



# Finance Act 2019

## 2019 CHAPTER 1

### PART 4

#### ADMINISTRATION AND ENFORCEMENT

##### *International agreements*

#### **84 International tax enforcement: disclosable arrangements**

- (1) The Treasury may, for the purpose of securing compliance with an obligation of the government of the United Kingdom under an international tax provision, make regulations requiring persons who participate in arrangements of a description specified in the regulations to disclose information about those arrangements.
- (2) Regulations under this section may—
  - (a) require information to be disclosed in such form and manner, and at such intervals, as may be specified in the regulations;
  - (b) require persons to disclose information about arrangements that they participated in before (as well as after) the coming into force of this section;
  - (c) provide for the imposition of penalties in respect of a contravention of, or non-compliance with, a requirement of the regulations, including provision about appeals in relation to the imposition of a penalty;
  - (d) make different provision for different purposes.
- (3) For the purposes of subsections (1) and (2)—
  - “arrangements” includes any scheme, transaction or series of transactions;
  - “participate”, in relation to arrangements, includes being involved in, or facilitating, the arrangements in any way (for example, by receiving any benefit from them or by designing, marketing or providing services in connection with them, or arranging for others to do so);
  - “international tax provision” means any provision of—
    - (a) any arrangements specified in an Order in Council made under section 173 of FA 2006 (international tax enforcement arrangements), or

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*Status: This is the original version (as it was originally enacted).*

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- (b) [Council Directive 2011/16/EU](#) of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive [77/799/EEC](#), as amended from time to time.
- (4) Regulations under this section may make consequential, supplementary, incidental, transitional or saving provision (and may do so by amending, repealing or revoking an enactment whenever passed or made).
- (5) Regulations under this section are to be made by statutory instrument.
- (6) A statutory instrument containing regulations under this section which amend or repeal an enactment contained in an Act may not be made unless a draft of the instrument has been laid before, and approved by resolution of, the House of Commons.
- (7) A statutory instrument containing any other regulations under this section is subject to annulment in pursuance of a resolution of the House of Commons.
- (8) No regulations may be made under this section unless the Chancellor of the Exchequer has laid before the House of Commons a report on how the powers in this section are to be exercised in each of the scenarios in subsection (9).
- (9) The scenarios to be considered in the report under subsection (8) are—
- (a) if either—
- (i) a negotiated withdrawal agreement, or
- (ii) a framework for the future relationship with the European Union, has not been ratified under section 13 of the European Union (Withdrawal) Act 2018 at the time of the United Kingdom ceasing to be a member of the European Union, and
- (b) if both—
- (i) a negotiated withdrawal agreement, and
- (ii) a framework for the future relationship with the European Union, have been ratified under section 13 of the European Union (Withdrawal) Act 2018 at the time of the United Kingdom ceasing to be a member of the European Union.