Changes to legislation: *There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Promoters of Tax Avoidance Schemes (Prescribed Circumstances under Section 235) Regulations 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

STATUTORY INSTRUMENTS

2015 No. 130

TAXES

The Promoters of Tax Avoidance Schemes (Prescribed Circumstances under Section 235) 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 make the following Regulations in exercise of the powers conferred by sections 235(6) and (7) and 283(1) of the Finance Act 2014(**1**).

Citation, commencement and effect

1.—(1) These Regulations may be cited as the Promoters of Tax Avoidance Schemes (Prescribed Circumstances under Section 235) Regulations 2015 and come into force on 2nd March 2015.

(2) Regulations 2 and 3 have effect from 17th July 2014.

Commencement Information

I1 Reg. 1 in force at 2.3.2015, see **reg. 1(1)**

Company in same group not promoter

2.—(1) A company ("C") is not a promoter to the extent that—

(a) C carries on a business within the meaning of section 235(1);

(b) the other person (or each of the other persons) to whom C provides services in connection with the relevant proposal or relevant arrangements is a company in the same group as C(**2**); and

(c) C has not during the previous three years provided services of that kind to a person other than a company which is in the same group as C.

(**1**) 2014 c.26.

(**2**) See section 234(1) and (2) for the definitions of "relevant proposal" and "relevant arrangements".

(2) If C at any subsequent time provides services of that kind to a person other than a company which is in the same group as C, paragraph (1) will be deemed not to have applied during the previous three years.

(3) A company cannot rely on paragraph (1) whilst a conduct notice or a monitoring notice has effect in relation to it(**3**).

(4) For the purposes of this regulation companies are members of the same group if one is the 51% subsidiary of the other, or both are 51% subsidiaries of a third company.

(5) In this regulation "51% subsidiary" has the same meaning as it does for the purposes of the Corporation Tax Acts(**4**).

Commencement Information

I2 Reg. 2 in force at 2.3.2015, see **reg. 1(1)**

Persons not promoters – special cases

3.—(1) A person ("P") is not a promoter on account of section 235(2)(a), or by virtue of being responsible to any extent for the design of arrangements within the meaning of section 235(3)(b), where any of the following conditions are met.

(2) P does not provide any tax advice in connection with the respective proposed arrangements or arrangements.

(3) P could not reasonably be expected to know that the proposed arrangements, or arrangements, are a relevant proposal or relevant arrangements respectively.

Commencement Information

I3 Reg. 3 in force at 2.3.2015, see **reg. 1(1)**

Edward Troup
Simon Bowles
Two of the Commissioners for Her Majesty's
Revenue and Customs

6th February 2015

(**3**) See section 283(1) for the definitions of "conduct notice" and "monitoring notice".
(**4**) See sections 1154 to 1157 of the Corporation Tax Act 2010 (c.4) for the definition of "51% subsidiary" for the purposes of the Corporation Tax Acts.