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## SCHEDULES

### SCHEDULE 34

Section 237

#### PROMOTERS OF TAX AVOIDANCE SCHEMES: THRESHOLD CONDITIONS

##### PART 1

##### MEETING THE THRESHOLD CONDITIONS: GENERAL

###### *Meaning of “threshold condition”*

1 Each of the conditions described in paragraphs 2 to 12 is a “threshold condition”.

###### *Deliberate tax defaulters*

2 A person meets this condition if the Commissioners publish information about the person in reliance on section 94 of FA 2009 (publishing details of deliberate tax defaulters).

###### *Breach of the Banking Code of Practice*

3 A person meets this condition if the person is named in a report under section 285 as a result of the Commissioners determining that the person breached the Code of Practice on Taxation for Banks by reason of promoting arrangements which the person cannot have reasonably believed achieved a tax result which was intended by Parliament.

###### *Dishonest tax agents*

4 A person meets this condition if the person is given a conduct notice under paragraph 4 of Schedule 38 to FA 2012 (tax agents: dishonest conduct) and either—

- (a) the time period during which a notice of appeal may be given in relation to the notice has expired, or
- (b) an appeal against the notice has been made and the tribunal has confirmed the determination referred to in sub-paragraph (1) of paragraph 4 of that Schedule.

###### *Non-compliance with <sup>F1</sup>avoidance disclosure requirements*

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#### Textual Amendments

**F1** Words in [Sch. 34 para. 5 cross-heading](#) substituted (with effect in accordance with s. 121(6) of the amending Act) by [Finance Act 2021 \(c. 26\), Sch. 30 para. 29\(2\)](#)

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- 5 <sup>[F2]</sup>(A1) A person meets this condition if the person fails to comply with any of the following provisions of—
- (a) Part 7 of FA 2004 (disclosure of tax avoidance schemes);
  - (b) Schedule 17 to F(No. 2)A 2017 (disclosure of tax avoidance schemes: VAT and other indirect taxes).]
- (1) <sup>[F3]</sup>The provisions of Part 7 of FA 2004 are—
- (a) section 308(1) and (3) (duty of promoter in relation to notifiable proposals and notifiable arrangements);
  - (b) section 309(1) (duty of person dealing with promoter outside the United Kingdom);
  - (c) section 310 (duty of parties to notifiable arrangements not involving promoter);
  - <sup>[F4]</sup>(ca) section 310C (duty of promoter to provide updated information);
  - (cb) section 312(2) (duty of promoter to notify client of reference number);]
  - (d) section 313ZA (duty of promoter to provide details of clients).
  - <sup>[F5]</sup>(e) section 316A (duty to provide additional information).]
- <sup>[F6]</sup>(1A) The provisions of Schedule 17 to F(No.2)A 2017 are—
- (a) paragraph 11(1) (duty of promoter in relation to notifiable proposals);
  - (b) paragraph 21(3) (duty of promoter to provide updated information);
  - (c) paragraph 23(2) (duty of promoter to notify client of reference number);
  - (d) paragraph 27(3) (duty of promoter to provide details of clients);
  - (e) paragraph 33 (duty to provide additional information).]
- <sup>[F7]</sup>(2) For the purposes of <sup>[F8]</sup>sub-paragraphs (1) and (1A)], a person (“P”) fails to comply with a provision mentioned in <sup>[F9]</sup>any of those sub-paragraphs] if and only if any of conditions A to C are met.
- (3) Condition A is met if—
- (a) the tribunal has determined that P has failed to comply with the provision concerned,
  - (b) the appeal period has ended, and
  - (c) the determination has not been overturned on appeal.
- (4) Condition B is met if—
- (a) the tribunal has determined for the purposes of section 118(2) of TMA 1970 <sup>[F10]</sup>or paragraph 48 of Schedule 17 to F(No.2)A 2017] that P is to be deemed not to have failed to comply with the provision concerned as P had a reasonable excuse for not doing the thing required to be done,
  - (b) the appeal period has ended, and
  - (c) the determination has not been overturned on appeal.
- (5) Condition C is met if P has admitted in writing to HMRC that P has failed to comply with the provision concerned.
- (6) The “appeal period” means—
- (a) the period during which an appeal could be brought against the determination of the tribunal, or

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- (b) where an appeal mentioned in paragraph (a) has been brought, the period during which that appeal has not been finally determined, withdrawn or otherwise disposed of.]

