

SCHEDULES

SCHEDULE 12

TRADING INCOME PROVIDED THROUGH THIRD PARTIES: LOANS ETC OUTSTANDING ON 5 APRIL 2019

Accelerated payments

- 19 (1) Paragraph 20(1) applies where—
- (a) section 23E of ITTOIA 2005 would (ignoring paragraph 20) apply in relation to a relevant benefit arising to T,
 - (b) the relevant benefit is a loan or quasi-loan in relation to which paragraph 1(2) applies,
 - (c) an accelerated payment notice, or a partner payment notice, relating to a relevant charge (the “accelerated payment notice”) has been given under Chapter 3 of Part 4 of FA 2014,
 - (d) T makes a payment (the “accelerated payment”) in respect of the understated or disputed tax to which the notice relates,
 - (e) the accelerated payment is made on or before [^{F1}5 April 2019], and
 - (f) the amount of the loan or quasi-loan that, at the end of [^{F2}5 April 2019], is outstanding for the purposes of paragraph 1 (see paragraphs 3 to 14) is equal to or less than the amount of the accelerated payment.
- (2) In sub-paragraph (1)(c), “relevant charge” means a charge to tax under section 23E of ITTOIA 2005 arising by reason of a relevant benefit which arises to T in pursuance of the relevant arrangement in pursuance of which the relevant benefit mentioned in sub-paragraph (1)(a) and (b) arises.

^{F3}(3)

Textual Amendments

- F1** Words in Sch. 12 para. 19(1)(e) substituted (22.7.2020) by Finance Act 2020 (c. 14), Sch. 2 para. 21(2)(a)
- F2** Words in Sch. 12 para. 19(1)(f) substituted (22.7.2020) by Finance Act 2020 (c. 14), Sch. 2 para. 21(2)(b)
- F3** Sch. 12 para. 19(3) omitted (22.7.2020) by virtue of Finance Act 2020 (c. 14), Sch. 2 para. 21(3)

- 20 (1) T may make an application to the Commissioners for Her Majesty's Revenue and Customs to be treated—
- (a) as if the relevant benefit mentioned in paragraph 19(1)(a) and (b) arises only if the condition in sub-paragraph (2) is met, and
 - (b) as if it arises immediately before the end of the 30 days beginning with the date on which the condition in sub-paragraph (2) becomes met.
- (2) The condition is that, on the withdrawal of the accelerated payment notice or on the determination of an appeal, any part of the accelerated payment is repaid.

Changes to legislation: There are currently no known outstanding effects for the Finance
(No. 2) Act 2017, Cross Heading: Accelerated payments. (See end of Document for details)

- (3) Subject to sub-paragraph (4), an application under sub-paragraph (1) may be made in 2018.
- (4) An application may be made after 2018 if an officer of Revenue and Customs considers it reasonable in all the circumstances for a late application to be made.
- (5) An application must be made in such form and manner, and contain such information, as may be specified by, or on behalf of, the Commissioners for Her Majesty's Revenue and Customs.
- (6) An officer of Revenue and Customs must notify the applicant of the decision on an application under this paragraph.

Changes to legislation:

There are currently no known outstanding effects for the Finance (No. 2) Act 2017, Cross
Heading: Accelerated payments.