal seven reliefs in Finance Act 2011 and confirmed its intention to abolish a further 36 reliefs in Finance Bill 2012 and beyond, subject to a period of consultation.

Consultation on the abolition of 36 tax reliefs was published on 27 May 2011 and views were requested on the Government's proposal to repeal this relief. The Government response was published on 6 December 2011. All documents are available on both the HM Treasury and HM Revenue & Customs (HMRC) websites.

Detailed proposal

Operative date

The relief will no longer be available to employees for payments made to life insurance companies by their employers on or after 6 April 2015.

Current law

Where, in connection with an EFRBS, an individual's employer pays premiums under a life assurance policy in order to provide retirement or death benefits to the employee or their spouse/civil partner/children or dependents, the individual employee is eligible under section 266A of the Income and Corporation Taxes Act 1988 (ICTA), for tax relief. The tax relief is limited to 12.5 per cent of premiums (limited to £100) that are used to provide retirement benefits for that employee (that is a maximum relief of £12.50). A higher amount of

premiums may be eligible for relief at 12.5 per cent where the premiums under the policy are used to provide death benefits only.

Proposed revisions

Legislation will be introduced in Finance Bill 2012 to repeal section 266A of ICTA. The removal of this relief will not affect any other relief, available under the pensions code, for relevant payments.

Summary of impacts

Exchequer impact (£m)	2011-12	2012-13	2013-14	2014-15	2015-16
	-	-	-	-	negligible
	This measure is expected to have a negligible impact on the Exchequer. Any impact will be set out at Budget 2012.				
Economic impact	The change has no significant economic impacts.				
Impact on individuals and households	<p>A few, if any, individuals and households who are eligible for this relief will no longer be able to claim the relief at 12.5 per cent on very small amounts of premiums paid by their employer.</p> <p>Individuals and households will not be significantly affected as the amount of relief is limited to £12.50 and because the relief is effectively obsolete with few still eligible for the relief.</p> <p>Individuals and households may need to discuss arrangements with their employers to make any necessary adjustments.</p>				
Equalities impacts	As the change removes a small amount of relief and because the relief is in effect obsolete, abolishing this relief is not expected to have a significant impact on any particular groups with protected characteristics.				
Impact on business including civil society organisations	<p>Some employers may need to discuss any necessary arrangements with their employees. The relief is in effect obsolete with few, if any, employees still employed by the employer who they were employed by in early 1984.</p> <p>Where the employer still makes payments that qualify for the relief, the number of employers involved will be small. Consequently the administrative burden on businesses both in terms of familiarisation with the policy change and subsequent engagement with employees is expected to be negligible.</p>				
Operational impact (£m) (HMRC or other)	There will be a negligible operational impact for HMRC.				
Other impacts	Small firms: as this relief is in effect obsolete, it is not expected that there will be a particular impact on small employers.				

Monitoring and evaluation

This change does not require monitoring or evaluation. It removes an unnecessary relief. Any correspondence received on the impact of the repeal will be dealt with on a case by case basis.

Further advice

If you have any questions about this change, please contact Jon Prothero on 020 7147 2785 (email: insurancequeries.ct&vat@hmrc.gsi.gov.uk).

1 Abolition of income tax relief on certain life assurance premiums etc

Schedule 1 makes provision for the abolition of income tax relief on life assurance premiums under section 266 of ICTA etc.

SCHEDULES

SCHEDULE 1

Section 1

INCOME TAX RELIEF FOR LIFE ASSURANCE PREMIUMS

Abolition of income tax relief for life assurance premiums under section 266 of ICTA

