



# Commissioners for Revenue and Customs Act 2005

## CHAPTER 11

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# Commissioners for Revenue and Customs Act 2005

## 2005 CHAPTER 11

An Act to make provision for the appointment of Commissioners to exercise functions presently vested in the Commissioners of Inland Revenue and the Commissioners of Customs and Excise; for the establishment of a Revenue and Customs Prosecutions Office; and for connected purposes.

[7th April 2005]

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### *Commissioners and officers*

#### **1 The Commissioners**

- (1) Her Majesty may by Letters Patent appoint Commissioners for Her Majesty's Revenue and Customs.
- (2) The Welsh title of the Commissioners shall be *Comisynwyr Cyllid a Thollau Ei Mawrhydi*.
- (3) A Commissioner—
  - (a) may resign by notice in writing to the Treasury, and
  - (b) otherwise, shall hold office in accordance with the terms and conditions of his appointment (which may include provision for dismissal).
- (4) In exercising their functions, the Commissioners act on behalf of the Crown.
- (5) Service as a Commissioner is service in the civil service of the State.

## **2 Officers of Revenue and Customs**

- (1) The Commissioners may appoint staff, to be known as officers of Revenue and Customs.
- (2) A person shall hold and vacate office as an officer of Revenue and Customs in accordance with the terms of his appointment (which may include provision for dismissal).
- (3) An officer of Revenue and Customs shall comply with directions of the Commissioners (whether he is exercising a function conferred on officers of Revenue and Customs or exercising a function on behalf of the Commissioners).
- (4) Anything (including anything in relation to legal proceedings) begun by or in relation to one officer of Revenue and Customs may be continued by or in relation to another.
- (5) Appointments under subsection (1) may be made only with the approval of the Minister for the Civil Service as to terms and conditions of service.
- (6) Service in the employment of the Commissioners is service in the civil service of the State.
- (7) In Schedule 1 to the Interpretation Act 1978 (c. 30) (defined expressions) at the appropriate place insert –  
    ““Officer of Revenue and Customs” has the meaning given by section 2(1) of the Commissioners for Revenue and Customs Act 2005.”

## **3 Declaration of confidentiality**

- (1) Each person who is appointed under this Act as a Commissioner or officer of Revenue and Customs shall make a declaration acknowledging his obligation of confidentiality under section 18.
- (2) A declaration under subsection (1) shall be made –
  - (a) as soon as is reasonably practicable following the person’s appointment, and
  - (b) in such form, and before such a person, as the Commissioners may direct.
- (3) For the purposes of this section, the renewal of a fixed term appointment shall not be treated as an appointment.

## **4 “Her Majesty’s Revenue and Customs”**

- (1) The Commissioners and the officers of Revenue and Customs may together be referred to as Her Majesty’s Revenue and Customs.
- (2) The Welsh title of the Commissioners and the officers of Revenue and Customs together shall be *Cyllid a Thollau Ei Mawrhydi*.
- (3) In Schedule 1 to the Interpretation Act 1978 (defined expressions) at the appropriate place insert –  
    ““Her Majesty’s Revenue and Customs” has the meaning given by section 4 of the Commissioners for Revenue and Customs Act 2005.”

*Functions***5 Commissioners' initial functions**

- (1) The Commissioners shall be responsible for—
  - (a) the collection and management of revenue for which the Commissioners of Inland Revenue were responsible before the commencement of this section,
  - (b) the collection and management of revenue for which the Commissioners of Customs and Excise were responsible before the commencement of this section, and
  - (c) the payment and management of tax credits for which the Commissioners of Inland Revenue were responsible before the commencement of this section.
- (2) The Commissioners shall also have all the other functions which before the commencement of this section vested in—
  - (a) the Commissioners of Inland Revenue (or in a Commissioner), or
  - (b) the Commissioners of Customs and Excise (or in a Commissioner).
- (3) This section is subject to section 35.
- (4) In this Act “revenue” includes taxes, duties and national insurance contributions.

**6 Officers' initial functions**

- (1) A function conferred by an enactment (in whatever terms) on any of the persons listed in subsection (2) shall by virtue of this subsection vest in an officer of Revenue and Customs.
- (2) Those persons are—
  - (a) an officer as defined by section 1(1) of the Customs and Excise Management Act 1979 (c. 2),
  - (b) a person acting under the authority of the Commissioners of Customs and Excise,
  - (c) an officer of the Commissioners of Customs and Excise,
  - (d) a customs officer,
  - (e) an officer of customs,
  - (f) a customs and excise officer,
  - (g) an officer of customs and excise, and
  - (h) a collector of customs and excise.
- (3) This section is subject to sections 7 and 35.

**7 Former Inland Revenue matters**

- (1) This section applies to the matters listed in Schedule 1.
- (2) A function conferred by an enactment (in whatever terms) on any of the persons specified in subsection (3) shall by virtue of this subsection vest in an officer of Revenue and Customs—
  - (a) if or in so far as it relates to a matter to which this section applies, and

- (b) in so far as the officer is exercising a function (whether or not by virtue of paragraph (a)) which relates to a matter to which this section applies.
- (3) Those persons are—
  - (a) an officer of the Commissioners of Inland Revenue,
  - (b) an officer of the Board of Inland Revenue,
  - (c) an officer of inland revenue,
  - (d) a collector of Inland Revenue,
  - (e) an inspector of taxes,
  - (f) a collector of taxes,
  - (g) a person authorised to act as an inspector of taxes or collector of taxes for specific purposes,
  - (h) an officer having powers in relation to tax,
  - (i) a revenue official,
  - (j) a person employed in relation to Inland Revenue (or “the Inland Revenue”), and
  - (k) an Inland Revenue official.
- (4) In so far as an officer of Revenue and Customs is exercising a function which relates to a matter to which this section applies, section 6(1) shall not apply.
- (5) This section is subject to section 35.

