
Changes to legislation: There are currently no known outstanding effects for the Finance (No. 2) Act 2017, Paragraph 46. (See end of Document for details)

SCHEDULES

SCHEDULE 16

PENALTIES FOR ENABLERS OF DEFEATED TAX AVOIDANCE

PART 10

PUBLISHING DETAILS OF PERSONS WHO HAVE INCURRED PENALTIES

Power to publish details

- 46 (1) The Commissioners may publish information about a person where—
- (a) the person has incurred a penalty under paragraph 1,
 - (b) the penalty has become final, and
 - (c) either the condition in sub-paragraph (2) or the condition in sub-paragraph (3) is met.
- (2) The condition in this sub-paragraph is that, at the time when the penalty mentioned in sub-paragraph (1) becomes final, 50 or more other penalties which are reckonable penalties have been incurred by the person.
- (3) The condition in this sub-paragraph is that—
- (a) the amount of the penalty mentioned in sub-paragraph (1), or
 - (b) the total amount of that penalty and any other penalties incurred by that person which are reckonable penalties,
- is more than £25,000.
- (4) The information that may be published under this paragraph is—
- (a) the person's name (including any trading name, previous name or pseudonym),
 - (b) the person's address (or registered office),
 - (c) the nature of any business carried on by the person,
 - (d) the total number of the penalties in question (that is, the penalty mentioned in sub-paragraph (1) and any penalties that are reckonable penalties in relation to that penalty),
 - (e) the total amount of the penalties in question, and
 - (f) any other information that the Commissioners consider it appropriate to publish in order to make clear the person's identity.
- (5) The information may be published in any way that the Commissioners consider appropriate.
- (6) For the purposes of this Part of this Schedule a penalty becomes “ final ”
- (a) if the penalty has been assessed and paragraph (b) does not apply, at the time when the period for any appeal or further appeal relating to the penalty

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expires or, if later, when any appeal or final appeal relating to it is finally determined;

- (b) if a contract settlement has been made in relation to the penalty, at the time when the contract is made;

and “contract settlement” here means a contract between the Commissioners and the person under which the Commissioners undertake not to assess the penalty or (if it has been assessed) not to take proceedings to recover it.

- (7) “Reckonable penalty” has the meaning given by paragraph 47.

- (8) This paragraph is subject to paragraphs 48 to 50.

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