



Finance Act 2014

2014 CHAPTER 26

PART 4

FOLLOWER NOTICES AND ACCELERATED PAYMENTS

CHAPTER 3

ACCELERATED PAYMENT

Withdrawal etc of accelerated payment notice

227 Withdrawal, modification or suspension of accelerated payment notice

- (1) In this section a “Condition C requirement” means one of the requirements set out in Condition C in section 219.
- (2) Where an accelerated payment notice has been given, HMRC may, at any time, by notice given to P—
 - (a) withdraw the notice,
 - (b) where the notice is given by virtue of more than one Condition C requirement being met, withdraw it to the extent it is given by virtue of one of those requirements (leaving the notice effective to the extent that it was also given by virtue of any other Condition C requirement and has not been withdrawn), or
 - (c) reduce the amount specified in the accelerated payment notice under section 220(2)(b) or 221(2)(b).
- (3) Where—
 - (a) an accelerated payment notice is given by virtue of the Condition C requirement in section 219(4)(a), and
 - (b) the follower notice to which it relates is withdrawn,

Status: Point in time view as at 22/08/2014.

Changes to legislation: Finance Act 2014, Cross Heading: Withdrawal etc of accelerated payment notice is up to date with all changes known to be in force on or before 21 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)

HMRC must withdraw the accelerated payment notice to the extent it was given by virtue of that requirement.

(4) Where—

- (a) an accelerated payment notice is given by virtue of the Condition C requirement in section 219(4)(a), and
- (b) the follower notice to which it relates is amended under section 216(7)(b) (cases where there is a new relevant final judicial ruling following a late appeal),

HMRC may by notice given to P make consequential amendments (whether under subsection (2)(c) or otherwise) to the accelerated payment notice.

(5) Where—

- (a) an accelerated payment notice is given by virtue of the Condition C requirement in section 219(4)(b), and
- (b) HMRC give notice under section 312(6) of FA 2004 with the result that promoters are no longer under the duty in section 312(2) of that Act in relation to the chosen arrangements,

HMRC must withdraw the notice to the extent it was given by virtue of that requirement.

(6) Subsection (7) applies where—

- (a) an accelerated payment notice is withdrawn to the extent that it was given by virtue of a Condition C requirement,
- (b) that requirement is the one stated in the notice for the purposes of section 220(6) or 221(5) (calculation of amount of the accelerated payment or of the denied advantage), and
- (c) the notice remains effective to the extent that it was also given by virtue of any other Condition C requirement.

(7) HMRC must, by notice given to P—

- (a) modify the accelerated payment notice so as to state the remaining, or one of the remaining, Condition C requirements for the purposes of section 220(6) or 221(5), and
- (b) if the amount of the accelerated payment or (as the case may be) the amount of the disputed tax determined on the basis of the substituted Condition C requirement is less than the amount specified in the notice, amend that notice under subsection (2)(c) to substitute the lower amount.

(8) If a follower notice is suspended under section 216 (appeals against final rulings made out of time) for any period, an accelerated payment notice in respect of the follower notice is also suspended for that period.

(9) Accordingly, the period during which the accelerated payment notice is suspended does not count towards the periods mentioned in the following provisions—

- (a) section 223;
- (b) section 55(8D) of TMA 1970;
- (c) paragraph 39(11) of Schedule 10 to FA 2003;
- (d) paragraph 48(8C) of Schedule 33 to FA 2013.

(10) But the accelerated payment notice is not suspended under subsection (8) if it was also given by virtue of section 219(4)(b) or (c) and has not, to that extent, been withdrawn.

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- (11) In a case within subsection (10), subsections (6) and (7) apply as they would apply were the notice withdrawn to the extent that it was given by virtue of section 219(4) (a), except that any change made to the notice under subsection (7) has effect during the period of suspension only.
- (12) Where an accelerated payment notice is withdrawn, it is to be treated as never having had effect (and any accelerated payment made in accordance with, or penalties paid by virtue of, the notice are to be repaid).
- (13) If, as a result of a modification made under subsection (2)(c), more than the resulting amount of the accelerated payment has already been paid by P, the excess must be repaid.

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