

SCHEDULES

SCHEDULE 13

JOINT AND SEVERAL LIABILITY OF COMPANY DIRECTORS ETC

Withdrawal or modification of notice

- 10 (1) HMRC must withdraw a joint liability notice given to an individual, by giving a further notice to the individual, if—
- (a) any of the relevant conditions were not met when the joint liability notice was given, or
 - (b) it is not necessary for the protection of the revenue for the notice to continue to have effect.
- (2) In this Schedule “relevant conditions” means—
- (a) conditions A to E in paragraph 2, in the case of a notice under paragraph 2(1);
 - (b) conditions A to D in paragraph 3, in the case of a notice under paragraph 3(1);
 - (c) conditions A to D in paragraph 5, in the case of a notice under paragraph 5(1).
- (3) HMRC must withdraw a notice given to an individual under paragraph 3(1), by giving a further notice to the individual, if—
- (a) at least one of the old companies (see paragraph 3(3)) is a company that—
 - (i) became subject to an insolvency procedure on the basis that it was being wound up by way of a members’ voluntary winding up, and
 - (ii) pays its debts in full, together with interest at the official rate, after the end of the period of 12 months beginning with the day on which the members’ voluntary winding up commenced but before the end of that winding up, and
 - (b) condition A in paragraph 3 would not have been met if that company, or each of them (if more than one), had not been subject to an insolvency procedure.
- (4) For the purposes of sub-paragraph (3)(a)(ii), the end of a members’ voluntary winding up of a company happens when—
- (a) the company is dissolved in pursuance of the members’ voluntary winding up, or
 - (b) the members’ voluntary winding up becomes a creditors’ voluntary winding up.
- (5) HMRC may withdraw a notice given to an individual under this Schedule, by giving a further notice to the individual, if they think it appropriate to do so even though sub-paragraph (1) or (3) does not apply.
- (6) Where an individual has been given a joint liability notice, HMRC may by further notice to the individual vary an amount specified—
- (a) under paragraph 2(9)(a) or (10), paragraph 3(11)(c) or paragraph 5(8)(a) or (9), or

Status: This is the original version (as it was originally enacted).

- (b) under this sub-paragraph,
if it seems to them that the amount so specified is, or has become, too much or not enough.
- (7) Subject to sub-paragraph (8), a joint liability notice that is withdrawn under this paragraph is of no effect.
- (8) Where a joint liability notice is withdrawn under sub-paragraph (1)(b) or (3), the withdrawal of the notice does not give the individual a right to recover any amount that the individual has already paid to HMRC in response to the notice.