## 8 Power to transfer functions

- (1) After section 5 of the Ministers of the Crown Act 1975 (c. 26) (transfer of functions orders: supplemental) insert—
 

**“5A The Commissioners for Her Majesty’s Revenue and Customs**

  - (1) The Commissioners for Her Majesty’s Revenue and Customs shall be treated for the purposes of section 1(1)(a) and (c) as if they were a Minister of the Crown.
  - (2) The officers of Revenue and Customs shall be treated for the purposes of section 1(1)(a) and (c) as if they were a Minister of the Crown.
  - (3) An Order in Council under this Act may not provide for the transfer of a function specified in section 5(1) of the Commissioners for Revenue and Customs Act 2005.
  - (4) An Order in Council under section 1 above transferring a function to the Commissioners or to officers of Revenue and Customs—
    - (a) may restrict or prohibit the exercise of specified powers in relation to that function, and
    - (b) may provide that the function may be exercised only with the consent of a specified Minister of the Crown.”
- (2) For the purposes of sections 63 and 108 of the Scotland Act 1998 (c. 46) (transfer of functions)—
  - (a) the Commissioners shall be treated as a Minister of the Crown, and
  - (b) the officers of Revenue and Customs shall be treated as a Minister of the Crown.
- (3) An Order in Council under section 63 or 108 of that Act—

- (a) may not make provision about a function specified in section 5(1) of this Act, and
  - (b) if it transfers a function to the Commissioners or to officers of Revenue and Customs—
    - (i) may restrict or prohibit the exercise of specified powers in relation to that function, and
    - (ii) may provide that the function may be exercised only with the consent of a specified member of the Scottish Executive.
- (4) For the purposes of section 22 of and Schedule 3 to the Government of Wales Act 1998 (c. 38) (transfer of functions)—
- (a) the Commissioners shall be treated as a Minister of the Crown, and
  - (b) the officers of Revenue and Customs shall be treated as a Minister of the Crown.
- (5) An Order in Council under section 22 of that Act may not make provision about a function specified in section 5(1) of this Act.

## 9 Ancillary powers

- (1) The Commissioners may do anything which they think—
- (a) necessary or expedient in connection with the exercise of their functions, or
  - (b) incidental or conducive to the exercise of their functions.
- (2) This section is subject to section 35.

## 10 The Valuation Office

- (1) An officer of Revenue and Customs may provide a valuation of property—
- (a) for a purpose relating to the functions of Her Majesty's Revenue and Customs, or
  - (b) at the request of any person who appears to the officer to be a public authority, or
  - (c) at the request of any other person if the officer is satisfied that the valuation is necessary or expedient in connection with—
    - (i) the exercise of a function of a public nature, or
    - (ii) the management of money or assets received from a person exercising functions of a public nature.
- (2) The Commissioners may charge a fee for the provision of a valuation under subsection (1)(b) or (c).
- (3) In this section a reference to providing valuations of property includes a reference to advising about matters appearing to an officer of Revenue and Customs to be connected to the valuation of property.

### *Exercise of functions*

## 11 Treasury directions

In the exercise of their functions the Commissioners shall comply with any directions of a general nature given to them by the Treasury.



## 12 Commissioners' arrangements

- (1) The Commissioners shall make arrangements for –
  - (a) the conduct of their proceedings, and
  - (b) the conduct of the proceedings of any committee established by them.
- (2) Arrangements under subsection (1) may, in particular –
  - (a) make provision for a quorum at meetings;
  - (b) provide that a function of the Commissioners –
    - (i) may be exercised by two Commissioners, or
    - (ii) may be exercised by a specified number of Commissioners (greater than two).
- (3) A decision to make arrangements under subsection (1) must be taken with the agreement of more than half of the Commissioners holding office at the time.

## 13 Exercise of Commissioners' functions by officers

- (1) An officer of Revenue and Customs may exercise any function of the Commissioners.
- (2) But subsection (1) –
  - (a) does not apply to the functions specified in subsection (3), and
  - (b) is subject to directions under section 2(3) and arrangements under section 12.
- (3) The non-delegable functions mentioned in subsection (2)(a) are –
  - (a) making, by statutory instrument, regulations, rules or an order,
  - (b) approving an application for a warrant to search premises under section 20C of the Taxes Management Act 1970 (c. 9),
  - (c) approving an application for a warrant to enter premises under Part 7 of Schedule 13 to the Finance Act 2003 (c. 14), and
  - (d) giving instructions for the disclosure of information under section 20(1)(a), except that an officer of Revenue and Customs may give an instruction under section 20(1)(a) authorising disclosure of specified information relating to –
    - (i) one or more specified persons,
    - (ii) one or more specified transactions, or
    - (iii) specified goods.

## 14 Delegation

- (1) Arrangements under section 12 may, in particular, enable the Commissioners, or a number of Commissioners acting in accordance with arrangements by virtue of section 12(2)(b), to delegate a function of the Commissioners, other than a function specified in subsection (2) below –
  - (a) to a single Commissioner,
  - (b) to a committee established by the Commissioners (which may include persons who are neither Commissioners nor staff of the Commissioners nor officers of Revenue and Customs), or
  - (c) to any other person.
- (2) The non-delegable functions mentioned in subsection (1) are –
  - (a) making, by statutory instrument, regulations, rules or an order,

- (b) approving an application for a warrant to search premises under section 20C of the Taxes Management Act 1970 (c. 9), and
  - (c) approving an application for a warrant to enter premises under Part 7 of Schedule 13 to the Finance Act 2003 (c. 14).
- (3) The Commissioners may not delegate the function under section 20(1)(a) except to a single Commissioner.
- (4) The delegation of a function by virtue of subsection (1) by the Commissioners or a number of Commissioners –
  - (a) shall not prevent the exercise of the function by the Commissioners or those Commissioners, and
  - (b) shall not, subject to express provision to the contrary in directions under section 2(3) or arrangements under section 12, prevent the exercise of the function by an officer of Revenue and Customs.
- (5) Where the Commissioners or a number of Commissioners delegate a function to a person by virtue of subsection (1)(c) –
  - (a) the Commissioners or those Commissioners shall monitor the exercise of the function by that person, and
  - (b) in the exercise of the function the delegate shall comply with any directions of the Commissioners or of those Commissioners.

## **15 Agency: Scotland and Northern Ireland**

- (1) For the purposes of section 93 of the Scotland Act 1998 (c. 46) (agency) –
  - (a) the Commissioners shall be treated as a Minister of the Crown, and
  - (b) the officers of Revenue and Customs shall be treated as a Minister of the Crown.
- (2) For the purposes of section 28 of the Northern Ireland Act 1998 (c. 47) (agency) –
  - (a) the Commissioners shall be treated as a Minister of the Crown, and
  - (b) the officers of Revenue and Customs shall be treated as a Minister of the Crown.

