
Changes to legislation: There are currently no known outstanding effects for the Finance Act 2015, Cross Heading: Publication of DOTAS information. (See end of Document for details)

SCHEDULES

SCHEDULE 17

DISCLOSURE OF TAX AVOIDANCE SCHEMES

Publication of DOTAS information

17 After section 316B of FA 2004 insert—

“316C Publication by HMRC

- (1) HMRC may publish information about—
 - (a) any notifiable arrangements, or proposed notifiable arrangements, to which a reference number is allocated under section 311;
 - (b) any person who is a promoter in relation to the notifiable arrangements or, in the case of proposed notifiable arrangements, the notifiable proposal.
- (2) The information that may be published is (subject to subsection (4))—
 - (a) any information relating to arrangements within subsection (1)(a), or a person within subsection (1)(b), that is prescribed information for the purposes of section 308, 309 or 310;
 - (b) any ruling of a court or tribunal relating to any such arrangements or person (in that person's capacity as a promoter in relation to a notifiable proposal or arrangements);
 - (c) the number of persons in any period who enter into transactions forming part of notifiable arrangements within subsection (1)(a);
 - (d) whether arrangements within subsection (1)(a) are APN relevant (see subsection (7));
 - (e) any other information that HMRC considers it appropriate to publish for the purpose of identifying arrangements within subsection (1)(a) or a person within subsection (1)(b).
- (3) The information may be published in any manner that HMRC considers appropriate.
- (4) No information may be published under this section that identifies a person who enters into a transaction forming part of notifiable arrangements within subsection (1)(a).
- (5) But where a person who is a promoter within subsection (1)(b) is also a person mentioned in subsection (4), nothing in subsection (4) is to be taken as preventing the publication under this section of information so far as relating to the person's activities as a promoter.
- (6) Before publishing any information under this section that identifies a person as a promoter within subsection (1)(b), HMRC must—

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2015, Cross Heading: Publication of DOTAS information. (See end of Document for details)

- (a) inform the person that they are considering doing so, and
 - (b) give the person reasonable opportunity to make representations about whether it should be published.
- (7) Arrangements are “APN relevant” for the purposes of subsection (2)(d) if HMRC has indicated in a publication that it may exercise (or has exercised) its power under section 219 of the Finance Act 2014 (accelerated payment notices) by virtue of the arrangements being DOTAS arrangements within the meaning of that section.

316D Section 316C: subsequent judicial rulings

- (1) This section applies if—
 - (a) information about notifiable arrangements, or proposed notifiable arrangements, is published under section 316C,
 - (b) at any time after the information is published, a ruling of a court or tribunal is made in relation to tax arrangements, and
 - (c) HMRC is of the opinion that the ruling is relevant to the arrangements mentioned in paragraph (a).
- (2) A ruling is “relevant” to the arrangements if—
 - (a) the principles laid down, or reasoning given, in the ruling would, if applied to the arrangements, allow the purported advantage arising from the arrangements in relation to tax, and
 - (b) the ruling is final.
- (3) HMRC must publish information about the ruling.
- (4) The information must be published in the same manner as HMRC published the information mentioned in subsection (1)(a) (and may also be published in any other manner that HMRC considers appropriate).
- (5) A ruling is “final” if it is—
 - (a) a ruling of the Supreme Court, or
 - (b) a ruling of any other court or tribunal in circumstances where—
 - (i) no appeal may be made against the ruling,
 - (ii) if an appeal may be made against the ruling with permission, the time limit for applications has expired and either no application has been made or permission has been refused,
 - (iii) if such permission to appeal against the ruling has been granted or is not required, no appeal has been made within the time limit for appeals, or
 - (iv) if an appeal was made, it was abandoned or otherwise disposed of before it was determined by the court or tribunal to which it was addressed.
- (6) Where a ruling is final by virtue of sub-paragraph (ii), (iii) or (iv) of subsection (5)(b), the ruling is to be treated as made at the time when the sub-paragraph in question is first satisfied.
- (7) In this section “tax arrangements” means arrangements in respect of which it would be reasonable to conclude (having regard to all the circumstances)

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2015, Cross Heading: Publication of DOTAS information. (See end of Document for details)

that the obtaining of an advantage in relation to tax was the main purpose, or one of the main purposes.”

Changes to legislation:

There are currently no known outstanding effects for the Finance Act 2015, Cross Heading:
Publication of DOTAS information.