



# Finance Act 2013

## 2013 CHAPTER 29

### PART 5

#### GENERAL ANTI-ABUSE RULE

#### **[<sup>F1</sup>209B Notified adjustments: 12 month period for taking action if appeal made**

- (1) This section applies where a person (the “taxpayer”) to whom a provisional counteraction notice has been given appeals against the making of the notified adjustments.
- (2) The notified adjustments are to be treated as cancelled with effect from the end of the period of 12 months beginning with the day on which the provisional counteraction notice is given unless an action mentioned in subsection (4) is taken before that time.
- (3) For the purposes of subsection (2) it does not matter whether the action mentioned in subsection (4)(c), (d) or (e) is taken before or after the provisional counteraction notice is given (but if that action is taken before the provisional counteraction notice is given subsection (5) does not have effect).
- (4) The actions are—
  - (a) an officer of Revenue and Customs notifying the taxpayer that the notified adjustments are cancelled;
  - (b) an officer of Revenue and Customs giving the taxpayer written notice of the withdrawal of the provisional counteraction notice (without cancelling the notified adjustments);
  - (c) a designated HMRC officer giving the taxpayer a notice under paragraph 3 of Schedule 43 which—
    - (i) specifies the arrangements and the tax advantage which are specified in the provisional counteraction notice, and
    - (ii) specifies the notified adjustments (or lesser adjustments) as the counteraction that the officer considers ought to be taken (see paragraph 3(2)(c) of that Schedule);

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*Status: Point in time view as at 15/09/2016. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 2013, Section 209B. (See end of Document for details)*

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- (d) a designated HMRC officer giving the taxpayer a pooling notice or a notice of binding under Schedule 43A which—
    - (i) specifies the arrangements and the tax advantage which are specified in the provisional counteraction notice, and
    - (ii) specifies the notified adjustments (or lesser adjustments) as the counteraction that the officer considers ought to be taken;
  - (e) a designated HMRC officer giving the taxpayer a notice under paragraph 1(2) of Schedule 43B which—
    - (i) specifies the arrangements and the tax advantage which are specified in the provisional counteraction notice, and
    - (ii) specifies the notified adjustments (or lesser adjustments) as the counteraction that the officer considers ought to be taken.
- (5) In a case within subsection (4)(c), (d) or (e), if—
- (a) the notice under paragraph 3 of Schedule 43, or
  - (b) the pooling notice or notice of binding, or
  - (c) the notice under paragraph 1(2) of Schedule 43B,
- (as the case may be) specifies lesser adjustments the officer must modify the notified adjustments accordingly.
- (6) The officer may not take the action in subsection (4)(b) unless the officer was authorised to make the notified adjustments otherwise than under this Part.
- (7) In this section “lesser adjustments” means adjustments which assume a smaller tax advantage than was assumed in the provisional counteraction notice.]

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**Textual Amendments**

- F1** Ss. 209A-209F inserted (15.9.2016) (with effect in accordance with s. 156(3) of the amending Act) by [Finance Act 2016 \(c. 24\), s. 156\(1\)](#)

**Status:**

Point in time view as at 15/09/2016. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Finance Act 2013, Section 209B.