#### Textual Amendments

- F2** Sch. 34 para. 5(A1) inserted (with effect in accordance with s. 121(6) of the amending Act) by Finance Act 2021 (c. 26), **Sch. 30 para. 29(3)**
- F3** Words in Sch. 34 para. 5(1) substituted (with effect in accordance with s. 121(6) of the amending Act) by Finance Act 2021 (c. 26), **Sch. 30 para. 29(4)(a)**
- F4** Sch. 34 para. 5(1)(ca)(cb) inserted (with effect in accordance with s. 121(6) of the amending Act) by Finance Act 2021 (c. 26), **Sch. 30 para. 29(4)(b)**
- F5** Sch. 34 para. 5(1)(e) inserted (with effect in accordance with s. 121(6) of the amending Act) by Finance Act 2021 (c. 26), **Sch. 30 para. 29(4)(c)**
- F6** Sch. 34 para. 5(1A) inserted (with effect in accordance with s. 121(6) of the amending Act) by Finance Act 2021 (c. 26), **Sch. 30 para. 29(5)**
- F7** Sch. 34 para. 5(2)-(6) substituted for Sch. 34 para. 5(2) (with effect in accordance with Sch. 19 para. 9 of the amending Act) by Finance Act 2015 (c. 11), **Sch. 19 para. 6**
- F8** Words in Sch. 34 para. 5(2) substituted (with effect in accordance with s. 121(6) of the amending Act) by Finance Act 2021 (c. 26), **Sch. 30 para. 29(6)(a)**
- F9** Words in Sch. 34 para. 5(2) substituted (with effect in accordance with s. 121(6) of the amending Act) by Finance Act 2021 (c. 26), **Sch. 30 para. 29(6)(b)**
- F10** Words in Sch. 34 para. 5(4) inserted (with effect in accordance with s. 121(6) of the amending Act) by Finance Act 2021 (c. 26), **Sch. 30 para. 29(7)**

#### *Criminal offences*

- 6 (1) A person meets this condition if the person is charged with a relevant offence.
- (2) The fact that a person has been charged with an offence is disregarded for the purposes of this paragraph if—
- (a) the person has been acquitted of the offence, or
  - (b) the charge has been dismissed or the proceedings have been discontinued.
- (3) An acquittal is not taken into account for the purposes of sub-paragraph (2) if an appeal has been brought against the acquittal and has not yet been disposed of.
- (4) “Relevant offence” means any of the following—
- (a) an offence at common law of cheating in relation to the public revenue;
  - (b) in Scotland, an offence at common law of—
    - (i) fraud;
    - (ii) uttering;
  - (c) an offence under section 17(1) of the Theft Act 1968 or section 17 of the Theft Act (Northern Ireland) 1969 (c. 16 (N.I.)) (false accounting);
  - (d) an offence under section 106A of TMA 1970 (fraudulent evasion of income tax);
  - (e) an offence under section 107 of TMA 1970 (false statements: Scotland);
  - (f) an offence under any of the following provisions of CEMA 1979—
    - (i) section 50(2) (improper importation of goods with intent to defraud or evade duty);
    - (ii) section 167 (untrue declarations etc);

