

2008 No. 1947

TAXES

**The Tax Avoidance Schemes (Information) (Amendment)
Regulations 2008**

<i>Made</i>	- - - -	<i>22nd July 2008</i>
<i>Laid before Parliament</i>		<i>22nd July 2008</i>
<i>Coming into force</i>	- -	<i>1st November 2008</i>

The Commissioners for Her Majesty's Revenue and Customs make the following Regulations in exercise of the powers conferred by sections 312(2) and (5) and 312A(2) and (5) of the Finance Act 2004(a):

Citation and Commencement

1. These Regulations may be cited as the Tax Avoidance Schemes (Information) (Amendment) Regulations 2008 and shall come into force on 1st November 2008.

Amendment of the Tax Avoidance Schemes (Information) Regulations 2004

2. The Tax Avoidance Schemes (Information) Regulations 2004(b) are amended as follows.

3. For regulation 7 substitute —

“Prescribed information under sections 312 and 312A

7. For the purposes of sections 312(2) and (5) (duty of promoter to notify client of number) and 312A(2) (duty of client to notify parties of number) the prescribed information is the reference number (or if more than one, any one reference number) allocated under the provisions of section 311.”.

4. After regulation 7 insert—

“Time for providing information under 312A

7A. In the case of a notification under section 312A the prescribed period is the period of 30 days beginning with—

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- (a) 2004 c.12: the relevant part of the Act, Part 7, was amended by section 108 of the Finance Act 2007 (c. 11) and Schedule 38 to the Finance Act 2008 (c. 9). Section 312 was amended and paragraph 312A inserted by paragraph 4 of Schedule 38 to the Finance Act 2008. Section 318 defines “prescribed” as prescribed in regulations made by the Board. The functions of the Commissioners of Inland Revenue were transferred to the Commissioners for Her Majesty's Revenue and Customs by section 5(2) of the Commissioners for Revenue and Customs Act 2005 (c. 11). Section 50(1) of that Act provides that a reference to the Commissioners of Inland Revenue, however expressed, shall be taken as a reference to the Commissioners for Her Majesty's Revenue and Customs.
- (b) S.I. 2004/1864 as amended by S.I. 2004/2613, 2005/1869, 2006/1544, 2007/2153 and 2007/3103.

- (a) the day on which the client first becomes aware of any transaction forming part of notifiable arrangements or proposed notifiable arrangements; or, if later,
- (b) the day on which the prescribed information is notified to the client by the promoter under section 312.

Exemption from duty under section 312A

7B. The duty of a client to notify other persons under section 312A does not apply to an employer of an employee where the employee by reason of employment receives or expects to receive a tax advantage in respect of income tax or capital gains tax as a result of notifiable arrangements or proposed notifiable arrangements.”.

*Dave Hartnett
Steve Lamey*

22nd July 2008

Two of the Commissioners for Her Majesty’s Revenue and Customs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Tax Avoidance Scheme (Information) Regulations 2004 (S.I. 2004/1864) by substituting regulation 7 and inserting new regulations 7A and 7B.

Regulation 7 prescribes the information to be provided by a promoter to a client under section 312 of the Finance Act 2004 (c. 12) (“the 2004 Act”) or by a client to other parties under section 312A of the 2004 Act.

Regulation 7A prescribes the period within which information prescribed under section 312A of the 2004 Act is to be delivered to the other parties.

Regulation 7B exempts an employer from the duty to notify under section 312A of the 2004 Act if an employee of that employer receives or expects to receive a tax advantage by reason of employment.

These Regulations do not impose significant new costs on business. A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary section is available on the website of HM Revenue and Customs at <http://www.hmrc.gov.uk/ria/users-disclosed-tax-avoid-schemes.pdf> or in hard copy from the Ministerial Correspondence Unit.

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