- 1 Section 266 of ICTA (income tax relief for life assurance premiums paid by eligible individuals) applies in relation to a premium or part of a premium only if the premium or part of a premium –
 - (a) becomes due and payable before 6 April 2015, and
 - (b) is actually paid before that date.
- 2 No claim for relief may be made under paragraph 6 of Schedule 14 to ICTA (provisions ancillary to section 266) after 5 April 2016.
- 3 (1) The Income Tax (Life Assurance Premium Relief) Regulations 1978 (S.I. 1978/1159) have effect in accordance with this paragraph.
 - (2) Subject to sub-paragraph (3), an annual claim for the financial year of a life office must be made no later than –
 - (a) the end of the six year period allowed by regulation 9(1), or
 - (b) if earlier, the end of the relevant 6-month period, and regulation 9(8) has effect accordingly.
 - (3) An annual claim which a life office is required to make under regulation 9(2) must be made no later than –
 - (a) the end of the one year period specified in regulation 9(2), or
 - (b) if earlier, the end of the relevant 6-month period, and regulation 9(6) has effect accordingly.
 - (4) In sub-paragraphs (2) and (3) “the relevant 6-month period” means the period of 6 months after the end of the life office’s first financial year to end after 5 April 2015.
 - (5) The Board must decide all claims made under the 1978 Regulations no later than 5 April 2017.
 - (6) Terms used in this paragraph have the same meaning as they have in the 1978 Regulations.
- 4 (1) In this paragraph –
 - (a) “the 1980 Regulations” means the Friendly Societies (Life Assurance Premium Relief) (Change of Rate) Regulations 1980 (S.I. 1980/1947), and
 - (b) terms have the same meaning as they have in the 1980 Regulations.

- (2) This paragraph applies in relation to a friendly society which has adopted the prescribed scheme or an approved scheme in accordance with the provisions of the 1977 Regulations.
 - (3) The prescribed scheme or the approved scheme, and the 1977 Regulations and the 1980 Regulations, have effect in relation to the friendly society on the following basis.
 - (4) That basis is –
 - (a) paragraph 1 above does not remove any person’s entitlement to relief under section 266 of ICTA but does change the authorised percentage to 0%,
 - (b) the effective date in relation to that change is 6 April 2015,
 - (c) as well as having effect in relation to gross premiums due and payable on or after 6 April 2015, that change has effect in relation to gross premiums due and payable before that date so far as they are actually paid on or after that date (and, in particular, regulations 3(1) and 4(1) of the 1980 Regulations are to be read accordingly), and
 - (d) in relation to that change –
 - (i) a resolution under regulation 3(1) of the 1980 Regulations may be passed at any time before 6 April 2015, and
 - (ii) if relevant, an approval under regulation 8 of the 1980 Regulations may be given at any time before that date.
- 5
- (1) In this paragraph –
 - (a) “the 1980 Regulations” means the Industrial Assurance (Life Assurance Premium Relief) (Change of Rate) Regulations 1980 (S.I. 1980/1948), and
 - (b) terms have the same meaning as they have in the 1980 Regulations.
 - (2) This paragraph applies in relation to an industrial assurance company or collecting society which has adopted the prescribed scheme or an approved scheme in accordance with the provisions of the 1977 Regulations.
 - (3) The prescribed scheme or the approved scheme, and the 1977 Regulations and the 1980 Regulations, have effect in relation to the industrial assurance company or collecting society on the following basis.
 - (4) That basis is –
 - (a) paragraph 1 above does not remove any person’s entitlement to relief under section 266 of ICTA but does change the authorised percentage to 0%,
 - (b) the effective date in relation to that change is 6 April 2015,
 - (c) as well as having effect in relation to gross premiums due and payable on or after 6 April 2015, that change has effect in relation to gross premiums due and payable before that date so far as they are actually paid on or after that date (and, in particular, regulations 3(1) and 4(1) of the 1980 Regulations are to be read accordingly), and
 - (d) in relation to that change –
 - (i) a resolution under regulation 3(1) of the 1980 Regulations may be passed at any time before 6 April 2015, and
 - (ii) if relevant, an approval under regulation 8 of the 1980 Regulations may be given at any time before that date.

- 6 (1) The following repeals are made in consequence of paragraph 1 above.

<i>Act</i>	<i>Provision repealed</i>
ICTA	Sections 266, 266A and 274. Section 824(2D)(b) and (3)(ad). Schedule 14. In paragraph 8 of Schedule 15, the words from “but” (in the second place it occurs) to the end.
FA 1988	Section 29. Paragraph 9 of Schedule 3.
FA 1996	Section 167(5) and (6). Paragraph 11 of Schedule 18. Paragraph 20 of Schedule 20.
ITEPA 2003	Paragraphs 36 and 119 of Schedule 6.
FA 2004	Paragraphs 9 and 10 of Schedule 35.
ITA 2007	Section 811(6)(e) and the “and” before it. Paragraph 232 of Schedule 1.
FA 2009	Paragraphs 3 to 5 of Schedule 1. Paragraph 9D of Schedule 54.

