STATUTORY INSTRUMENTS

2018 No. 150

INCOME TAX

The Registered Pension Schemes (Relief at Source) (Amendment) Regulations 2018

Made - - - -	*7th February 2018*
Laid before the House of Commons - - - -	*8th February 2018*
Coming into force - -	*6th April 2018*

The Commissioners for Her Majesty's Revenue and Customs make the following Regulations in exercise of the powers conferred by section 192(6), (7) and (8) of the Finance Act 2004(**1**) and now exercisable by them(**2**).

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Registered Pension Schemes (Relief at Source) (Amendment) Regulations 2018 and come into force on 6th April 2018.

(2) Regulation 3 has effect in relation to any interim claims for tax months ending on or after 5th April 2018.

Amendments to the Registered Pension Schemes (Relief at Source) Regulations 2005

2. The Registered Pension Schemes (Relief at Source) Regulations 2005(**3**) are amended as follows.

3. In regulation 10 (interim claims)—

(a) in paragraph (1) for "6 months" substitute "3 months";

(b) for paragraph (2) substitute—

"(2) An interim claim may not be made—

(**1**) 2004 c. 12.

(**2**) The functions of the Commissioners of Inland Revenue were transferred to the Commissioners for Her Majesty's Revenue and Customs by section 5(1) of the Commissioners for Revenue and Customs Act 2005 (c. 11). Section 50(1) of that Act provides that insofar as it is appropriate in consequence of section 5, a reference in an enactment, however expressed, to the Commissioners of Inland Revenue is to be treated as a reference to the Commissioners for Her Majesty's Revenue and Customs.

(**3**) S.I. 2005/3448 to which there are amendments not relevant to these Regulations.

(a) for the tax month ending 5th July or for any subsequent month until any information required by a notice under regulation 15(1) and the annual return of information, if required by regulation 15A, in respect of that year has been made and received by an officer of Her Majesty's Revenue and Customs; and

(b) until any information required by a notice under regulation 15(1) in respect of any tax month is received by an officer of Her Majesty's Revenue and Customs.".

(c) for paragraph (5) substitute—

"(5) If a scheme administrator discovers that an amount paid by Her Majesty's Revenue and Customs under paragraph (4) was excessive the scheme administrator must within 90 days of the date of discovery—

(a) bring the excess relief into account in an interim claim;

(b) repay the amount of the excess to Her Majesty's Revenue and Customs with the claim; and

(c) submit a schedule of the excess relief claimed to Her Majesty's Revenue and Customs in accordance with paragraph (8), containing the information specified in paragraph (9).

(6) If the scheme administrator fails to repay the amount of the excess in accordance with paragraph (5)(b)—

(a) that amount is immediately recoverable by Her Majesty's Revenue and Customs in the same manner as tax charged by an assessment on the scheme administrator which has become final and conclusive; and

(b) sections 101 (late payment interest on sums due to HMRC) and 103 (rates of interest) of the Finance Act 2009(**4**) apply for late payment interest.

(7) For the purposes of late payment interest under paragraph (6)(b) the late payment interest start date is the date on which the excess relief was paid under paragraph (4).

(8) A schedule of the excess relief claimed—

(a) must be in a form prescribed by the Commissioners for Her Majesty's Revenue and Customs;

(b) will be regarded as furnished in writing for the purposes of this regulation if, although not in writing, it is furnished by means of electronic communication and contains the electronic signature of the scheme administrator; and

(c) must include a declaration made by the scheme administrator that the information supplied is true and complete to the best of the knowledge and belief of the scheme administrator.

(9) The information required in respect of each member in respect of whom excess relief was claimed is—

(a) the member's full name and permanent residential address including, where the address is in the United Kingdom, the postcode;

(b) if that address is different to the permanent address when the claim was made, the member's permanent residential address at that time including, where the address is in the United Kingdom, the postcode;

(c) unless the member is—

(i) aged under 16; or

(**4**) 2009 c. 10. Section 101 was amended by paragraph 20(2) of Schedule 22(3) to the Finance Act 2014 (c. 26).