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- (iii) section 168 (counterfeiting documents etc);
- (iv) section 170 (fraudulent evasion of duty);
- (v) section 170B (taking steps for the fraudulent evasion of duty);
- (g) an offence under any of the following provisions of VATA 1994—
  - (i) section 72(1) (being knowingly concerned in the evasion of VAT);
  - (ii) section 72(3) (false statement etc);
  - (iii) section 72(8) (conduct involving commission of other offence under section 72);
- (h) an offence under section 1 of the Fraud Act 2006 (fraud);
- (i) an offence under any of the following provisions of CRCA 2005—
  - (i) section 30 (impersonating a Commissioner or officer of Revenue and Customs);
  - (ii) section 31 (obstruction of officer of Revenue and Customs etc);
  - (iii) section 32 (assault of officer of Revenue and Customs);
- (j) an offence under <sup>[F11]</sup>regulation 86(1) of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017];
- (k) an offence under section 49(1) of the Criminal Justice and Licensing (Scotland) Act 2010 (asp 13) (possession of articles for use in fraud).

#### Textual Amendments

**F11** Words in Sch. 34 para. 6(4)(j) substituted (26.6.2017) by [The Money Laundering, Terrorist Financing and Transfer of Funds \(Information on the Payer\) Regulations 2017 \(S.I. 2017/692\)](#), reg. 1(2), [Sch. 7 para. 10](#) (with regs. 8, 15)

#### *Opinion notice of GAAR Advisory Panel*

7 <sup>[F12]</sup>(1) A person meets this condition if one or more of sub-paragraphs (2) to (4) apply in respect of the person.]

<sup>[F13]</sup>(2) <sup>[F14]</sup>This sub-paragraph applies in respect of a person if] —

- (a) arrangements in relation to which the person is a promoter <sup>[F15]</sup>—
  - (i) have been referred to the GAAR Advisory Panel under Schedule 43 to FA 2013 (referrals of single schemes),
  - (ii) are in a pool in respect of which a referral has been made to that Panel under Schedule 43B to that Act (generic referrals), or
  - (iii) have been referred to that Panel under paragraph 26 of Schedule 16 to F(No. 2)A 2017 (referrals in relation to penalties for enablers of defeated tax avoidance).]
- (b) one or more opinion notices are given <sup>[F16]</sup>in respect of the referral]<sup>[F17]</sup> under (as the case may be)—
  - (i) paragraph 11(3)(b) of Schedule 43 to FA 2013,
  - (ii) paragraph 6(4)(b) of Schedule 43B to that Act, or
  - (iii) paragraph 34(3)(b) of Schedule 16 to F(No. 2)A 2017,
 (opinion of sub-panel of GAAR Advisory Panel that arrangements are not reasonable), and ]
- (c) the notice, or the notices taken together, either—

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- (i) state the joint opinion of all the members of the sub-panel arranged under <sup>F18</sup>... that Schedule, or
  - (ii) state the opinion of two or more members of that sub-panel.
- <sup>F19</sup>(3) This sub-paragraph applies in respect of a person (“P”) if—
  - (a) another person has been given, in respect of arrangements in relation to which P is a promoter (“the promoted arrangements”)—
    - (i) a pooled arrangements opinion notice, under paragraph 6(2) of Schedule 43A to FA 2013, or
    - (ii) a bound arrangements opinion notice under paragraph 6(4) of that Schedule,
  - (b) the notice in question sets out a report prepared by HMRC of an opinion of the GAAR Advisory Panel in relation to the promoted arrangements that is contained in one or more opinion notices given under paragraph 11(3)(b) of Schedule 43 to FA 2013 or paragraph 6(4)(b) of Schedule 43B to FA 2013, and
  - (c) the opinion notice, or the opinion notices taken together, either—
    - (i) state the joint opinion of all the members of the sub-panel arranged under Schedule 43 or 43B, as the case may be, or
    - (ii) state the opinion of two or more members of the sub-panel.
- (4) This sub-paragraph applies in respect of a person if—
  - (a) arrangements in relation to which the person is a promoter (“the promoted arrangements”) are equivalent within the meaning of paragraph 24(3) of Schedule 16 to F(No. 2)A 2017 to arrangements that have been referred to the GAAR Advisory Panel under paragraph 26 of that Schedule,
  - (b) one or more opinion notices are given under paragraph 34(3)(b) of Schedule 16 to F(No.2)A 2017 that apply to the promoted arrangements for the purposes of Part 7 of that Schedule, and
  - (c) the notice, or the notices taken together, either—
    - (i) state the joint opinion of all the members of the sub-panel arranged under that Schedule, or
    - (ii) state the opinion of two or more members of that sub-panel.]

