
STATUTORY INSTRUMENTS

1994 No. 1774

The Insurance Premium Tax Regulations 1994

PART II

REGISTRATION AND PROVISIONS FOR SPECIAL CASES

Notification of liability to register

4.—(1) A person who is required by section 53(2) of the Act to notify the Commissioners of the facts there mentioned shall do so on the form numbered 1 in the Schedule to these Regulations.

(2) Where the notification referred to in this regulation is made by a partnership, it shall include the particulars set out on the form numbered 2 in the Schedule to these Regulations.

(3) The notification referred to in this regulation shall be made within thirty days of the earliest date after 31st July 1994 on which the person either forms or continues to have the intention to receive premiums in the course of a taxable business.

Changes in particulars

5.—(1) A person who has made the notification referred to in regulation 4, whether or not it was made in accordance with paragraph (3) of that regulation, shall, within thirty days of any change occurring which causes to become inaccurate any of the information which was required to be contained in the notification, notify the Commissioners in writing and furnish them with full particulars thereof.

(2) Where in relation to a registered person the Commissioners are satisfied that any of the information recorded in the register is no longer accurate they may correct the register accordingly.

(3) For the purposes of paragraph (2) above, it is immaterial whether or not the registered person has notified the Commissioners of any change which has occurred in accordance with paragraph (1) above.

Notification of liability to be de-registered

6. A person who is required by section 53(3) of the Act to notify the Commissioners of the facts there mentioned shall, within thirty days of his having ceased to have the intention to receive premiums in the course of any taxable business, notify the Commissioners in writing and shall therein inform them of—

- (a) the date on which he ceased to have the intention of receiving premiums in the course of any taxable business; and
- (b) if different, the date on which the last such premium was received.

Transfer of a going concern

7.—(1) Where—

- (a) a taxable business is transferred as a going concern;

- (b) the registration of the transferor has not already been cancelled;
- (c) as a result of the transfer of the business the registration of the transferor is to be cancelled and the transferee becomes liable to be registered; and
- (d) an application is made on the form numbered 3 in the Schedule to these Regulations by both the transferor and the transferee,

the Commissioners may with effect from the date of the transfer cancel the registration of the transferor and register the transferee with the registration number previously allocated to the transferor.

(2) An application under paragraph (1) above shall be treated as the notification referred to in regulation 6.

(3) Where the transferee of a business has been registered under paragraph (1) above with the registration number previously allocated to the transferor—

- (a) any liability of the transferor existing at the date of the transfer to make a return or account for or pay any tax under Part III of these Regulations shall become the liability of the transferee;
- (b) any entitlement of the transferor, whether or not existing at the date of the transfer, to credit or payment under Part IV of these Regulations shall become the entitlement of the transferee.

(4) In addition to the provisions set out in paragraph (3) above, where the transferee of a business has been registered under paragraph (1) above with the registration number previously allocated to the transferor during an accounting period subsequent to that in which the transfer took place (but with effect from the date of the transfer) and any—

- (a) return has been made;
- (b) tax has been accounted for; or
- (c) entitlement to credit has been claimed,

by either the transferor or the transferee, it shall be treated as having been done by the transferee.

(5) Where—

- (a) a taxable business is transferred as a going concern;
- (b) the transferee makes a payment to a person which represents the repayment of any premium or part of a premium received in the course of that business; and
- (c) the transferor has paid tax on that premium or part,

then, whether or not the transferee has been registered under paragraph (1) above with the registration number previously allocated to the transferor, any entitlement to credit under Part IV of these Regulations shall become the entitlement of the transferee.

Registration of Lloyd's syndicates

8.—(1) Where a taxable business is carried on by persons who are underwriting members of Lloyd's who are members of a syndicate of such underwriting members the registration of those persons for the purposes of the Act may be by reference to the syndicate; and, where such a syndicate is not known by any name, the registration may be by reference to any number or other identifying feature of the syndicate.