## **16 Restrictions, &c.**

Part 1 of Schedule 2 (which restricts, or makes other provision in connection with, the exercise of certain functions) shall have effect.

### *Information*

## **17 Use of information**

- (1) Information acquired by the Revenue and Customs in connection with a function may be used by them in connection with any other function.
- (2) Subsection (1) is subject to any provision which restricts or prohibits the use of information and which is contained in –
  - (a) this Act,
  - (b) any other enactment, or
  - (c) an international or other agreement to which the United Kingdom or Her Majesty's Government is party.

- (3) In subsection (1) “the Revenue and Customs” means –
- (a) the Commissioners,
  - (b) an officer of Revenue and Customs,
  - (c) a person acting on behalf of the Commissioners or an officer of Revenue and Customs,
  - (d) a committee established by the Commissioners,
  - (e) a member of a committee established by the Commissioners,
  - (f) the Commissioners of Inland Revenue (or any committee or staff of theirs or anyone acting on their behalf),
  - (g) the Commissioners of Customs and Excise (or any committee or staff of theirs or anyone acting on their behalf), and
  - (h) a person specified in section 6(2) or 7(3).
- (4) In subsection (1) “function” means a function of any of the persons listed in subsection (3).
- (5) In subsection (2) the reference to an enactment does not include –
- (a) an Act of the Scottish Parliament or an instrument made under such an Act, or
  - (b) an Act of the Northern Ireland Assembly or an instrument made under such an Act.
- (6) Part 2 of Schedule 2 (which makes provision about the supply and other use of information in specified circumstances) shall have effect.

## **18 Confidentiality**

- (1) Revenue and Customs officials may not disclose information which is held by the Revenue and Customs in connection with a function of the Revenue and Customs.
- (2) But subsection (1) does not apply to a disclosure –
- (a) which –
    - (i) is made for the purposes of a function of the Revenue and Customs, and
    - (ii) does not contravene any restriction imposed by the Commissioners,
  - (b) which is made in accordance with section 20 or 21,
  - (c) which is made for the purposes of civil proceedings (whether or not within the United Kingdom) relating to a matter in respect of which the Revenue and Customs have functions,
  - (d) which is made for the purposes of a criminal investigation or criminal proceedings (whether or not within the United Kingdom) relating to a matter in respect of which the Revenue and Customs have functions,
  - (e) which is made in pursuance of an order of a court,
  - (f) which is made to Her Majesty’s Inspectors of Constabulary, the Scottish inspectors or the Northern Ireland inspectors for the purpose of an inspection by virtue of section 27,
  - (g) which is made to the Independent Police Complaints Commission, or a person acting on its behalf, for the purpose of the exercise of a function by virtue of section 28, or
  - (h) which is made with the consent of each person to whom the information relates.

- (3) Subsection (1) is subject to any other enactment permitting disclosure.
- (4) In this section –
- (a) a reference to Revenue and Customs officials is a reference to any person who is or was –
    - (i) a Commissioner,
    - (ii) an officer of Revenue and Customs,
    - (iii) a person acting on behalf of the Commissioners or an officer of Revenue and Customs, or
    - (iv) a member of a committee established by the Commissioners,
  - (b) a reference to the Revenue and Customs has the same meaning as in section 17,
  - (c) a reference to a function of the Revenue and Customs is a reference to a function of –
    - (i) the Commissioners, or
    - (ii) an officer of Revenue and Customs,
  - (d) a reference to the Scottish inspectors or the Northern Ireland inspectors has the same meaning as in section 27, and
  - (e) a reference to an enactment does not include –
    - (i) an Act of the Scottish Parliament or an instrument made under such an Act, or
    - (ii) an Act of the Northern Ireland Assembly or an instrument made under such an Act.

## 19 Wrongful disclosure

- (1) A person commits an offence if he contravenes section 18(1) or 20(9) by disclosing revenue and customs information relating to a person whose identity –
- (a) is specified in the disclosure, or
  - (b) can be deduced from it.
- (2) In subsection (1) “revenue and customs information relating to a person” means information about, acquired as a result of, or held in connection with the exercise of a function of the Revenue and Customs (within the meaning given by section 18(4)(c)) in respect of the person; but it does not include information about internal administrative arrangements of Her Majesty’s Revenue and Customs (whether relating to Commissioners, officers or others).
- (3) It is a defence for a person charged with an offence under this section of disclosing information to prove that he reasonably believed –
- (a) that the disclosure was lawful, or
  - (b) that the information had already and lawfully been made available to the public.
- (4) A person guilty of an offence under this section shall be liable –
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or
  - (b) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both.
- (5) A prosecution for an offence under this section may be instituted in England and Wales only –

- (a) by the Director of Revenue and Customs Prosecutions, or
  - (b) with the consent of the Director of Public Prosecutions.
- (6) A prosecution for an offence under this section may be instituted in Northern Ireland only –
- (a) by the Commissioners, or
  - (b) with the consent of the Director of Public Prosecutions for Northern Ireland.
- (7) In the application of this section to Scotland or Northern Ireland the reference in subsection (4)(b) to 12 months shall be taken as a reference to six months.
- (8) This section is without prejudice to the pursuit of any remedy or the taking of any action in relation to a contravention of section 18(1) or 20(9) (whether or not this section applies to the contravention).

## 20 Public interest disclosure

- (1) Disclosure is in accordance with this section (as mentioned in section 18(2)(b)) if –
- (a) it is made on the instructions of the Commissioners (which may be general or specific),
  - (b) it is of a kind –
    - (i) to which any of subsections (2) to (7) applies, or
    - (ii) specified in regulations made by the Treasury, and
  - (c) the Commissioners are satisfied that it is in the public interest.
- (2) This subsection applies to a disclosure made –
- (a) to a person exercising public functions (whether or not within the United Kingdom),
  - (b) for the purposes of the prevention or detection of crime, and
  - (c) in order to comply with an obligation of the United Kingdom, or Her Majesty's Government, under an international or other agreement relating to the movement of persons, goods or services.
- (3) This subsection applies to a disclosure if –
- (a) it is made to a body which has responsibility for the regulation of a profession,
  - (b) it relates to misconduct on the part of a member of the profession, and
  - (c) the misconduct relates to a function of the Revenue and Customs.
- (4) This subsection applies to a disclosure if –
- (a) it is made to a constable, and
  - (b) either –
    - (i) the constable is exercising functions which relate to the movement of persons or goods into or out of the United Kingdom, or
    - (ii) the disclosure is made for the purposes of the prevention or detection of crime.
- (5) This subsection applies to a disclosure if it is made –
- (a) to the National Criminal Intelligence Service, and
  - (b) for a purpose connected with its functions under section 2(2) of the Police Act 1997 (c. 50) (criminal intelligence).

