
STATUTORY INSTRUMENTS

2015 No. 344

The Bank Levy (Double Taxation Arrangements) (Netherlands) Regulations 2015

Cases about being taxed otherwise than in accordance with the Convention

Giving effect to solutions to cases and mutual agreements resolving cases

15.—(1) Paragraphs (2) and (4) apply if under, and for the purposes of, the double taxation arrangements—

- (a) an entity presents, to the Commissioners for Her Majesty’s Revenue and Customs or to a competent authority in the Netherlands, a case concerning the entity being taxed (whether in the United Kingdom or the Netherlands) otherwise than in accordance with the double taxation arrangements, and
- (b) the Commissioners arrive at a solution to the case or make a mutual agreement with a competent authority in the Netherlands for the resolution of the case.

(2) The Commissioners are to give effect to the solution or mutual agreement despite anything in any enactment, and any such adjustment as is appropriate in consequence may be made.

(3) An adjustment under paragraph (2) may be made by way of discharge or repayment of tax, the allowance of credit against tax payable in the United Kingdom, the making of an assessment or otherwise.

(4) A claim for relief under any provision of the Tax Acts or the enactments relating to capital gains tax may be made in pursuance of the solution or mutual agreement at any time before the end of the period of 12 months following the notification of the solution or mutual agreement to the entity affected, even if that involves making the claim after a deadline imposed by another enactment.

(5) In this regulation “competent authority in the Netherlands” means the Minister of Finance in the Netherlands or his authorised representative.