(2) In determining whether premiums are received by any syndicate which has been registered in the manner described in paragraph (1) above no account shall be taken of any change in the members of the syndicate.

Representation of Lloyd's syndicates

9.—(1) Anything required to be done by or under the Act (whether by these Regulations or otherwise) by or on behalf of a syndicate of underwriting members of Lloyd's shall be the joint and several responsibility of the persons mentioned in paragraph (2) below; but if it is done by any of those persons it shall be sufficient compliance with any such requirement.

(2) The persons are—

- (a) the underwriting members of the syndicate;
- (b) the managing agent of the syndicate; and
- (c) as regards any accounting period for which it is required by paragraph (3) below to act as the syndicate's representative, Lloyd's.

(3) Where a syndicate of underwriting members of Lloyd's has made an election that Lloyd's shall act as its representative Lloyd's shall so act in relation to any accounting period as regards which—

- (a) that election has effect;
- (b) the syndicate is registered as described in regulation 8; and
- (c) the scheme established by Part V of these Regulations applies to the syndicate.

(4) An election under paragraph (3) above shall be made in writing and shall specify the first accounting period of the syndicate in respect of which the election is to have effect, being an accounting period beginning on or after the date the election is made.

(5) Subject to paragraphs (6) and (7) below, an election under paragraph (3) above shall have effect for the accounting period specified in the election and all subsequent accounting periods.

(6) An election under paragraph (3) above shall not have effect unless written notification of the election is given to the Commissioners before the beginning of the accounting period specified in the election.

(7) An election under paragraph (3) above shall cease to have effect with effect from the accounting period specified in any notice in writing given by the syndicate to the Commissioners for this purpose, being an accounting period beginning after the date the notice is given.

Representation of unincorporated body

10.—(1) Where anything is required to be done by or under the Act (whether by these Regulations or otherwise) by or on behalf of an unincorporated body other than a partnership, it shall be the joint and several responsibility of—

- (a) every member holding office as president, chairman, treasurer, secretary or any similar office; or
- (b) if there is no such office, every member holding office as a member of a committee by which the affairs of the body are managed; or
- (c) if there is no such office or committee, every member;

but, subject to paragraph (2) below, if it is done by any of the persons referred to above that shall be sufficient compliance with any such requirement.

(2) Where an unincorporated body other than a partnership is required to make any notification such as is referred to in regulations 4 to 6, it shall not be sufficient compliance unless the notification is made by a person upon whom a responsibility for making it is imposed by paragraph (1) above.

(3) Where anything is required to be done by or under the Act (whether by these Regulations or otherwise) by or on behalf of a partnership, it shall be the joint and several responsibility of every partner; but if it is done by one partner or, in the case of a partnership whose principal place of

business is in Scotland, by any other person authorised by the partnership with respect thereto that shall be sufficient compliance with any such requirement.

Death, bankruptcy or incapacity of registrable persons

11.—(1) If a registrable person dies or becomes bankrupt or incapacitated, the Commissioners may, from the date on which he died or became bankrupt or incapacitated, as the case may be, treat as a registrable person any person carrying on any taxable business of his; and any legislation relating to insurance premium tax shall apply to any person so treated as though he were a registered person.

(2) Any person carrying on such business as aforesaid shall, within thirty days of commencing to do so, inform the Commissioners in writing of that fact and of the date of the death or bankruptcy or of the nature of the incapacity and the date on which it began.

(3) Where the Commissioners have treated a person carrying on a business as a registrable person under paragraph (1) above, they shall cease so to treat him if—

- (a) the registration of the registrable person is cancelled, whether or not any other person is registered with the registration number previously allocated to him;
- (b) the bankruptcy is discharged or the incapacity ceases; or
- (c) he ceases carrying on the business of the registrable person.

(4) In relation to a registrable person which is a company, the references in this regulation to the registrable person becoming incapacitated shall be construed as references to its going into liquidation or receivership or to an administration order being made in relation to it; and references to the incapacity ceasing shall be construed accordingly.