#### Textual Amendments

- F12** Sch. 34 para. 7(1) inserted (with effect in accordance with s. 121(6) of the amending Act) by Finance Act 2021 (c. 26), **Sch. 30 para. 30(a)**
- F13** Sch. 34 para. 7 renumbered as Sch. 34 para. 7(2) (with effect in accordance with s. 121(6) of the amending Act) by Finance Act 2021 (c. 26), **Sch. 30 para. 30(b)**
- F14** Words in Sch. 34 para. 7(2) substituted (with effect in accordance with s. 121(6) of the amending Act) by Finance Act 2021 (c. 26), **Sch. 30 para. 30(c)**
- F15** Words in Sch. 34 para. 7(a) substituted (with effect in accordance with Sch. 16 para. 62 of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **Sch. 16 para. 61(a)**
- F16** Words in Sch. 34 para. 7(b) substituted (with effect in accordance with s. 157(30) of the amending Act) by Finance Act 2016 (c. 24), **s. 157(29)(b)(i)**
- F17** Words in Sch. 34 para. 7(b) substituted (with effect in accordance with Sch. 16 para. 62 of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **Sch. 16 para. 61(b)**
- F18** Words in Sch. 34 para. 7(c)(i) omitted (with effect in accordance with s. 157(30) of the amending Act) by virtue of Finance Act 2016 (c. 24), **s. 157(29)(c)**

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**F19** Sch. 34 para. 7(3) inserted (with effect in accordance with s. 121(6) of the amending Act) by Finance Act 2021 (c. 26), Sch. 30 para. 30(d)

*Disciplinary action [F<sup>20</sup> against a member of a trade or profession]*

**Textual Amendments**

**F20** Words in Sch. 34 para. 8 cross-heading substituted (with effect in accordance with Sch. 19 para. 9 of the amending Act) by Finance Act 2015 (c. 11), Sch. 19 para. 7(3)

- 8 [F<sup>21</sup>(1) A person who carries on a trade or profession that is regulated by a professional body meets this condition if all of the following conditions are met—
- (a) the person is found guilty of misconduct of a prescribed kind,
  - (b) action of a prescribed kind is taken against the person in relation to that misconduct, and
  - (c) a penalty of a prescribed kind is imposed on the person as a result of that misconduct.]
- (2) Misconduct may only be prescribed for the purposes of sub-paragraph (1)(a) if it is misconduct other than misconduct in matters (such as the payment of fees) that relate solely or mainly to the person's relationship with the professional body.
- (3) A “professional body” means—
- (a) the Institute of Chartered Accountants in England and Wales;
  - (b) the Institute of Chartered Accountants of Scotland;
  - (c) the General Council of the Bar;
  - (d) the Faculty of Advocates;
  - (e) the General Council of the Bar of Northern Ireland;
  - (f) the Law Society;
  - (g) the Law Society of Scotland;
  - (h) the Law Society [F<sup>22</sup>of] Northern Ireland;
  - (i) the Association of Accounting Technicians;
  - (j) the Association of Chartered Certified Accountants;
  - (k) the Association of Taxation Technicians;
  - (l) any other prescribed body with functions relating to the regulation of a trade or profession.

