
Changes to legislation: Finance Act 2014, Cross Heading: Non-compliance with avoidance disclosure requirements is up to date with all changes known to be in force on or before 10 June 2024. 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. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 34

PROMOTERS OF TAX AVOIDANCE SCHEMES: THRESHOLD CONDITIONS

PART 1

MEETING THE THRESHOLD CONDITIONS: GENERAL

Non-compliance with ^{F1}avoidance disclosure requirements

Textual Amendments

F1 Words in [Sch. 34 para. 5 cross-heading](#) substituted (with effect in accordance with s. 121(6) of the amending Act) by [Finance Act 2021 \(c. 26\)](#), [Sch. 30 para. 29\(2\)](#)

5 ^{F2}(A1) A person meets this condition if the person fails to comply with any of the following provisions of—

- (a) Part 7 of FA 2004 (disclosure of tax avoidance schemes);
- (b) Schedule 17 to F(No. 2)A 2017 (disclosure of tax avoidance schemes: VAT and other indirect taxes).]

(1) ^{F3}The provisions of Part 7 of FA 2004 are—]

- (a) section 308(1) and (3) (duty of promoter in relation to notifiable proposals and notifiable arrangements);
- (b) section 309(1) (duty of person dealing with promoter outside the United Kingdom);
- (c) section 310 (duty of parties to notifiable arrangements not involving promoter);
- ^{F4}(ca) section 310C (duty of promoter to provide updated information);
- (cb) section 312(2) (duty of promoter to notify client of reference number);]
- (d) section 313ZA (duty of promoter to provide details of clients).
- ^{F5}(e) section 316A (duty to provide additional information).]

^{F6}(1A) The provisions of Schedule 17 to F(No.2)A 2017 are—

- (a) paragraph 11(1) (duty of promoter in relation to notifiable proposals);
- (b) paragraph 21(3) (duty of promoter to provide updated information);
- (c) paragraph 23(2) (duty of promoter to notify client of reference number);
- (d) paragraph 27(3) (duty of promoter to provide details of clients);
- (e) paragraph 33 (duty to provide additional information).]

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- [^{F7}(2) For the purposes of [^{F8}sub-paragraphs (1) and (1A)], a person (“P”) fails to comply with a provision mentioned in [^{F9}any of those sub-paragraphs] if and only if any of conditions A to C are met.
- (3) Condition A is met if—
- (a) the tribunal has determined that P has failed to comply with the provision concerned,
 - (b) the appeal period has ended, and
 - (c) the determination has not been overturned on appeal.
- (4) Condition B is met if—
- (a) the tribunal has determined for the purposes of section 118(2) of TMA 1970 [^{F10}or paragraph 48 of Schedule 17 to F(No.2)A 2017] that P is to be deemed not to have failed to comply with the provision concerned as P had a reasonable excuse for not doing the thing required to be done,
 - (b) the appeal period has ended, and
 - (c) the determination has not been overturned on appeal.
- (5) Condition C is met if P has admitted in writing to HMRC that P has failed to comply with the provision concerned.
- (6) The “appeal period” means—
- (a) the period during which an appeal could be brought against the determination of the tribunal, or
 - (b) where an appeal mentioned in paragraph (a) has been brought, the period during which that appeal has not been finally determined, withdrawn or otherwise disposed of.]

Textual Amendments

- F2** Sch. 34 para. 5(A1) inserted (with effect in accordance with s. 121(6) of the amending Act) by [Finance Act 2021 \(c. 26\)](#), [Sch. 30 para. 29\(3\)](#)
- F3** Words in Sch. 34 para. 5(1) substituted (with effect in accordance with s. 121(6) of the amending Act) by [Finance Act 2021 \(c. 26\)](#), [Sch. 30 para. 29\(4\)\(a\)](#)
- F4** Sch. 34 para. 5(1)(ca)(cb) inserted (with effect in accordance with s. 121(6) of the amending Act) by [Finance Act 2021 \(c. 26\)](#), [Sch. 30 para. 29\(4\)\(b\)](#)
- F5** Sch. 34 para. 5(1)(e) inserted (with effect in accordance with s. 121(6) of the amending Act) by [Finance Act 2021 \(c. 26\)](#), [Sch. 30 para. 29\(4\)\(c\)](#)
- F6** Sch. 34 para. 5(1A) inserted (with effect in accordance with s. 121(6) of the amending Act) by [Finance Act 2021 \(c. 26\)](#), [Sch. 30 para. 29\(5\)](#)
- F7** Sch. 34 para. 5(2)-(6) substituted for Sch. 34 para. 5(2) (with effect in accordance with Sch. 19 para. 9 of the amending Act) by [Finance Act 2015 \(c. 11\)](#), [Sch. 19 para. 6](#)
- F8** Words in Sch. 34 para. 5(2) substituted (with effect in accordance with s. 121(6) of the amending Act) by [Finance Act 2021 \(c. 26\)](#), [Sch. 30 para. 29\(6\)\(a\)](#)
- F9** Words in Sch. 34 para. 5(2) substituted (with effect in accordance with s. 121(6) of the amending Act) by [Finance Act 2021 \(c. 26\)](#), [Sch. 30 para. 29\(6\)\(b\)](#)
- F10** Words in Sch. 34 para. 5(4) inserted (with effect in accordance with s. 121(6) of the amending Act) by [Finance Act 2021 \(c. 26\)](#), [Sch. 30 para. 29\(7\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 31 para. 2(3)(b) inserted by 2017 c. 32 Sch. 14 para. 45(2)(a)(iii)
- Sch. 31 para. 2(4A) inserted by 2017 c. 32 Sch. 14 para. 45(2)(c)
- Sch. 31 para. 3(1A) inserted by 2017 c. 32 Sch. 14 para. 45(3)(b)
- Sch. 31 para. 5(b) inserted by 2017 c. 32 Sch. 14 para. 45(4)(c)
- Sch. 31 para. 2(3)(a) words inserted by 2017 c. 32 Sch. 14 para. 45(2)(a)(ii)
- Sch. 31 para. 5(a) words inserted by 2017 c. 32 Sch. 14 para. 45(4)(b)
- Sch. 31 para. 2(3)(a) words renumbered as Sch. 31 para. 2(3)(a) by 2017 c. 32 Sch. 14 para. 45(2)(a)(i)
- Sch. 31 para. 5(a) words renumbered as Sch. 31 para. 5(a) by 2017 c. 32 Sch. 14 para. 45(4)(a)
- Sch. 32 para. 1(2)(b) inserted by 2017 c. 32 Sch. 14 para. 46(2)(a)(iii)
- Sch. 32 para. 1(3A) inserted by 2017 c. 32 Sch. 14 para. 46(2)(c)
- Sch. 32 para. 1(2)(a) words inserted by 2017 c. 32 Sch. 14 para. 46(2)(a)(ii)
- Sch. 32 para. 1(2)(a) words renumbered as Sch. 32 para. 1(2)(a) by 2017 c. 32 Sch. 14 para. 46(2)(a)(i)