- (6) This subsection applies to a disclosure if it is made—
- (a) to a person exercising public functions in relation to public safety or public health, and
  - (b) for the purposes of those functions.
- (7) This subsection applies to a disclosure if it—
- (a) is made to the Police Information Technology Organisation for the purpose of enabling information to be entered in a computerised database, and
  - (b) relates to—
    - (i) a person suspected of an offence,
    - (ii) a person arrested for an offence,
    - (iii) the results of an investigation, or
    - (iv) anything seized.
- (8) Regulations under subsection (1)(b)(ii)—
- (a) may specify a kind of disclosure only if the Treasury are satisfied that it relates to—
    - (i) national security,
    - (ii) public safety,
    - (iii) public health, or
    - (iv) the prevention or detection of crime;
  - (b) may make provision limiting or restricting the disclosures that may be made in reliance on the regulations; and that provision may, in particular, operate by reference to—
    - (i) the nature of information,
    - (ii) the person or class of person to whom the disclosure is made,
    - (iii) the person or class of person by whom the disclosure is made,
    - (iv) any other factor, or
    - (v) a combination of factors;
  - (c) shall be made by statutory instrument;
  - (d) may not be made unless a draft has been laid before and approved by resolution of each House of Parliament.
- (9) Information disclosed in reliance on this section may not be further disclosed without the consent of the Commissioners (which may be general or specific); (but the Commissioners shall be taken to have consented to further disclosure by use of the computerised database of information disclosed by virtue of subsection (7)).

## **21 Disclosure to prosecuting authority**

- (1) Disclosure is in accordance with this section (as mentioned in section 18(2)(b)) if made—
- (a) to a prosecuting authority, and
  - (b) for the purpose of enabling the authority—
    - (i) to consider whether to institute criminal proceedings in respect of a matter considered in the course of an investigation conducted by or on behalf of Her Majesty's Revenue and Customs, or

- (ii) to give advice in connection with a criminal investigation (within the meaning of section 35(5)(b)) or criminal proceedings.
- (2) In subsection (1) “prosecuting authority” means –
  - (a) the Director of Revenue and Customs Prosecutions,
  - (b) in Scotland, the Lord Advocate or a procurator fiscal, and
  - (c) in Northern Ireland, the Director of Public Prosecutions for Northern Ireland.
- (3) Information disclosed to a prosecuting authority in accordance with this section may not be further disclosed except –
  - (a) for a purpose connected with the exercise of the prosecuting authority’s functions, or
  - (b) with the consent of the Commissioners (which may be general or specific).
- (4) A person commits an offence if he contravenes subsection (3).
- (5) It is a defence for a person charged with an offence under this section to prove that he reasonably believed –
  - (a) that the disclosure was lawful, or
  - (b) that the information had already and lawfully been made available to the public.
- (6) A person guilty of an offence under this section shall be liable –
  - (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or
  - (b) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both.
- (7) A prosecution for an offence under this section may be instituted in England and Wales only –
  - (a) by the Director of Revenue and Customs Prosecutions, or
  - (b) with the consent of the Director of Public Prosecutions.
- (8) A prosecution for an offence under this section may be instituted in Northern Ireland only –
  - (a) by the Commissioners, or
  - (b) with the consent of the Director of Public Prosecutions for Northern Ireland.
- (9) In the application of this section to Scotland or Northern Ireland the reference in subsection (6)(b) to 12 months shall be taken as a reference to six months.

## **22 Data protection, &c.**

Nothing in sections 17 to 21 authorises the making of a disclosure which –

- (a) contravenes the Data Protection Act 1998 (c. 29), or
- (b) is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23).

**23 Freedom of information**

- (1) Revenue and customs information relating to a person, the disclosure of which is prohibited by section 18(1), is exempt information by virtue of section 44(1)(a) of the Freedom of Information Act 2000 (c. 36) (prohibitions on disclosure) if its disclosure—
  - (a) would specify the identity of the person to whom the information relates, or
  - (b) would enable the identity of such a person to be deduced.
- (2) Except as specified in subsection (1), information the disclosure of which is prohibited by section 18(1) is not exempt information for the purposes of section 44(1)(a) of the Freedom of Information Act 2000.
- (3) In subsection (1) “revenue and customs information relating to a person” has the same meaning as in section 19.

*Proceedings***24 Evidence**

- (1) A document that purports to have been issued or signed by or with the authority of the Commissioners—
  - (a) shall be treated as having been so issued or signed unless the contrary is proved, and
  - (b) shall be admissible in any legal proceedings.
- (2) A document that purports to have been issued by the Commissioners and which certifies any of the matters specified in subsection (3) shall (in addition to the matters provided for by subsection (1)(a) and (b)) be treated as accurate unless the contrary is proved.
- (3) The matters mentioned in subsection (2) are—
  - (a) that a specified person was appointed as a commissioner on a specified date,
  - (b) that a specified person was appointed as an officer of Revenue and Customs on a specified date,
  - (c) that at a specified time or for a specified purpose (or both) a function was delegated to a specified Commissioner,
  - (d) that at a specified time or for a specified purpose (or both) a function was delegated to a specified committee, and
  - (e) that at a specified time or for a specified purpose (or both) a function was delegated to another specified person.
- (4) A photographic or other copy of a document acquired by the Commissioners shall, if certified by them to be an accurate copy, be admissible in any legal proceedings to the same extent as the document itself.
- (5) Section 2 of the Documentary Evidence Act 1868 (c. 37) (proof of documents) shall apply to a Revenue and Customs document as it applies in relation to the documents mentioned in that section.
- (6) In the application of that section to a Revenue and Customs document the Schedule to that Act shall be treated as if—
  - (a) the first column contained a reference to the Commissioners, and



- (b) the second column contained a reference to a Commissioner or a person acting on his authority.
- (7) In this section –
- (a) “Revenue and Customs document” means a document issued by or on behalf of the Commissioners, and
  - (b) a reference to the Commissioners includes a reference to the Commissioners of Inland Revenue and to the Commissioners of Customs and Excise.