- (2) In section 989 of ITA 2007 (definitions for the purposes of the Income Tax Acts) for the definition of “qualifying policy” substitute—
““qualifying policy” is to be read in accordance with Schedule 15 to ICTA,”.
- (3) The amendments made by sub-paragraphs (1) and (2) come into force on the day appointed by the Treasury by order made by statutory instrument.
- (4) An order under sub-paragraph (3) may make transitional provision and savings.
- (5) A statutory instrument containing an order under sub-paragraph (3) is subject to annulment in pursuance of a resolution of the House of Commons.
- 7 (1) This paragraph applies if—
- (a) a policy which is a qualifying policy (within the meaning of the Income Tax Acts) is varied or another policy is substituted for such a policy, and
 - (b) the variation or substitution is made for the sole purpose of dealing with the consequences of the restrictions placed on relief under section 266 of ICTA by virtue of paragraph 1 above.
- (2) In the case of a variation, the variation does not itself affect the policy’s status as a qualifying policy.
- (3) In the case of a substitution, the new policy is to be a qualifying policy.
- 8 (1) In this paragraph “relevant variation” means a variation made for the sole purpose of dealing with the consequences of the restrictions placed on relief under section 266 of ICTA by virtue of paragraph 1 above.
- (2) A relevant variation of a policy is not to be treated as a variation for the purposes of—
- (a) paragraph 8(1) or (4) of Schedule 14 to ICTA, or

- (b) section 485(6) of ITTOIA 2005 (disregard of certain events in relation to qualifying policies).
- (3) A relevant variation of a policy or contract does not itself cause a limit set out in [section 460(2)(c)(iii) or 464 of ICTA] to be breached.

Removal of claw-backs on relief given under section 266 of ICTA

- 9 (1) In ICTA omit sections 268 to 272 (which provide for the “claw-back” of income tax relief given under section 266 of ICTA).
- (2) In consequence of the amendment made by sub-paragraph (1), omit –
 - (a) section 824(2D)(a) of ICTA,
 - (b) paragraph 11 of Schedule 35 to FA 2004,
 - (c) paragraph 123 of Schedule 1 to ITTOIA 2005, and
 - (d) paragraph 21 of Schedule 39 to FA 2008.
- (3) The amendments made by this paragraph have effect in relation to events occurring in relation to policies on or after 6 April 2015.

EXPLANATORY NOTE

INCOME TAX RELIEF FOR LIFE ASSURANCE PREMIUMS

SUMMARY

1. This clause and Schedule repeals the income tax relief available at 12.5 per cent of life assurance premiums paid under policies issued on or before 13 March 1984.
2. Individuals will no longer have entitlement to life assurance premium relief (LAPR) for premiums under these policies that are either due and payable, or that are paid, on or after 6 April 2015.
3. Provisions are included to ensure that existing regulations will facilitate the transition for smaller value friendly society and industrial assurance policies.
4. Provisions will also ensure that changes to policies as a consequence of the repeal of LAPR will not affect the wider tax advantaged status of these policies.

DETAILS OF THE SCHEDULE

5. Paragraph (1) restricts individuals' entitlement to LAPR under section 266 Income Corporation and Taxes Act 1988 (ICTA) so that relief will only be due for premiums that are due and payable before 6 April 2015 and for premiums are actually paid before that date. This restriction also applies to premiums paid by employers in respect of employees for whom entitlement to LAPR was provided through section 266A ICTA.
6. Paragraph (2) provides that claims for relief under paragraph 6 of Schedule 14 ICTA may not be made after 5 April 2016. Paragraph 6 of Schedule 14 ICTA entitles individuals to make claims and applies where they have not received relief in full by paying premiums to insurers or friendly societies 'net' of the relief.
7. Paragraph (3) restricts the time by which insurers and friendly societies must make all outstanding reconciliations and claims for payment from HM Revenue & Customs (HMRC) under the Income Tax (Life Assurance Premium Relief) Regulations 1978 (S.I. 1978/1159) ("1978 Regulations"). These must be made by the earliest of;
 - 6 months from the end of the first accounting period to end after 5 April 2015, and either

- 6 years from the end of the accounting period for which the claim relates, or
- 12 months from the end of the accounting period in which insurance companies or friendly societies have received and retained one or more interim payments of “LAPR” from HMRC.

