
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Finance (No. 2) Act 2017. 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](#)

SCHEDULES

SCHEDULE 16

PENALTIES FOR ENABLERS OF DEFEATED TAX AVOIDANCE

PART 6

ASSESSMENT OF PENALTY

Assessment of penalty

- 19 (1) Where a person is liable for a penalty under paragraph 1 HMRC must—
- (a) assess the penalty, and
 - (b) notify the person.
- (2) If—
- (a) HMRC do not have all the information required to determine the amount or value of the relevant consideration within the meaning of paragraph 15, and
 - (b) HMRC have taken all reasonable steps to obtain that information,
- HMRC may assess the penalty on the basis of a reasonable estimate by HMRC of that consideration.
- (3) This paragraph is subject to—
- (a) paragraphs 21 and 22 (limits on when penalty may be assessed); and
 - (b) Part 7 of this Schedule (requirement for opinion of GAAR Advisory Panel before penalty may be assessed).
- 20 (1) A penalty under paragraph 1 must be paid before the end of the period of 30 days beginning with the day on which notification of the penalty is issued.
- (2) An assessment of a penalty under paragraph 1—
- (a) is to be treated for procedural purposes in the same way as an assessment to tax (except in respect of a matter expressly provided for by this Schedule), and
 - (b) may be enforced as if it were an assessment to tax.

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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):

- Sch. A1 para. 8(6)(b) omitted by [2022 c. 3 Sch. 1 para. 32\(b\)](#)
- Sch. A1 para. 8(2) substituted by [2022 c. 3 Sch. 1 para. 32\(a\)](#)