



Finance Act 2020

2020 CHAPTER 14

PART 1

INCOME TAX, CORPORATION TAX AND CAPITAL GAINS TAX

Loan charge

21 Operation of the scheme

- (1) The scheme may make provision—
 - (a) in relation to all qualifying agreements or specified descriptions of qualifying agreements only, and
 - (b) in relation to all qualifying amounts or specified descriptions of qualifying amounts only.
- (2) The scheme may make provision for an amount that is not a qualifying amount by reason only of subsection (4) of section 20 to be treated in certain cases as if it were a qualifying amount.
- (3) The scheme may make provision about the making of applications under the scheme, including—
 - (a) provision as to who is or is not eligible to apply,
 - (b) provision as to the conditions that must be met in order to apply,
 - (c) provision as to the form, manner and content of an application, and
 - (d) provision as to information or evidence to be provided in support of an application.
- (4) The scheme may make provision about the determination of applications under the scheme, including—
 - (a) provision in accordance with which the Commissioners must determine whether to exercise their discretion to repay or waive the payment of a qualifying amount, and

Status: This is the original version (as it was originally enacted).

- (b) provision in accordance with which the Commissioners must determine how much of any qualifying amount to repay or waive.
- (5) The scheme may make provision authorising the Commissioners to make a repayment or waiver conditional—
 - (a) on the applicant or any other person agreeing to the termination or variation of the qualifying agreement concerned,
 - (b) on the applicant or any other person making a new agreement with the Commissioners, or
 - (c) on the satisfaction of such other conditions as may be specified or determined by the Commissioners.
- (6) The scheme may provide that in making any determination under the scheme the Commissioners may or must take account of—
 - (a) the effect the qualifying agreement concerned has had, or may have, on the applicant or any other person (for example, the effect it has had, or may have, on any liability, relief or benefit),
 - (b) the effect any repayment or waiver would have on the applicant or any other person (for example, the effect it would have on any liability, relief or benefit), and
 - (c) such other matters as may be specified.
- (7) The scheme may make provision as to the effect, if any, a repayment or waiver is to have on—
 - (a) the entitlement of the applicant, or any other person, to a payment, benefit or relief under an enactment,
 - (b) the amount or value of such a payment, benefit or relief,
 - (c) any liability the applicant, or any other person, may have under an enactment, or
 - (d) the extent of any such liability.
- (8) The scheme may make provision for or in connection with the recovery by the Commissioners of—
 - (a) any amount repaid under the scheme in circumstances where the Commissioners consider that the repayment should not have been paid, or
 - (b) any amount the payment of which has been waived under the scheme in circumstances where the Commissioners consider that the waiver should not have been granted.
- (9) The scheme may make—
 - (a) different provision for different purposes or cases,
 - (b) provision generally or for specific cases,
 - (c) provision subject to exceptions, and
 - (d) incidental, supplementary, consequential or transitional provision.
- (10) The scheme may be amended by the Commissioners from time to time.
- (11) An amendment making provision of a kind authorised by subsection (7) may have effect in relation to a repayment paid or waiver granted before the amendment comes into force, but only if the principal effect of the amendment is to benefit persons other than the Commissioners.
- (12) In this section—

“the scheme” means the scheme established under section 20,
“specified” means specified in the scheme, and
“the Commissioners”, “qualifying amount” and “qualifying agreement”
have the meaning they have in section 20.