**Textual Amendments**

**F21** Sch. 34 para. 8(1) substituted (with effect in accordance with Sch. 19 para. 9 of the amending Act) by Finance Act 2015 (c. 11), Sch. 19 para. 7(2)

**F22** Word in Sch. 34 para. 8(3)(h) substituted (with effect in accordance with Sch. 19 para. 9 of the amending Act) by Finance Act 2015 (c. 11), Sch. 19 para. 7(4)

*Disciplinary action by a regulatory authority*

- 9 (1) A person meets this condition if a regulatory authority imposes a relevant sanction on the person.

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- (2) A “relevant sanction” is a sanction which is—
- (a) imposed in relation to misconduct other than misconduct in matters (such as the payment of fees) that relate solely or mainly to the person's relationship with the regulatory authority, and
  - (b) prescribed.
- (3) The following are regulatory authorities for the purposes of this paragraph—
- (a) the Financial Conduct Authority;
  - (b) the Financial Services Authority;
  - (c) any other authority that may be prescribed.
- (4) Only authorities that have functions relating to the regulation of financial institutions may be prescribed under sub-paragraph (3)(c).

*Exercise of information powers*

- 10 (1) A person meets this condition if the person fails to comply with [<sup>F23</sup>a requirement imposed by a notice or order given under any of the following provisions—
- (a) section 308A, 310A, 313ZB, 313A and 313B of FA 2004;
  - (b) paragraphs 1, 2, 5 and 5A of Schedule 36 to FA 2008;
  - (c) paragraphs 16, 19, 28, 29 and 30 of Schedule 17 to F(No.2)A 2017.]
- (2) For the purposes of section 237, the failure to comply is taken to occur when the period within which the person is required to comply with the notice [<sup>F24</sup>or order] expires (without the person having complied with it).

**Textual Amendments**

- F23** Words in Sch. 34 para. 10(1) substituted (with effect in accordance with s. 121(6) of the amending Act) by Finance Act 2021 (c. 26), Sch. 30 para. 31(a)
- F24** Words in Sch. 34 para. 10(2) inserted (with effect in accordance with s. 121(6) of the amending Act) by Finance Act 2021 (c. 26), Sch. 30 para. 31(b)

*Restrictive contractual terms*

- 11 (1) A person (“P”) meets this condition if P enters into an agreement with another person (“C”) which relates to a relevant proposal or relevant arrangements in relation to which P is a promoter, on terms which—
- (a) impose a contractual obligation on C which falls within sub-paragraph (2) or (3), or
  - (b) impose on C both obligations within sub-paragraph (4) and obligations within sub-paragraph (5).
- (2) A contractual obligation falls within this sub-paragraph if it prevents or restricts the disclosure by C to HMRC of information relating to the proposals or arrangements, whether or not by referring to a wider class of persons.
- (3) A contractual obligation falls within this sub-paragraph if it requires C to impose on any tax adviser to whom C discloses information relating to the proposals or arrangements a contractual obligation which prevents or restricts the disclosure of that information to HMRC by the adviser.



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- (4) A contractual obligation falls within this sub-paragraph if it requires C to—
- (a) meet (in whole or in part) the costs of, or contribute to a fund to be used to meet the costs of, any proceedings relating to arrangements in relation to which P is a promoter (whether or not implemented by C), or
  - (b) take out an insurance policy which insures against the risk of having to meet the costs connected with proceedings relating to arrangements which C has implemented and in relation to which P is a promoter.
- (5) A contractual obligation falls within this paragraph if it requires C to obtain the consent of P before—
- (a) entering into any agreement with HMRC regarding arrangements which C has implemented and in relation to which P is a promoter, or
  - (b) withdrawing or discontinuing any appeal against any decision regarding such arrangements.
- (6) In sub-paragraph (5)(b), the reference to withdrawing or discontinuing an appeal includes any action or inaction which results in an appeal being discontinued.
- (7) In this paragraph—
- “proceedings” includes any sort of proceedings for resolving disputes (and not just proceedings in court), whether commenced or contemplated;
- “tax adviser” means a person appointed to give advice about the tax affairs of another person (whether appointed directly by that person or by another tax adviser of that person).

