STATUTORY INSTRUMENTS

2015 No. 131

INCOME TAX
CORPORATION TAX
CAPITAL GAINS TAX

The Finance Act 2014 (Schedule 34 Prescribed Matters) Regulations 2015

Made - - - -	*6th February 2015*
Laid before the House of Commons - - - -	*9th February 2015*
Coming into force - -	*2nd March 2015*

The Commissioners for Her Majesty's Revenue and Customs(**1**) in exercise of the powers conferred by section 283(1) of, and paragraphs 8(1), 8(3) and 9(2) of Schedule 34 to, the Finance Act 2014(**2**), make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Finance Act 2014 (Schedule 34 Prescribed Matters) Regulations 2015 and come into force on 2nd March 2015.

Prescribed misconduct

2.—(1) Prescribed misconduct for the purposes of paragraph 8(1)(a) of Schedule 34 to the Finance Act 2014 means any conduct by a person—

(a) which a professional body describes as misconduct, or

(b) which is a breach of a rule or condition imposed by a professional body,

and is relevant to the provision of tax advice or tax related services.

(**1**) Section 283(1) of the Finance Act 2014 (c. 26) defines "the Commissioners" as the Commissioners for Her Majesty's Revenue and Customs.

(**2**) 2014 c. 26. Section 283(1) is an interpretation provision and is cited for the definition of the word "prescribed".

Prescribed action

3. Prescribed action for the purposes of paragraph 8(1)(b) of Schedule 34 to the Finance Act 2014 means any action by a professional body which results in any claim of misconduct being referred to—

(a) a disciplinary process which determines—

(i) the seriousness of the misconduct, and

(ii) the level of any penalty to be imposed; or

(b) a conciliation, arbitration or similar settlement process (however described) which determines the seriousness of the misconduct and the level of any penalty to be imposed.

Prescribed penalty

4. A penalty is prescribed for the purposes of paragraph 8(1)(c) of Schedule 34 to the Finance Act 2014 where it is imposed by a professional body and results in one or more of the following in relation to a person—

(a) a fine or financial penalty greater than £5,000;

(b) a condition or restriction on, or attached to, a certificate or licence required to practice under the professional body;

(c) suspension, withdrawal or non-renewal of a certificate or licence required to practice under the professional body;

(d) suspension, expulsion or exclusion from membership of the professional body, however described (including removal from a membership register, striking off), whether temporary or permanent.

Prescribed professional bodies

5. The following are prescribed professional bodies for the purposes of paragraph 8(3)(l) of Schedule 34 to the Finance Act 2014—

(a) the Chartered Institute of Taxation;

(b) Chartered Accountants Ireland.

Prescribed relevant sanction

6.—(1) In paragraph 9 of Schedule 34 to the Finance Act 2014 a sanction is prescribed under sub-paragraph (2)(b) if a regulatory authority imposes one or more of the following in relation to a person—

(a) a fine or financial penalty;

(b) a suspension of an approval issued by the regulatory authority to perform any function to which the approval relates;

(c) the imposition of limitations or other restrictions in relation to the performance of any function to which any approval issued by the regulatory authority relates;

(d) the imposition of any conditions in relation to any approval issued by the regulatory authority.

(2) A sanction is also prescribed in relation to a person if a regulatory authority publishes a statement of misconduct by that person.