
STATUTORY INSTRUMENTS

2021 No. 506

The Pension (Non-Taxable Payments Following Death) (Real Time Information) Regulations 2021

PART 2

Real time returns

Real time returns of information about relevant payments

4.—(1) On or before making a relevant payment, the pension payer must deliver to HMRC the information specified in the Schedule in accordance with this regulation.

(2) The information must be included in a return.

(3) Subject to paragraph (4), if relevant payments are made to more than one relevant beneficiary at the same time, the return under paragraph (2) must include the information required by the Schedule in respect of each relevant beneficiary to whom a relevant payment is made at that time.

(4) If relevant payments are made to more than one relevant beneficiary at the same time but the pension payer operates more than one payroll, the pension payer must make a return in respect of each payroll.

(5) The return must be made using an approved method of electronic communications.

Returns under regulation 4: amendments

5.—(1) This regulation applies where there is an inaccuracy in a return made under regulation 4, whether careless or deliberate, and paragraph (2), (3) or (4) applies.

(2) This paragraph applies where the inaccuracy relates to the information given in the return in respect of a relevant beneficiary under paragraph 16 of the Schedule.

(3) This paragraph applies where the inaccuracy is the omission of details of a relevant payment made to a relevant beneficiary.

(4) This paragraph applies where the inaccuracy arises because, as a result of a retrospective tax provision, the total amount of the relevant payment made by a pension payer to a relevant beneficiary increases for any tax year.

(5) Where a pension payer becomes aware of an inaccuracy in a return submitted under regulation 4 the pension payer may provide the correct information in the next return for the tax year in question.

(6) But if the information has not been corrected before 20th April following the end of the tax year in question, the pension payer may make a return under this paragraph.

(7) A return under paragraph (6)—

(a) must include the following—

(i) the information specified in paragraphs 2 to 4, 7 to 12 and 15 of the Schedule,

- (ii) the amount which should have been given under paragraph 16 of the Schedule in the final return under regulation 4 containing information in respect of the relevant beneficiary in the tax year in question, and
 - (iii) the tax code used by the pension payer in respect of the relevant beneficiary in the tax year in question,
- (b) must be made as soon as reasonably practicable after the pension payer becomes aware of the inaccuracy, and
 - (c) must be made by an approved method of electronic communications.

Failure to make a return under regulation 4

6.—(1) This regulation applies where a pension payer does not make a return as required by regulation 4.

(2) The pension payer must provide the information in the next return made under regulation 4 for the tax year in question.

(3) If the pension payer does not provide the information before 20th April following the end of the tax year in question, the pension payer must make a return under this paragraph.

(4) A return under paragraph (3) must—

- (a) include the information specified in the Schedule,
- (b) be made as soon as reasonably practicable after the discovery of the failure to make the return, and
- (c) be made using an approved method of electronic communications.

Penalty: failure to comply with regulation 4

7.—(1) A pension payer which does not deliver a return in accordance with regulation 4 is liable to a penalty of the amount set out in paragraph (2).

(2) Where a pension payer fails to deliver such a return and the number of relevant beneficiaries in the period to which the return relates is—

- (a) no more than 9, the penalty is £100,
- (b) at least 10 but no more than 49, the penalty is £200,
- (c) at least 50 but no more than 249, the penalty is £300, and
- (d) at least 250, the penalty is £400.

(3) Paragraphs 6C(1) to (6), 6D, 16, 18(1) to (4), 19 to 23, 26 and 27 of Schedule 55 to the Finance Act 2009(1) apply in relation to penalties under this regulation.

(1) 2009 c. 10. Paragraphs 6C and 6D were inserted by paragraph 6 of Schedule 50 to the Finance Act 2013 (c. 29) and paragraphs 19 and 27 were amended respectively by paragraphs 8(2) and 9(2) and (3) of that Schedule.