STATUTORY INSTRUMENTS

2010 No. 2928

TAXES

The Tax Avoidance Schemes (Information) (Amendment) (No.2) Regulations 2010

Made - - - -	*8th December 2010*
Laid before the House of Commons	*9th December 2010*
Coming into force - -	*1st January 2011*

The Commissioners for Her Majesty's Revenue and Customs(**a**) make the following Regulations in exercise of the powers conferred by section 98C(2A) and (2B) of the Taxes Management Act 1970(**b**) and sections 313ZA(3) and (4) and 313C(1) and (3)(a) of the Finance Act 2004(**c**).

Citation and commencement

1. These Regulations may be cited as the Tax Avoidance Schemes (Information) (Amendment) (No. 2) Regulations 2010 and come into force on 1st January 2011.

Amendment of the Tax Avoidance Schemes (Information) Regulations 2004

2. Amend the Tax Avoidance Schemes (Information) Regulations 2004(**d**) as follows.

3. After regulation 8 insert—

"Prescribed information under section 313ZA: information and timing

8ZA.—(1) For the purposes of section 313ZA(3) (duty of promoter to provide client lists)—

(a) the prescribed period is 30 days;

(b) the prescribed information is—

(i) any reference number allocated by HMRC under section 311 to the arrangements (or to a proposal for them) to which the information provided relates;

(**a**) The functions of the Commissioners of Inland Revenue were transferred to the Commissioners for Her Majesty's Revenue and Customs by section 5(2) of the Commissioners for Revenue and Customs Act 2005 (c. 11). Section 50(1) of that Act provides that a reference to the Commissioners of Inland Revenue, however expressed, shall be taken as a reference to the Commissioners for Her Majesty's Revenue and Customs.

(**b**) 1970 c. 9. Section 98C was inserted by section 315(1) of the Finance Act 2004 (c. 12) and subsequently amended by section 108(9) of, and schedule 27 to, the Finance Act 2007 (c. 11); section 116(1) of, and schedule 38 to, the Finance Act 2008 (c. 9); and schedule 17 to the Finance Act 2010 (c. 13).

(**c**) 2004 c. 12: the relevant part of the Act, Part 7, was amended by schedule 17 to the Finance Act 2010 (c. 13). Section 313ZA was inserted by paragraph 6 of Schedule 17. Section 313C was inserted by paragraph 9 of Schedule 17.

(**d**) S.I. 2004/1864, amended by S.I. 2007/3103; there are other amending instruments but none is relevant.

(ii) the name and address of each client in relation to whom the relevant date occurs in the relevant period in relation to which the information is being provided;

(ii) the promoter's name and address; and

(iv) the end date of the relevant period in relation to which the information is being provided.

(c) in sub-paragraph (b)(ii) the address of the client is the address to which the promoter has sent or would have sent the prescribed information under section 312.

(2) For the purposes of section 313ZA(4) the relevant period is each calendar quarter.".

4. For regulation 8B substitute—

"**Higher rate of penalty following a failure to comply with an order under section 306A or 314A**

8B.—(1) For the purposes of section 98C(2A) of the Taxes Management Act 1970 (higher rate of penalty after the making of an order under section 306A(**a**)) the prescribed period is the period of 10 days beginning on the date on which the order is made.

(2) For the purposes of section 98C(2B) of the Taxes Management Act 1970 (higher rate of penalty after the making of an order under section 314A) the prescribed period is the period of 10 days beginning on the date on which the order is made.".

5. After regulation 8B insert—

"**Prescribed information under section 313C: information and timing**

8C.—(1) For the purposes of section 313C(1) (information provided to introducers) the prescribed information is—

(a) P's name and address; and

(b) the name and address of each person who has provided P with any information relating to the proposal.

(2) For the purposes of section 313C(3)(a) the prescribed period is 10 days.".

Steve Lamey
Dave Hartnett

8th December 2010 Two of the Commissioners for Her Majesty's Revenue and Customs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Tax Avoidance Schemes (Information) Regulations 2004 (S.I. 2004/1864) which prescribe among other things the information to be provided to Her Majesty's Revenue and Customs ("HMRC") when a person is required to notify arrangements under Part 7 of the Finance Act 2004 (c. 12) ("FA 04") and the time limits in which that information is to be provided.

Regulation 3 inserts regulation 8ZA, which makes provision for the purposes of section 313ZA(3) and (4) of FA 04. Section 313ZA(3) requires promoters of schemes to provide information in relation to clients who have implemented notifiable schemes. Paragraph (1)(a) of regulation 8ZA provides that the period for providing such information is 30 days. Paragraph

(**a**) Sections 306A and 314A were inserted by section 108 of the Finance Act 2007.

(1)(b) prescribes the information to be provided. Paragraph (2) provides that the relevant period for the purposes of section 313ZA(4) is each calendar quarter.

Regulation 4 substitutes regulation 8B. Paragraph (1) prescribes that the period after which the higher rate of penalty will apply for the purposes of section 98C(2A) of the Taxes Management Act 1970 (c. 9) after an order has been made under section 306A is ten days from the date of the order. Paragraph (2) provides that the period is also ten days when an order has been made under section 314A as at present.

Regulation 5 inserts regulation 8C, which makes provision for the purposes of section 313C(1) of FA 2004. Section 313C(1) provides for HMRC to require a person suspected of being an introducer, as defined, to provide information about other persons who have provided them with information about a notifiable proposal. Paragraph (1) of regulation 8C specifies that the information to be provided is the name and address of the introducer and the person who has provided the introducer with any information relating to the proposal. Paragraph (2) provides that the period within which the information is to be provided is ten days.

A full Impact Assessment of the effect that the package of measures of which this instrument forms part will have on the costs of business and the voluntary sector is available at http://webarchive.nationalarchives.gov.uk/20091222074811/http://hmrc.gov.uk/budget2010/strength-revise-dotas-ia-5295.pdf.

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