

2015 No. 945

TAXES

The Tax Avoidance Schemes (Promoters and Prescribed Circumstances) (Amendment) Regulations 2015

<i>Made</i> - - - -	<i>26th March 2015</i>
<i>Laid before House of Commons</i>	<i>27th March 2015</i>
<i>Coming into force</i> - -	<i>17th April 2015</i>

The Commissioners for Her Majesty's Revenue and Customs make the following Regulations in exercise of the powers conferred by sections 307(5) and 318(1) of the Finance Act 2004(a) and now exercisable by them(b).

Citation and commencement

1. These Regulations may be cited as the Tax Avoidance Schemes (Promoters and Prescribed Circumstances) (Amendment) Regulations 2015 and come into force on 17th April 2015.

Amendment of the Tax Avoidance Schemes (Promoters and Prescribed Circumstances) Regulations 2004

2. The Tax Avoidance Schemes (Promoters and Prescribed Circumstances) Regulations 2004(c) are amended as follows.

Persons not to be treated as promoters – employees

3. After paragraph (3) of regulation 3 (persons not to be treated as promoters – employees) insert—

“(4) This regulation does not apply where, but for this paragraph, it would result in a duty under section 309 falling on any person.”

(a) 2004 c. 12. Section 318(1) is cited because of the meaning of “prescribed”.
(b) The functions of the Commissioners of Inland Revenue (“the Board”) 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.
(c) S.I. 2004/1865. There are amending instruments but none is relevant.

Persons not to be treated as promoters under section 307(1)(b)(ii)

4. Omit regulation 5 (persons not to be treated as promoters under section 307(1)(b)(ii)).

*Nick Lodge
Jim Harra*

26th March 2015

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 Schemes (Promoters and Prescribed Circumstances) Regulations 2004 (S.I. 2004/1865) ("the 2004 Regulations") to ensure that neither an employee of a promoter resident outside of the United Kingdom (in the event that the employer does not make a disclosure) nor any person who is to any extent responsible for the organisation or management of notifiable arrangements is excluded from being treated as a promoter.

Regulation 1 provides for citation and commencement.

Regulation 2 introduces the amendments to the 2004 Regulations.

Regulation 3 inserts new regulation 3(4) into the 2004 Regulations which prescribes circumstances where regulation 3 will not apply to employees.

Regulation 4 omits regulation 5 of the 2004 Regulations.

A Tax Information and Impact Note covering this instrument was published on 10th December 2014 alongside the Autumn Statement 2014 and is available on the HMRC website at <https://www.gov.uk/government/collections/tax-information-and-impact-notes-tiins>. It remains an accurate summary of the impacts that apply to this instrument.

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£4.25

UK2015032687 04/2015 19585

<http://www.legislation.gov.uk/id/uksi/2015/945>

ISBN 978-0-11-113570-9



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