## **25 Conduct of civil proceedings**

- (1) An officer of Revenue and Customs or a person authorised by the Commissioners may conduct civil proceedings, in a magistrates’ court or in the sheriff court, relating to a function of the Revenue and Customs.
- (2) A solicitor member of the Commissioners’ staff may act as a solicitor in connection with civil proceedings relating to a function of the Revenue and Customs.
- (3) A legally qualified member of the Commissioners’ staff may conduct county court proceedings relating to a matter specified in section 7.
- (4) A court shall grant any rights of audience necessary to enable a person to exercise a function under this section.
- (5) In this section –
  - (a) a reference to a function of the Revenue and Customs is a reference to a function of –
    - (i) the Commissioners, or
    - (ii) an officer of Revenue and Customs,
  - (b) a reference to civil proceedings is a reference to proceedings other than proceedings in respect of an offence,
  - (c) a reference to county court proceedings is a reference to civil proceedings in a county court,
  - (d) the reference to a legally qualified member of the Commissioners’ staff is a reference to a member of staff who has been admitted as a solicitor, or called to the Bar, whether or not he holds a practising certificate, and
  - (e) the reference to a solicitor member of the Commissioners’ staff –
    - (i) except in relation to Scotland, is a reference to a member of staff who has been admitted as a solicitor, whether or not he holds a practising certificate,
    - (ii) in relation to Scotland, is a reference to a member of staff who has been admitted as a solicitor and who holds a practising certificate.

## **26 Rewards**

The Commissioners may pay a reward to a person in return for a service which relates to a function of –

- (a) the Commissioners, or
- (b) an officer of Revenue and Customs.

*Inspection and complaints***27 Inspection**

- (1) The Treasury may make regulations conferring functions on Her Majesty's Inspectors of Constabulary, the Scottish inspectors or the Northern Ireland inspectors in relation to—
  - (a) the Commissioners for Her Majesty's Revenue and Customs, and
  - (b) officers of Revenue and Customs.
- (2) Regulations under subsection (1)—
  - (a) may —
    - (i) in relation to Her Majesty's Inspectors of Constabulary, apply (with or without modification) or make provision similar to any provision of sections 54 to 56 of the Police Act 1996 (c. 16) (inspection);
    - (ii) in relation to the Scottish inspectors, apply (with or without modification) or make provision similar to any provision of section 33 or 34 of the Police (Scotland) Act 1967 (c. 77) (inspection);
    - (iii) in relation to the Northern Ireland inspectors, apply (with or without modification) or make provision similar to any provision of section 41 or 42 of the Police (Northern Ireland) Act 1998 (c. 32) (inspection);
  - (b) may enable a Minister of the Crown or the Commissioners to require an inspection to be carried out;
  - (c) shall provide for a report of an inspection to be made and, subject to any exceptions required or permitted by the regulations, published;
  - (d) shall provide for an annual report by Her Majesty's Inspectors of Constabulary;
  - (e) may make provision for payment by the Commissioners to or in respect of Her Majesty's Inspectors of Constabulary, the Scottish inspectors or the Northern Ireland inspectors.
- (3) An inspection carried out by virtue of this section may not address a matter of a kind which the Comptroller and Auditor General may examine under section 6 of the National Audit Act 1983 (c. 44).
- (4) An inspection carried out by virtue of this section shall be carried out jointly by Her Majesty's Inspectors of Constabulary and the Scottish inspectors—
  - (a) if it is carried out wholly in Scotland, or
  - (b) in a case where it is carried out partly in Scotland, to the extent that it is carried out there.
- (5) Regulations under subsection (1)—
  - (a) shall be made by statutory instrument, and
  - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) In this section—
  - (a) "the Scottish inspectors" means the inspectors of constabulary appointed under section 33(1) of the Police (Scotland) Act 1967, and
  - (b) "the Northern Ireland inspectors" means the inspectors of constabulary appointed under section 41(1) of the Police (Northern Ireland) Act 1998.

**28 Complaints and misconduct: England and Wales**

- (1) The Treasury may make regulations conferring functions on the Independent Police Complaints Commission in relation to—
  - (a) the Commissioners for Her Majesty's Revenue and Customs, and
  - (b) officers of Revenue and Customs.
- (2) Regulations under subsection (1)—
  - (a) may apply (with or without modification) or make provision similar to any provision of or made under Part 2 of the Police Reform Act 2002 (c. 30) (complaints);
  - (b) may confer on the Independent Police Complaints Commission, or on a person acting on its behalf, a power of a kind conferred by this Act or another enactment on an officer of Revenue and Customs;
  - (c) may make provision for payment by the Commissioners to or in respect of the Independent Police Complaints Commission.
- (3) The Independent Police Complaints Commission and the Parliamentary Commissioner for Administration may disclose information to each other for the purposes of the exercise of a function—
  - (a) by virtue of this section, or
  - (b) under the Parliamentary Commissioner Act 1967 (c. 13).
- (4) The Independent Police Complaints Commission and the Parliamentary Commissioner for Administration may jointly investigate a matter in relation to which—
  - (a) the Independent Police Complaints Commission has functions by virtue of this section, and
  - (b) the Parliamentary Commissioner for Administration has functions by virtue of the Parliamentary Commissioner Act 1967.
- (5) Regulations under subsection (1)—
  - (a) shall be made by statutory instrument, and
  - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) Regulations under subsection (1) shall relate to the Commissioners or officers of Revenue and Customs only in so far as their functions are exercised in or in relation to England and Wales.