*[<sup>F25</sup>Stop notices]*

**Textual Amendments**

**F25** Sch. 34 para. 12 cross-heading substituted (with effect in accordance with s. 121(6) of the amending Act) by Finance Act 2021 (c. 26), Sch. 30 para. 7(a)

- <sup>F26</sup>12 A person meets this condition if the person is subject to a stop notice and fails to comply with—
- (a) section 236B(1) (promotion of arrangements or proposal of a description specified in a stop notice),
  - (b) section 236C(1) (duty to make return to HMRC), or
  - (c) any obligations of the person under Schedule 36 to FA 2008 as it has effect as a result of section 272A (information and inspection powers).]

**Textual Amendments**

**F26** Sch. 34 para. 12 substituted (with effect in accordance with s. 121(6) of the amending Act) by Finance Act 2021 (c. 26), Sch. 30 para. 7(b)



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## PART 2

### MEETING THE THRESHOLD CONDITIONS: BODIES CORPORATE <sup>[F27]</sup> AND PARTNERSHIPS

#### Textual Amendments

- F27** Words in Sch. 34 heading inserted (with effect in accordance with Sch. 19 para. 9 of the amending Act) by Finance Act 2015 (c. 11), **Sch. 19 para. 4(2)**

#### <sup>[F28]</sup> Interpretation

#### Textual Amendments

- F28** Sch. 34 paras. 13A-13D substituted for Sch. 34 para. 13 (with effect in accordance with Sch. 19 para. 9 of the amending Act) by Finance Act 2015 (c. 11), **Sch. 19 para. 4(3)**

- 13A (1) This paragraph contains definitions for the purposes of this Part of this Schedule.
- (2) Each of the following is a “relevant body”—
- (a) a body corporate, and
  - (b) a partnership.
- (3) “Relevant time” means the time referred to in section 237(1A) (duty to give conduct notice to person treated as meeting threshold condition).
- (4) “Relevant threshold condition” means a threshold condition specified in any of the following paragraphs of this Schedule—
- (a) paragraph 2 (deliberate tax defaulters);
  - (b) paragraph 4 (dishonest tax agents);
  - (c) paragraph 6 (criminal offences);
  - (d) paragraph 7 (opinion notice of GAAR advisory panel);
  - (e) paragraph 8 (disciplinary action against a member of a trade or profession);
  - (f) paragraph 9 (disciplinary action by regulatory authority);
  - (g) paragraph 10 (failure to comply with information notice).
- (5) A person controls a body corporate if the person has power to secure that the affairs of the body corporate are conducted in accordance with the person's wishes—
- (a) by means of the holding of shares or the possession of voting power in relation to the body corporate or any other relevant body,
  - (b) as a result of any powers conferred by the articles of association or other document regulating the body corporate or any other relevant body, or
  - (c) by means of controlling a partnership.
- <sup>[F29]</sup>(6) Two or more persons together control a body corporate if together they have the power to secure that the affairs of the body corporate are conducted in accordance with their wishes in any way specified in sub-paragraph (5)(a) to (c).
- (7) A person controls a partnership if the person is a member of the partnership and—
- (a) has the right to a share of more than half the assets, or more than half the income, of the partnership, or

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- (b) directs, or is on a day-to-day level in control of, the management of the business of the partnership.
- (8) Two or more persons together control a partnership if they are members of the partnership and together they—
  - (a) have the right to a share of more than half the assets, or of more than half the income, of the partnership, or
  - (b) direct, or are on a day-to-day level in control of, the management of the business of the partnership.
- (9) Paragraph 19(2) to (5) of Schedule 36 (connected persons etc) applies to a person referred to in sub-paragraph (7) or (8) as if references to “P” were to that person.
- (10) A person has significant influence over a body corporate or partnership if the person—
  - (a) does not control the body corporate or partnership, but
  - (b) is able to, or actually does, exercise significant influence over it (whether or not as the result of a legal entitlement).
- (11) Two or more persons together have significant influence over a body corporate or partnership if together those persons—
  - (a) do not control the body corporate or partnership, but
  - (b) are able to, or actually do, exercise significant influence over it (whether or not as the result of a legal entitlement).
- (12) References to a person being a promoter are to the person carrying on business as a promoter.]]

