STATUTORY INSTRUMENTS

2015 No. 948

TAXES

The Tax Avoidance Schemes (Information) (Amendment) Regulations 2015

Made - - - -	*26th March 2015*
Laid before the House of Commons - - - -	*27th March 2015*
Coming into force - -	*16th April 2015*

The Commissioners for Her Majesty's Revenue and Customs make the following Regulations in exercise of the powers conferred by sections 312(2) and (5), 312A(2), 312A(2A) and 312A(5), 313(1), (3) and (6), 313ZC(5), 313C(1A) and (3)(a), 317(2) and 318(1) of the Finance Act 2004(**1**) and now exercisable by them(**2**).

Citation and commencement

1. These Regulations may be cited as the Tax Avoidance Schemes (Information) (Amendment) Regulations 2015 and come into force on 16th April 2015.

Amendment of the Tax Avoidance Schemes (Information) Regulations 2012

2. The Tax Avoidance Schemes (Information) Regulations 2012(**3**)are amended as follows in regulations 3 to 11.

3.—(1) Regulation 6 (prescribed information under sections 312 and 312A) is amended as follows.

(**1**) 2004 c. 12. Sections 312 and 312A were substituted for section 312 by paragraph 4 of Schedule 38 to the Finance Act 2008 (c. 9). Section 312A(2A) was inserted, and section 312A(5) amended, by paragraph [5(2) and (5)] of Schedule 17 to the Finance Act 2015 (c. 11). Section 313)1) was amended, and section 313(5) inserted, by paragraph 5(2) and (4) of Schedule 38 to the Finance Act 2008 and section 313(6) was inserted by paragraph 6 of Schedule 17 to the Finance Act 2015. Section 313ZC was inserted by paragraph [9] of Schedule 17 to the Finance Act 2015. Section 313C was inserted by paragraph 9 of Schedule 17 to the Finance Act 2010 (c.13) and amended by paragraph 12 of Schedule 17 to the Finance Act 2015. Section 317(2) was amended by paragraph 8 of Schedule 17 to the Finance Act 2010. Section 318(1) is cited because of the meaning of "prescribed".

(**2**) 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 in an enactment, instrument or other document to the Commissioners of Inland Revenue, however expressed, shall be taken as a reference to the Commissioners for Her Majesty's Revenue and Customs.

(**3**) S.I. 2012/1836. Amended by S.I. 2013/2592.There are other amending instruments but none is relevant.

(2) For "(duty of client to notify parties of number)" substitute "and (2A) (duty of client to provide information to parties)".

(3) In paragraph (d)(ii), after "312A(2)" insert "or (2A)".

4. In regulation 7 (time for providing information under section 312A), after "312A(2)" insert "or (2A)".

5. Omit regulation 8 (exemption from duty under section 312A).

6. After regulation 8A(**4**) (prescribed information under section 312B: information and timing) insert—

"Exemption from duty under section 313

8B. Where an employee receives prescribed information from an employer under section 312A(2) or (2A) in circumstances where the employer has a duty to notify HMRC under section 313ZC in respect of that employee, then no duty arises under section 313(1) in respect of that employee."

7. In regulation 9 (prescribed cases under section 313(3)(a)), in paragraphs (2), (3), and (4), for "10(4), (7)" substitute "10(7)".

8. In regulation 10 (prescribed cases under section 313(3)(b)), omit paragraph (4).

9. In regulation 11(3)(d) (prescribed information under section 313(1)), omit "or, in the case of regulation 10(4), an employee of that person,".

10. In regulation 12 (time for providing information under section 313(3)(b)), omit paragraph (3).

11. After regulation 13A(**5**) (prescribed information under section 313ZB: information and timing) insert—

"Prescribed information under section 313ZC: information and timing

13B.—(1) For the purposes of section 313ZC (duty of employer to notify HMRC of details of employees etc) the prescribed time for providing prescribed information is 14 days after the end of the final tax period in respect of the tax year in which any person first enters into a transaction forming part of the notifiable arrangements and on the same date in each subsequent year until an advantage ceases to apply to the employee and the employer.

In this paragraph, "tax period" has the meaning given in regulation 2(1) (interpretation) of the Income Tax (Pay As You Earn) Regulations 2003.

(2) For the purposes of section 313ZC the prescribed information is—

(a) the name, address and reference number of the employer;

(b) the name and any National Insurance Number of the employee;

(c) the reference number (or, if more than one, any one reference number) allocated by HMRC under section 311 (arrangements to be given reference number) to the notifiable arrangements or proposed notifiable arrangements;

(d) where the employee obtains or might reasonably be expected to obtain a tax advantage by virtue of the notifiable arrangements, the tax year in which the employee obtains or expects to obtain the tax advantage;

(**4**) Inserted by regulation 16 of S.I. 2013/2592.
(**5**) Inserted by regulation 20 of S.I. 2013/2592.