



Finance (No. 2) Act 2023

2023 CHAPTER 30

PART 7

MISCELLANEOUS AND FINAL

Other

349 International arrangements for exchanging information

- (1) The Treasury may make regulations for, or in connection with, giving effect to international tax compliance arrangements to any extent, subject to such exceptions or modifications as the Treasury consider appropriate.
- (2) For the purposes of [this section](#), “international tax compliance arrangements” means any provision of—
 - (a) arrangements specified in an Order in Council made under section 173 of FA 2006 (international tax enforcement arrangements);
 - (b) the agreement reached between the Government of the United Kingdom and the Government of the United States of America to improve international tax compliance and to implement the provisions commonly known as the Foreign Account Tax Compliance Act in the enactment of the United States of America called the Hiring Incentives to Restore Employment Act, signed on 12 September 2012;
 - (c) the guidance on country-by-country reporting contained in the Organisation for Economic Co-operation and Development (“OECD”) Guidance on Transfer Pricing Documentation and Country-by-Country Reporting, published in 2014;
 - (d) the OECD Standard for Automatic Exchange of Financial Account Information in Tax Matters, published in 2014;
 - (e) the OECD Model Mandatory Disclosure Rules for CRS Avoidance Arrangements and Opaque Offshore Structures, published in 2018;
 - (f) the OECD Model Rules for Reporting by Platform Operators with respect to Sellers in the Sharing and Gig Economy, published on 3 July 2020;

Status: Point in time view as at 11/07/2023.

Changes to legislation: There are currently no known outstanding effects for the Finance (No. 2) Act 2023, Cross Heading: Other. (See end of Document for details)

- (g) any other arrangements or agreements made in relation to any territory or territories outside the United Kingdom, or documents related to those arrangements or agreements, which make provision corresponding or similar to that made by any arrangements, agreement or document mentioned in any of paragraphs (a) to (f).
- (3) A reference in subsection (2) to arrangements, an agreement or another document includes a reference to the arrangements, agreement or other document as modified, supplemented or replaced from time to time.
- (4) Regulations under subsection (1) may, in particular—
- (a) require persons to disclose information of a specified description, including information about arrangements that they participated in before (as well as after) the coming into force of this section;
 - (b) require the information to be disclosed—
 - (i) to HMRC, specified persons or persons of a specified description,
 - (ii) at specified times,
 - (iii) in relation to specified periods of time, and
 - (iv) in a specified form and manner;
 - (c) impose other obligations on persons in connection with requirements to disclose information, including obligations to provide information to, and obtain information from, other specified persons;
 - (d) provide for the imposition of penalties in respect of a contravention of, or non-compliance with, a requirement of the regulations, including provision about appeals in relation to the imposition of a penalty;
 - (e) provide that a reference in the regulations to any international tax compliance arrangements is to be read as a reference to those arrangements as modified, supplemented or replaced from time to time;
- (and for the purposes of this subsection “specified” means specified by or under the regulations).
- (5) The regulations may—
- (a) make different provision for different purposes;
 - (b) make provision by reference to things specified in a notice published by the Commissioners (as revised or replaced from time to time) in accordance with the regulations;
 - (c) allow any requirement, obligation or other provision that may be imposed or made by reference to subsection (4)(a) to (c) to be made by specific or general direction given by the Commissioners;
 - (d) make provision under which the Commissioners or other persons may exercise discretions;
 - (e) make consequential, supplementary, incidental, transitional or saving provision (including provision amending, repealing or revoking an enactment whenever passed or made).
- (6) For the purposes of subsections (4) and (5)—
- “arrangements” means any scheme, transaction or series of transactions;
- “the Commissioners” means the Commissioners for His Majesty’s Revenue and Customs;
- “HMRC” means His Majesty’s Revenue and Customs;

Status: Point in time view as at 11/07/2023.

Changes to legislation: There are currently no known outstanding effects for the Finance (No. 2) Act 2023, Cross Heading: Other. (See end of Document for details)

“participate”, in relation to arrangements, includes being involved in, or facilitating, the arrangements in any way (for example, by receiving any benefit from them or by designing, marketing or providing services in connection with them, or arranging for others to do so).

- (7) The Treasury may by regulations amend the list of international tax compliance arrangements in [subsection \(2\)](#) by—
 - (a) adding an entry for any arrangements, agreement or document, by or under which provision is made about the exchange of information;
 - (b) altering or removing an entry.
- (8) Regulations under [this section](#) are to be made by statutory instrument.
- (9) A statutory instrument containing (whether alone or with other provision) regulations made under [subsection \(7\)](#) may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the House of Commons.
- (10) A statutory instrument containing any other regulations under [this section](#) is subject to annulment in pursuance of a resolution of the House of Commons.
- (11) The following provisions are repealed—
 - (a) section 222 of FA 2013;
 - (b) section 122 of FA 2015;
 - (c) section 84 of FA 2019;
 - (d) section 129 of FA 2021.
- (12) Regulations made under any provision listed in [subsection \(11\)](#) are to be treated as if they were made under [this section](#) (so far as that would not otherwise be the case).

350 Payment of unclaimed money in court into the Consolidated Fund

In section 38(8) of the Administration of Justice Act 1982 (management and investment of funds in court: rules), after paragraph (f) (but before the “and” at the end) insert—

- “(fa) provide for the payment of a sum of money in court into the Consolidated Fund if—
- (i) the payment is in respect of funds in court which have been vested in the Accountant General under subsection (1) for at least 30 years, and
 - (ii) the conditions (if any) prescribed by the rules are met.”