#### Textual Amendments

**F29** Sch. 34 paras. 13A(6)-(12) substituted for Sch. 34 paras. 6-8 (with effect in accordance with s. 24(5) of the amending Act) by [Finance Act 2017 \(c. 10\), s. 24\(1\)](#)

*<sup>F30</sup> Relevant bodies controlled etc by other persons treated as meeting a threshold condition*

#### Textual Amendments

**F30** Sch. 34 Pt. 2 paras. 13B-13D substituted (with effect in accordance with s. 24(5) of the amending Act) by [Finance Act 2017 \(c. 10\), s. 24\(2\)](#)

- 13B (1) A relevant body is treated as meeting a threshold condition at the relevant time if any of Conditions A to C is met.
- (2) Condition A is that—
    - (a) a person met the threshold condition at a time when the person was a promoter, and
    - (b) the person controls or has significant influence over the relevant body at the relevant time.
  - (3) Condition B is that—
    - (a) a person met the threshold condition at a time when the person controlled or had significant influence over the relevant body,

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- (b) the relevant body was a promoter at that time, and
  - (c) the person controls or has significant influence over the relevant body at the relevant time.
- (4) Condition C is that—
- (a) two or more persons together controlled or had significant influence over the relevant body at a time when one of those persons met the threshold condition,
  - (b) the relevant body was a promoter at that time, and
  - (c) those persons together control or have significant influence over the relevant body at the relevant time.
- (5) Where the person referred to in sub-paragraph (2)(a) or (3)(a) or (4)(a) as meeting a threshold condition is an individual [<sup>F31</sup>who does not fall within the case described in paragraph 4 or 5 of Schedule 33A], sub-paragraph (1) only applies if the threshold condition is a relevant threshold condition.
- (6) For the purposes of sub-paragraph (2) it does not matter whether the relevant body existed at the time referred to in sub-paragraph (2)(a).

#### Textual Amendments

**F31** Words in [Sch. 34 para. 13B\(5\)](#) inserted (with effect in accordance with s. 121(6) of the amending Act) by [Finance Act 2021 \(c. 26\)](#), [Sch. 30 para. 19](#)

#### *Persons who control etc a relevant body treated as meeting a threshold condition*

- 13C (1) If at a time when a person controlled or had significant influence over a relevant body—
- (a) the relevant body met a threshold condition, and
  - (b) the relevant body, or another relevant body which the person controlled or had significant influence over, was a promoter,
- the person is treated as meeting the threshold condition at the relevant time.
- (2) It does not matter whether any relevant body referred to sub-paragraph (1) exists at the relevant time.

#### *Relevant bodies controlled etc by the same person treated as meeting a threshold condition*

- 13D (1) If—
- (a) a person controlled or had significant influence over a relevant body at a time when it met a threshold condition, and
  - (b) at that time that body, or another relevant body which the person controlled or had significant influence over, was a promoter,
- any relevant body which the person controls or has significant influence over at the relevant time is treated as meeting the threshold condition at the relevant time.
- (2) If—
- (a) two or more persons together controlled or had significant influence over a relevant body at a time when it met a threshold condition, and

*Changes to legislation: Finance Act 2014, SCHEDULE 34 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (b) at that time that body, or another relevant body which those persons together controlled or had significant influence over, was a promoter,  
 any relevant body which those persons together control or have significant influence over at the relevant time is treated as meeting the threshold condition at the relevant time.
- (3) It does not matter whether—
- (a) a relevant body referred to in sub-paragraph (1)(a) or (b) or (2)(a) or (b) exists at the relevant time, or
  - (b) a relevant body existing at the relevant time existed at the time referred to in sub-paragraph (1)(a) or (2)(a).]