**29 Confidentiality, &c.**

- (1) Where Her Majesty's Inspectors of Constabulary, the Scottish inspectors or the Northern Ireland inspectors obtain information in the course of exercising a function by virtue of section 27—
  - (a) they may not disclose it without the consent of the Commissioners, and
  - (b) they may not use it for any purpose other than the exercise of the function by virtue of section 27.
- (2) A report of an inspection by virtue of section 27 may not include information relating to a specified person without his consent.
- (3) Where the Independent Police Complaints Commission or a person acting on its behalf obtains information from the Commissioners or an officer of Revenue

- and Customs, or from the Parliamentary Commissioner for Administration, in the course of exercising a function by virtue of section 28 –
- (a) the Commission or person shall comply with any restriction on disclosure imposed by regulations under that section (and those regulations may, in particular, prohibit disclosure generally or only in specified circumstances or only without the consent of the Commissioners), and
  - (b) the Commission or person may not use the information for any purpose other than the exercise of the function by virtue of that section.
- (4) A person commits an offence if he contravenes a provision of this section.
  - (5) It is a defence for a person charged with an offence under this section of disclosing or using information to prove that he reasonably believed –
    - (a) that the disclosure or use was lawful, or
    - (b) that the information had already and lawfully been made available to the public.
  - (6) A person guilty of an offence under this section shall be liable –
    - (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or
    - (b) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both.
  - (7) A prosecution for an offence under this section may be instituted in England and Wales only –
    - (a) by the Director of Revenue and Customs Prosecutions, or
    - (b) with the consent of the Director of Public Prosecutions.
  - (8) A prosecution for an offence under this section may be instituted in Northern Ireland only –
    - (a) by the Commissioners, or
    - (b) with the consent of the Director of Public Prosecutions for Northern Ireland.
  - (9) In the application of this section to Scotland or Northern Ireland the reference in subsection (6)(b) to 12 months shall be taken as a reference to six months.
  - (10) In this section a reference to the Scottish inspectors or the Northern Ireland inspectors has the same meaning as in section 27.

### *Offences*

#### **30 Impersonation**

- (1) A person commits an offence if he pretends to be a Commissioner or an officer of Revenue and Customs with a view to obtaining –
  - (a) admission to premises,
  - (b) information, or
  - (c) any other benefit.
- (2) A person guilty of an offence under this section shall be liable on summary conviction to –
  - (a) imprisonment for a period not exceeding 51 weeks,
  - (b) a fine not exceeding level 5 on the standard scale, or

(c) both.

- (3) In the application of this section to Scotland or Northern Ireland the reference in subsection (2)(a) to 51 weeks shall be taken as a reference to six months.

### 31 Obstruction

- (1) A person commits an offence if without reasonable excuse he obstructs—
- (a) an officer of Revenue and Customs,
  - (b) a person acting on behalf of the Commissioners or an officer of Revenue and Customs, or
  - (c) a person assisting an officer of Revenue and Customs.
- (2) A person guilty of an offence under this section shall be liable on summary conviction to—
- (a) imprisonment for a period not exceeding 51 weeks,
  - (b) a fine not exceeding level 3 on the standard scale, or
  - (c) both.
- (3) In the application of this section to Scotland or Northern Ireland the reference in subsection (2)(a) to 51 weeks shall be taken as a reference to six months.

### 32 Assault

- (1) A person commits an offence if he assaults an officer of Revenue and Customs.
- (2) A person guilty of an offence under this section shall be liable on summary conviction to—
- (a) imprisonment for a period not exceeding 51 weeks,
  - (b) a fine not exceeding level 5 on the standard scale, or
  - (c) both.
- (3) In the application of this section to Scotland or Northern Ireland the reference in subsection (2)(a) to 51 weeks shall be taken as a reference to six months.

### 33 Power of arrest

- (1) An authorised officer of Revenue and Customs may arrest a person without warrant if the officer reasonably suspects that the person—
- (a) has committed an offence under section 30, 31 or 32,
  - (b) is committing an offence under any of those sections, or
  - (c) is about to commit an offence under any of those sections.
- (2) In subsection (1) “authorised” means authorised by the Commissioners.
- (3) Authorisation for the purposes of this section may be specific or general.
- (4) In Scotland or Northern Ireland, a constable may arrest a person without warrant if the constable reasonably suspects that the person—
- (a) has committed an offence under this Act,
  - (b) is committing an offence under this Act, or
  - (c) is about to commit an offence under this Act.

*Prosecutions***34 The Revenue and Customs Prosecutions Office**

- (1) The Attorney General shall appoint an individual as Director of Revenue and Customs Prosecutions.
- (2) The Director may, with the approval of the Minister for the Civil Service as to terms and conditions of service, appoint staff.
- (3) The Director and his staff may together be referred to as the Revenue and Customs Prosecutions Office.
- (4) Schedule 3 (which makes provision about the Office) shall have effect.

**35 Functions**

- (1) The Director –
  - (a) may institute and conduct criminal proceedings in England and Wales relating to a criminal investigation by the Revenue and Customs, and
  - (b) shall take over the conduct of criminal proceedings instituted in England and Wales by the Revenue and Customs.
- (2) The Director shall provide such advice as he thinks appropriate, to such persons as he thinks appropriate, in relation to –
  - (a) a criminal investigation by the Revenue and Customs, or
  - (b) criminal proceedings instituted in England and Wales relating to a criminal investigation by the Revenue and Customs.
- (3) In this section a reference to the Revenue and Customs is a reference to –
  - (a) the Commissioners,
  - (b) an officer of Revenue and Customs, and
  - (c) a person acting on behalf of the Commissioners or an officer of Revenue and Customs.
- (4) The Attorney General may by order assign to the Director a function of –
  - (a) instituting criminal proceedings,
  - (b) assuming the conduct of criminal proceedings, or
  - (c) providing legal advice.
- (5) In this section –
  - (a) a reference to the institution of criminal proceedings shall be construed in accordance with section 15(2) of the Prosecution of Offences Act 1985 (c. 23), and
  - (b) “criminal investigation” means any process –
    - (i) for considering whether an offence has been committed,
    - (ii) for discovering by whom an offence has been committed, or
    - (iii) as a result of which an offence is alleged to have been committed.

**36 Functions: supplemental**

- (1) The Director shall discharge his functions under the superintendence of the Attorney General.

- (2) The Director or an individual designated under section 37 or 39 or appointed under section 38 must have regard to the Code for Crown Prosecutors issued by the Director of Public Prosecutions under section 10 of the Prosecution of Offences Act 1985 (c. 23) –
  - (a) in determining whether proceedings for an offence should be instituted,
  - (b) in determining what charges should be preferred,
  - (c) in considering what representations to make to a magistrates' court about mode of trial, and
  - (d) in determining whether to discontinue proceedings.
- (3) Sections 23 and 23A of the Prosecution of Offences Act 1985 (power to discontinue proceedings) shall apply (with any necessary modifications) to proceedings conducted by the Director under this Act as they apply to proceedings conducted by the Director of Public Prosecutions.
- (4) A power of the Director under an enactment to institute proceedings may be exercised to institute proceedings in England and Wales only.