351 Financial sanctions regulations: prohibition on certain payments by HMRC

- (1) HMRC may not, at any time on or after 15 March 2023, make a payment (whether directly or indirectly) to or for the benefit of a person who is, at that time, a designated person for the purposes of financial sanctions regulations.
- (2) The reference in subsection (1) to a payment—
 - (a) is a reference to a payment, including a repayment or refund, that HMRC would (apart from that subsection) be required or permitted, by or under any enactment, to make to the person, and
 - (b) includes a reference to a payment that HMRC would (apart from that subsection) be required or permitted to make to the person by way of setting

Status: Point in time view as at 11/07/2023.

Changes to legislation: There are currently no known outstanding effects for the Finance (No. 2) Act 2023, Cross Heading: Other. (See end of Document for details)

off the amount payable (as a credit) against a liability of the person to pay an amount to HMRC (as a debit).

- (3) The reference in subsection (1) to a payment being made (directly or indirectly) to or for the benefit of a person (“P”) includes the payment being made to another person who is owned or controlled (directly or indirectly) by P.
- (4) Nothing in this section prevents the accrual of interest, in accordance with any enactment, on a withheld amount.
- (5) But no other supplementary amount is payable by HMRC under section 79(1) of VATA 1994 (repayment supplement in respect of certain delayed payments or refunds), or any other enactment, by reference to an amount that is (or was) a withheld amount not being paid to a person on or before a particular date (including a date falling before 15 March 2023).
- (6) Provision made by or under section 15 of SAMLA 2018 (exceptions and licences), and by section 44 of that Act (protection for acts done for the purposes of compliance), applies (with the necessary modifications) for the purposes of the prohibition under subsection (1) as it applies for the purposes of prohibitions under financial sanctions regulations.
- (7) The Treasury may by regulations made by statutory instrument—
 - (a) specify further exceptions to the prohibition in subsection (1);
 - (b) make such other provision as they consider appropriate for the purposes of, or for purposes connected to, any provision made by this section.
- (8) A statutory instrument containing regulations under subsection (7) is subject to annulment in pursuance of a resolution of the House of Commons.
- (9) References in [this section](#) to “financial sanctions regulations” are references to regulations made (whether before or after the passing of this Act) under section 1 of SAMLA 2018, so far as they make provision for or in connection with imposing financial sanctions (within the meaning of section 3 of that Act).
- (10) In [this section](#)—
 - “designated person” has the meaning given by section 9 of SAMLA 2018;
 - “enactment” means any provision made by or under an Act (whether before or after the passing of this Act);
 - “HMRC” means His Majesty's Revenue and Customs;
 - “SAMLA 2018” means the Sanctions and Anti-Money Laundering Act 2018;
 - “a withheld amount” means an amount that HMRC would, apart from this section, be required or permitted to pay to a person.

352 Communications data

- (1) Section 12(2) of the Investigatory Powers Act 2016 (restriction of powers to obtain communications data) does not apply to a power falling within [subsection \(2\)](#).
- (2) A power falls within this subsection if it is conferred (whether before, on or after the passing of this Act) by or under—
 - (a) any Finance Act of any year (including this Act and any other numbered Finance Act);

Status: Point in time view as at 11/07/2023.

Changes to legislation: There are currently no known outstanding effects for the Finance (No. 2) Act 2023, Cross Heading: Other. (See end of Document for details)

- (b) the Taxes Acts (within the meaning of TMA 1970);
 - (c) the customs and excise Acts (within the meaning of CEMA 1979);
 - (d) any enactment relating to value added tax;
 - (e) any enactment, not falling within paragraphs (a) to (d), that relates to tax.
- (3) But [subsection \(1\)](#) does not apply in relation to the exercise of such a power by a public authority in the course of a criminal investigation by the authority.
- (4) In section 12 of the Investigatory Powers Act 2016, after subsection (2) insert—
- “(2A) Subsection (2) is subject to [section 352\(1\)](#) of the Finance (No. 2) Act 2023 (no restriction on tax related powers).”
- (5) In Schedule 36 to FA 2008 (information and inspection powers), in paragraph 19, omit sub-paragraphs (4) and (5).
- (6) In consequence of the repeal made by [subsection \(5\)](#), omit paragraph 10 of Schedule 2 to the Investigatory Powers Act 2016.
- (7) The modification and amendments made by [subsections \(1\) to \(6\)](#) are to be treated as having always had effect.
- (8) [Subsections \(9\) and \(10\)](#) apply where—
- (a) before the day on which this Act is passed, a public authority imposed a requirement on a person under a power falling within [subsection \(2\)](#), and
 - (b) as a result of section 12(2) of the Investigatory Powers Act 2016 the public authority did not, ignoring this section, have the power to impose it.
- (9) The requirement is to be treated as having been imposed on the day on which this Act is passed (and accordingly the period in which it must be complied with is to be treated as starting on that day) unless—
- (a) the requirement was withdrawn by the public authority before that day, or
 - (b) the person complied with the requirement before that day.
- (10) Where, before the day on which this Act is passed, the public authority imposed a penalty on the person for contravening the requirement—
- (a) the penalty is of no effect, and
 - (b) if already paid, the authority is liable to repay it.

Status:

Point in time view as at 11/07/2023.

Changes to legislation:

There are currently no known outstanding effects for the Finance (No. 2) Act 2023, Cross
Heading: Other.