### PART 3

#### POWER TO AMEND

- 14 (1) The Treasury may by regulations amend this Schedule.
- (2) An amendment made by virtue of sub-paragraph (1) may, in particular—
- (a) vary or remove any of the conditions set out in paragraphs 2 to 12;
  - (b) add new conditions;
  - <sup>F32</sup>(c) vary any of the circumstances described in paragraphs 13B to 13D in which a person is treated as meeting a threshold condition (including by amending paragraph 13A);
  - (d) add new circumstances in which a person will be so treated.]
- (3) Regulations under sub-paragraph (1) may include any amendment of this Part of this Act that is appropriate in consequence of an amendment made by virtue of sub-paragraph (1).

#### **Textual Amendments**

**F32** Sch. 34 para. 14(2)(c)(d) inserted (with effect in accordance with Sch. 19 para. 9 of the amending Act) by [Finance Act 2015 \(c. 11\)](#), [Sch. 19 para. 8](#)

**Changes to legislation:**

Finance Act 2014, SCHEDULE 34 is up to date with all changes known to be in force on or before 03 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 212(4)(f) and word inserted by [2021 c. 26 Sch. 27 para. 43\(b\)\(ii\)](#)
- s. 212(5)(a)(iv) and word inserted by [2021 c. 26 Sch. 27 para. 43\(c\)\(ii\)](#)
- s. 212(5)(b)(iv) and word inserted by [2021 c. 26 Sch. 27 para. 43\(c\)\(iv\)](#)
- s. 212(5)(c)(iv) and word inserted by [2021 c. 26 Sch. 27 para. 43\(c\)\(v\)](#)
- Sch. 31 para. 2(3)(b) inserted by [2017 c. 32 Sch. 14 para. 45\(2\)\(a\)\(iii\)](#)
- Sch. 31 para. 2(4A) inserted by [2017 c. 32 Sch. 14 para. 45\(2\)\(c\)](#)
- Sch. 31 para. 3(1A) inserted by [2017 c. 32 Sch. 14 para. 45\(3\)\(b\)](#)
- Sch. 31 para. 5(b) inserted by [2017 c. 32 Sch. 14 para. 45\(4\)\(c\)](#)
- Sch. 31 para. 2(3)(a) words inserted by [2017 c. 32 Sch. 14 para. 45\(2\)\(a\)\(ii\)](#)
- Sch. 31 para. 5(a) words inserted by [2017 c. 32 Sch. 14 para. 45\(4\)\(b\)](#)
- Sch. 31 para. 2(3)(a) words renumbered as Sch. 31 para. 2(3)(a) by [2017 c. 32 Sch. 14 para. 45\(2\)\(a\)\(i\)](#)
- Sch. 31 para. 5(a) words renumbered as Sch. 31 para. 5(a) by [2017 c. 32 Sch. 14 para. 45\(4\)\(a\)](#)
- Sch. 32 para. 1(2)(b) inserted by [2017 c. 32 Sch. 14 para. 46\(2\)\(a\)\(iii\)](#)
- Sch. 32 para. 1(3A) inserted by [2017 c. 32 Sch. 14 para. 46\(2\)\(c\)](#)
- Sch. 32 para. 1(2)(a) words inserted by [2017 c. 32 Sch. 14 para. 46\(2\)\(a\)\(ii\)](#)
- Sch. 32 para. 1(2)(a) words renumbered as Sch. 32 para. 1(2)(a) by [2017 c. 32 Sch. 14 para. 46\(2\)\(a\)\(i\)](#)