



Saving Gateway Accounts Act 2009

2009 CHAPTER 8

Penalties

19 Penalties: incorrect information

- (1) A penalty of £300 may be imposed on a person who deliberately makes an incorrect declaration under section 6(2)(b).
- (2) A penalty not exceeding £3,000 may be imposed on—
 - (a) a person who deliberately or carelessly makes an incorrect statement or declaration in or in connection with a return made by the person under regulations made under section 11;
 - (b) a person who deliberately or carelessly provides incorrect information in response to a requirement imposed by or under regulations made under section 17.
- (3) Where—
 - (a) information is provided to Her Majesty's Revenue and Customs,
 - (b) after the information is provided, the person who provided the information, or on whose behalf the information was provided, discovers that the information was inaccurate, and
 - (c) that person fails to take reasonable steps to inform Her Majesty's Revenue and Customs,the inaccuracy is to be treated for the purposes of this section as the result of that person's carelessness.

20 Penalties: failure to submit return etc.

- (1) Penalties may be imposed on—
 - (a) a person who fails to submit a return under regulations under section 11 within the period specified in the regulations;
 - (b) a person who fails to make documents available, or to provide information or documents, in accordance with regulations under section 17.

- (2) The penalties which may be imposed under subsection (1) are—
- (a) a penalty not exceeding £300, and
 - (b) if the failure continues after a penalty under paragraph (a) is imposed, a further penalty or penalties not exceeding £60 for each day on which the failure continues after the day on which the penalty under that paragraph was imposed (but excluding any day for which a penalty under this paragraph has already been imposed).
- (3) No penalty under subsection (1) may be imposed on a person in respect of a failure after the failure has been remedied.
- (4) For the purposes of subsection (1) a person is to be taken not to have failed to do a thing by a particular time—
- (a) if the person had a reasonable excuse for not doing it by that time; or
 - (b) if the person did the thing within such further time as the Commissioners may have allowed.
- (5) For the purposes of subsection (4)—
- (a) an insufficiency of funds is not a reasonable excuse unless attributable to events outside the person's control;
 - (b) where the person relied on any other person to do anything, that is not a reasonable excuse unless the first person took reasonable care to avoid the failure;
 - (c) where the person had a reasonable excuse for the failure but the excuse ceased, the person is to be treated as having continued to have the excuse if the failure is remedied without unreasonable delay after the excuse ceased.

21 Penalties: non-compliance by account provider

- (1) A penalty may be imposed on an account provider if the account provider—
- (a) offers or operates, as a purported Saving Gateway account, an account which does not comply with a requirement imposed by or under section 4;
 - (b) fails to pay a maturity payment within the period specified in regulations under section 8(4);
 - (c) fails to pay a death payment within the period specified in regulations under section 4(2)(b);
 - (d) allows an account holder to exceed the limit on payments into the account imposed by regulations under section 4(4);
 - (e) fails to comply with a condition or requirement imposed by or under regulations under section 5;
 - (f) opens a purported Saving Gateway account for a person where the application for the account does not include a declaration under section 6(2)(b) or does not comply with section 6(2)(c);
 - (g) fails to open an account for a person in accordance with section 6(3);
 - (h) opens an account for a person where regulations under section 6(4) require the account provider to refuse to open an account;
 - (i) fails to comply with a requirement imposed by regulations under section 7 or 9.
- (2) The penalty which may be imposed under subsection (1) on the account provider is a penalty not exceeding—

- (a) £300, or
 - (b) £1 in respect of each account affected by the matter, or any of the matters, in respect of which a penalty is imposed,
- whichever is the greater.
- (3) A supplementary penalty may be imposed under subsection (1) if an earlier penalty was based on an underestimate of the number of accounts affected.

22 Decisions and notices

- (1) It is for the Commissioners to impose a penalty under section 19, 20 or 21.
- (2) A decision to impose a penalty may not be made after the end of 12 months beginning with the relevant date.
- (3) In subsection (2) “the relevant date” means—
- (a) in relation to a penalty under section 19(1), the last day of the appeal period;
 - (b) in relation to a penalty under section 19(2)(a) or (b) or 21(1) (other than one within paragraph (d) below), the day on which the Commissioners become aware of the matter in respect of which the penalty is imposed;
 - (c) in relation to a penalty under section 20(1), the day on which the failure occurred or began;
 - (d) in relation to a supplementary penalty imposed by virtue of section 21(3), the day on which the Commissioners become aware of the underestimate.
- (4) In subsection (3)(a), “the appeal period” means the period during which—
- (a) the person on whom the penalty is imposed could appeal under section 23(1)(e), or
 - (b) an appeal made by the person under section 23(1)(e) has not yet been determined or withdrawn.
- (5) If the Commissioners decide to impose a penalty, they must give notice of the decision to the person on whom the penalty is imposed.
- (6) The Commissioners may, in their discretion, reduce a penalty after a notice has been given.
- (7) A penalty must be paid within 30 days beginning with the date on which the notice of the penalty was issued.
- (8) A notice must specify—
- (a) the amount of the penalty;
 - (b) the date on which the notice is issued;
 - (c) details of the right of appeal against the penalty under section 23.
- (9) A penalty is to be treated for the purposes of Part 6 of the Taxes Management Act 1970 (c. 9) (collection and recovery) as if it were tax charged in an assessment and due and payable.