### **37 Prosecutors**

- (1) The Director may designate a member of the Office (to be known as a “Revenue and Customs Prosecutor”) to exercise any function of the Director under or by virtue of section 35.
- (2) An individual may be designated as a Prosecutor only if he has a general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 (c. 41) (qualification for judicial appointments).
- (3) A Prosecutor shall act in accordance with any instructions of the Director.

### **38 Conduct of prosecutions on behalf of the Office**

- (1) An individual who is not a member of the Office may be appointed by the Director to exercise any function of the Director under or by virtue of section 35 in relation to –
  - (a) specified criminal proceedings, or
  - (b) a specified class or description of criminal proceedings.
- (2) An individual may be appointed under this section only if he has a general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 (qualifications for judicial appointments).
- (3) An individual appointed under this section shall act in accordance with any instructions of –
  - (a) the Director, or
  - (b) a Prosecutor.

### **39 Designation of non-legal staff**

- (1) The Director may designate a member of the Office –
  - (a) to conduct summary bail applications, and
  - (b) to conduct other ancillary magistrates' criminal proceedings.

- (2) In carrying out a function for which he is designated under this section an individual shall have the same powers and rights of audience as a Prosecutor.
- (3) In subsection (1) –
  - (a) “summary bail application” means an application for bail made in connection with an offence –
    - (i) which is not triable only on indictment, and
    - (ii) in respect of which the accused has not been sent to the Crown Court for trial, and
  - (b) “ancillary magistrates’ criminal proceedings” means criminal proceedings other than trials in a magistrates’ court.
- (4) An individual designated under this section shall act in accordance with any instructions of –
  - (a) the Director, or
  - (b) a Prosecutor.

#### 40 Confidentiality

- (1) The Revenue and Customs Prosecutions Office may not disclose information which –
  - (a) is held by the Prosecutions Office in connection with any of its functions, and
  - (b) relates to a person whose identity is specified in the disclosure or can be deduced from it.
- (2) But subsection (1) –
  - (a) does not apply to a disclosure which –
    - (i) is made for the purposes of a function of the Prosecutions Office, and
    - (ii) does not contravene any restriction imposed by the Director,
  - (b) does not apply to a disclosure made to Her Majesty’s Revenue and Customs in connection with a function of the Revenue and Customs (within the meaning of section 25),
  - (c) does not apply to a disclosure made for the purposes of a criminal investigation or criminal proceedings (whether or not within the United Kingdom),
  - (d) does not apply to a disclosure which in the opinion of the Director is desirable for the purpose of safeguarding national security,
  - (e) does not apply to a disclosure made in pursuance of an order of a court,
  - (f) does not apply to a disclosure made with the consent of each person to whom the information relates, and
  - (g) is subject to any other enactment.
- (3) A person commits an offence if he contravenes subsection (1).
- (4) Subsection (3) does not apply to the disclosure of information about internal administrative arrangements of the Revenue and Customs Prosecutions Office (whether relating to a member of the Office or to another person).
- (5) It is a defence for a person charged with an offence under this section of disclosing information to prove that he reasonably believed –
  - (a) that the disclosure was lawful, or



- (b) that the information had already and lawfully been made available to the public.
- (6) In this section a reference to the Revenue and Customs Prosecutions Office includes a reference to—
  - (a) former members of the Office, and
  - (b) persons who hold or have held appointment under section 38.
- (7) A person guilty of an offence under this section shall be liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both, or
  - (b) on summary conviction, to imprisonment for a term not exceeding 12 months, to a fine not exceeding the statutory maximum or to both.
- (8) A prosecution for an offence under this section may be instituted in England and Wales only—
  - (a) by the Director of Revenue and Customs Prosecutions, or
  - (b) with the consent of the Director of Public Prosecutions.
- (9) A prosecution for an offence under this section may be instituted in Northern Ireland only—
  - (a) by the Commissioners, or
  - (b) with the consent of the Director of Public Prosecutions for Northern Ireland.
- (10) In the application of this section to Scotland or Northern Ireland the reference in subsection (7)(b) to 12 months shall be taken as a reference to six months.
- (11) In subsection (2) the reference to an enactment does not include—
  - (a) an Act of the Scottish Parliament or an instrument made under such an Act, or
  - (b) an Act of the Northern Ireland Assembly or an instrument made under such an Act.

#### **41 Disclosure of information to Director of Revenue and Customs Prosecutions**

- (1) A person specified in subsection (2) may disclose information held by him to the Director for a purpose connected with a specified investigation or prosecution.
- (2) Those persons are—
  - (a) a constable,
  - (b) the Director General of the National Criminal Intelligence Service,
  - (c) the Director General of the National Crime Squad,
  - (d) the Director of the Serious Fraud Office,
  - (e) the Director General of the Serious Organised Crime Agency,
  - (f) the Director of Public Prosecutions,
  - (g) the Director of Public Prosecutions for Northern Ireland, and
  - (h) such other persons as the Attorney General may specify by order.
- (3) An order under subsection (2)(h)—
  - (a) may specify a person only if, or in so far as, he appears to the Attorney General to be exercising public functions,
  - (b) may include transitional or incidental provision,

- (c) shall be made by statutory instrument, and
  - (d) shall not be made unless a draft has been laid before, and approved by resolution of, each House of Parliament.
- (4) In relation to a person if or in so far as he exercises functions in respect of Northern Ireland subsections (2)(h) and (3)(a) shall have effect as if a reference to the Attorney General were a reference to—
- (a) the Advocate General for Northern Ireland, or
  - (b) before the commencement of section 27(1) of the Justice (Northern Ireland) Act 2002 (c. 26), the Attorney General for Northern Ireland.
- (5) In the application of this section to Scotland, references to the Attorney General are to be read as references to a Minister of the Crown (including the Treasury).
- (6) Nothing in this section authorises the making of a disclosure which—
- (a) contravenes the Data Protection Act 1998 (c. 29), or
  - (b) is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000 (c. 23).

#### **42 Inspection**

Section 2 of the Crown Prosecution Service Inspectorate Act 2000 (c. 10) shall apply to the Revenue and Customs Prosecutions Office as it applies to the Crown Prosecution Service.

#### *Money and property*

#### **43 Expenditure**

Expenditure of the Commissioners in connection with the exercise of their functions shall be paid out of money provided by Parliament.

