

**2021 No. 1010**

**TAXES**

**The Promoters of Tax Avoidance Schemes (Prescribed Circumstances under Section 235) (Amendment) Regulations 2021**

*Made* - - - - *8th September 2021*  
*Laid before the House of Commons* *9th September 2021*  
*Coming into force* - - *30th September 2021*

The Commissioners for Her Majesty's Revenue and Customs make these Regulations in exercise of the powers conferred by sections 235(6) and 283(1) of the Finance Act 2014(a).

**Citation and commencement**

1. These Regulations may be cited as the Promoters of Tax Avoidance Schemes (Prescribed Circumstances under Section 235) (Amendment) Regulations 2021 and come into force on 30th September 2021.

**Amendment to the Promoters of Tax Avoidance Schemes (Prescribed Circumstances under Section 235) Regulations 2015**

2.—(1) The Promoters of Tax Avoidance Schemes (Prescribed Circumstances under Section 235) Regulations 2015(b) are amended as follows.

(2) After regulation 3(3) insert—

“(4) But paragraph (1) does not apply if, at the time any of the conditions are met, P is a member of a promotion structure(c).”.

*Jim Harra*  
*Sophie Dean*

8th September 2021

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

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(a) 2014 c. 26. Section 283(1) defines “prescribed” for the purposes of Part 5 of the Finance Act 2014 (“FA 2014”), which includes section 235(6), as meaning prescribed, or of a description prescribed, in regulations made by the Commissioners.  
(b) S.I. 2015/130.  
(c) Section 283(1) is amended by paragraph 18(a) of Schedule 30 to the Finance Act 2021 (c. 26) (“FA 2021”) to include a definition of “promotion structure” for the purposes of Part 5 of FA 2014. The definition of “promotion structure” refers to section 235(1A) of, and Schedule 33A to, FA 2014 which were inserted by paragraphs 9 and 10 of Schedule 30 to FA 2021, respectively. Paragraphs 1 to 5 of Schedule 33A to the Finance Act 2014 describe the cases in which a person is a member of a promotion structure.

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Promoters of Tax Avoidance Schemes (Prescribed Circumstances under Section 235) Regulations 2015 (S.I. 2015/130) (“the principal Regulations”) which prescribe circumstances in which a person is not to be treated as a promoter in relation to tax avoidance schemes for the purposes of Part 5 of the Finance Act 2014 (c. 26) (the “2014 Act”).

Regulation 2 amends regulation 3 of the principal Regulations by inserting new paragraph (4). Regulation 3 of the principal Regulations prescribes the circumstances in which a person to some extent responsible for the design of proposed arrangements or arrangements is not to be a promoter despite section 235(2)(a) or (3)(b) of the 2014 Act. New regulation 3(4) provides that this exception does not apply if the person is a member of a promotion structure. This change is made in consequence of the promotion structures provisions introduced into Part 5 of the 2014 Act by Schedule 30 to the Finance Act 2021 (c. 26).

A Tax Information and Impact Note covering this instrument was published on 21 July 2020 alongside the Finance Bill 2021 and is available on GOV.UK at <https://www.gov.uk/government/publications/new-proposals-for-tackling-promoters-and-enablers-of-tax-avoidance-schemes>. It remains an accurate summary of the impacts that apply to this instrument.

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