For these purposes, ‘accounting period’ means the period for which the insurance company or friendly society makes up its accounts.

8. Paragraph 3(5) requires HMRC to decide all claims for LAPR made under the 1978 Regulations no later than 5 April 2017.
9. Paragraphs (4) and (5) apply to friendly societies and industrial assurance companies who adopted special schemes to cater for paying very small value premiums ‘net’ of LAPR and to cater for changes to the rate of the relief. The paragraphs ensure that the existing framework for dealing with changes to the rate of relief also applies to the repeal of the relief.
10. Paragraphs (4)(a) and (b) of paragraphs 4 and 5 apply the ‘change of rate’ framework on the basis that the rate of relief is reduced from 12.5 per cent to nil with effect from 6 April 2015, and ensure that entitlement to the zero rate relief is maintained only for the purpose of giving effect to this framework.
11. Paragraphs (4)(c) and (d) of paragraphs 4 and 5 allow friendly societies and industrial assurance companies to pass resolutions no later than 6 April 2015 to adopt consequential changes to the special schemes and receive approval from appropriate Registrars and Commissioners if appropriate. Scope to make such resolutions is extended so that they may also apply for premiums that are due and payable before 6 April 2015 but that are actually paid after this date.
12. Paragraph (6) provides that legislation providing for LAPR will be repealed from a date to be appointed by the Treasury, under a statutory instrument subject to the negative resolution procedure.
13. Paragraphs (7) and (8) provide that variations or substitutions of qualifying policies (within the meaning of the Income Tax Acts) are ignored for certain tax purposes where the variations or substitutions are made for the sole purpose of dealing with the consequences of the abolition of the relief. The effect of these paragraphs is that such changes will not;
 - affect the qualifying policy status of these policies;

- re-set the period for which a qualifying policy must be held before gains are exempt from income tax; or
 - be treated as exceeding the corporation tax exemption limit for friendly society tax exempt savings plans.
14. Paragraph (9) removes requirements for insurers to ‘claw-back’ amounts of LAPR from proceeds payable by an insurer on a second or subsequent surrender of some or all rights under a policy. These requirements will no longer apply to such events arising on or after 6 April 2015.

BACKGROUND NOTE

15. Following the Office of Tax Simplification review of reliefs, the Government announced at Budget 2011 that it would repeal seven reliefs in Finance Act 2011 and confirmed its intention to abolish a further 36 reliefs in Finance Bill 2012 and beyond, subject to a period of consultation.
16. “Consultation on the abolition of 36 tax reliefs” was published on 27 May 2011 and views were requested on the Government's proposal to repeal this relief. The Government response was published on 6 December 2011. All documents are available via both the HM Treasury and HM Revenue & Customs websites.
17. Income tax relief of 12.5 per cent is available on regular premiums paid into qualifying life insurance policies issued on or before 13 March 1984. The relief was removed for policies issued on or after 14 March 1984 but continues for premiums payable under policies taken out before this date. The relief is therefore obsolescent but still requires long and complex legislation although the average value of the relief per policy is minimal.
18. Accordingly, the relief will no longer apply for premiums that are either due and payable or that are actually paid on or after 6 April 2015.
19. To facilitate the transition, certain arrangements put in place by Friendly Societies and Industrial Assurance Companies will again apply to the repeal of the relief from very small value policies, and legislation will ensure that other tax reliefs for Qualifying Policies are not affected by changes to policies made solely for the purpose of dealing with the repeal of the relief.
20. To repeal LAPR in a reasonable timescale, this legislation shortens the period for individuals, insurers, friendly societies and HMRC to

finalise outstanding claims. The existing legislative framework for LAPR will be removed when these claims have been finalised.

21. If you have any questions about this change, or comments on the legislation, please contact Jon Prothero on 020 7147 2785 (email: insurancequeries.ct&vat@hmrc.gsi.gov.uk).