#### **44 Payment into Consolidated Fund**

- (1) The Commissioners shall pay money received in the exercise of their functions into the Consolidated Fund—
- (a) at such times and in such manner as the Treasury directs,
  - (b) with the exception of receipts specified in subsection (2), and
  - (c) after deduction of the disbursements specified in subsection (3).
- (2) The exceptions mentioned in subsection (1)(b) are—
- (a) contributions under Part I of the Social Security Contributions and Benefits Act 1992 (c. 4),
  - (b) contributions under Part I of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7),
  - (c) any other sums payable, under or by virtue of an enactment, into the National Insurance Fund or the Northern Ireland National Insurance Fund,
  - (d) sums required under or by virtue of an enactment to be paid into the National Loans Fund,
  - (e) sums required to be paid to a Minister of the Crown by virtue of an enactment relating to financial support for students,

- (f) penalties under section 21 of the National Minimum Wage Act 1998 (c. 39) (non-compliance), and
  - (g) sums required under or by virtue of an enactment to be paid into the Scottish Consolidated Fund.
- (3) The disbursements mentioned in subsection (1)(c) are—
- (a) payments in connection with drawback, repayments and discounts,
  - (b) payments under section 77 of the Scotland Act 1998 (c. 46) (additional tax),
  - (c) payments under section 2 of the Isle of Man Act 1979 (c. 58) (Isle of Man share of common duties), and
  - (d) tax credits.
- (4) In subsection (3)(a) “repayments” includes—
- (a) payments in respect of actual or deemed credits relating to any tax or duty, and
  - (b) payments of interest (or repayment supplement) on—
    - (i) repayments, or
    - (ii) payments treated as repayments.

#### **45 Remuneration, &c.**

- (1) The Commissioners shall be paid, out of money provided by Parliament, such remuneration, expenses and other allowances as may be determined by the Minister for the Civil Service.
- (2) The Commissioners may incur expenditure in respect of staff (whether in respect of remuneration, allowances, pensions, gratuities or otherwise).
- (3) The Commissioners shall pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of any increase attributable to this Act in the sums payable under the Superannuation Act 1972 (c. 11) out of money provided by Parliament.

#### **46 Accounts**

- (1) The Commissioners shall provide to the Comptroller and Auditor General, in such form as the Treasury shall direct, a daily account of—
  - (a) the amount of revenue received, and
  - (b) the disposal of revenue received.
- (2) The Commissioners shall provide to the Comptroller and Auditor General, in such form and at such times as the Treasury shall direct, an account of liabilities satisfied by the acceptance of property in satisfaction of tax under—
  - (a) section 230 of the Inheritance Tax Act 1984 (c. 51), or
  - (b) any other enactment.

#### **47 Payment out of Consolidated Fund**

- (1) This section applies if the Treasury think that the funds available to the Commissioners may be insufficient to make, under or by virtue of an enactment—
  - (a) a payment into the National Insurance Fund,
  - (b) a payment into the Northern Ireland National Insurance Fund,

- (c) a payment of a kind specified in section 44(2)(c) to (g), or
  - (d) a disbursement of a kind specified in section 44(3).
- (2) Where this section applies the Treasury may pay money to the Commissioners out of the Consolidated Fund to enable them to make a payment or disbursement.
- (3) This section applies whether or not the reason for a deficiency is or may be that an amount has been paid or retained on the basis of an estimate that has proved or may prove to be inaccurate.

#### **48 Transfer of property, &c.: general**

- (1) Upon commencement the property, rights and liabilities of any of the old commissioners shall by virtue of this section vest in the new commissioners.
- (2) Anything done by, on behalf of or in relation to any of the old commissioners which has effect immediately before commencement shall continue to have effect as if done by, on behalf of or in relation to the new commissioners.
- (3) Anything (including any legal proceedings) which immediately before commencement is in the process of being done by, on behalf of or in relation to any of the old commissioners may be continued by, on behalf of or in relation to the new commissioners.
- (4) Upon commencement the property, rights and liabilities of any of the old officers shall by virtue of this section vest in the officers of Revenue and Customs.
- (5) Anything done by, on behalf of or in relation to any of the old officers which has effect immediately before commencement shall continue to have effect as if done by, on behalf of or in relation to an officer of Revenue and Customs.
- (6) Anything (including any legal proceedings) which immediately before commencement is in the process of being done by, on behalf of or in relation to any of the old officers may be continued by, on behalf of or in relation to an officer of Revenue and Customs.
- (7) So far as is necessary or appropriate in consequence of section 5 or the preceding provisions of this section, on and after commencement –
- (a) a reference to any of the old commissioners in an agreement (whether written or not), instrument or other document shall be treated as a reference to the new commissioners, and
  - (b) a reference in an agreement (whether written or not), instrument or other document to any of the old officers shall be treated as a reference to an officer of Revenue and Customs.
- (8) This section shall operate in relation to property, rights or liabilities –
- (a) whether or not they would otherwise be capable of being transferred,
  - (b) without any instrument or other formality being required, and
  - (c) irrespective of any requirement for consent that would otherwise apply.
- (9) In this section –
- “commencement” means the time appointed under section 53 for the commencement of section 5,

“rights and liabilities” includes rights and liabilities relating to employment,

“the old commissioners” means –

- (a) the Commissioners of Inland Revenue, and
- (b) the Commissioners of Customs and Excise,

“the old officers” means any of the persons listed in section 6(2) or 7(3), and

“the new commissioners” means the Commissioners for Her Majesty’s Revenue and Customs.

- (10) This section is subject to section 49.

#### **49 Transfer of property, &c.: Prosecutions Office**

- (1) The Treasury may make a scheme identifying property, rights and liabilities of the old commissioners which shall on commencement vest not in the new commissioners but in the Director of Revenue and Customs Prosecutions.
- (2) A scheme shall have effect –
  - (a) in so far as it excludes anything from the operation of section 48, on the coming into force of that section, and
  - (b) in so far as it vests anything in the Director of Revenue and Customs Prosecutions, upon the coming into force of section 35.
- (3) A scheme may include consequential and incidental provision and may, in particular –
  - (a) apply (with or without modification) or make provision similar to any provision of section 48;
  - (b) modify the effect of section 48(2), (3), (5), (6) or (7);
  - (c) make provision for shared ownership, use or access.
- (4) The Treasury may require the new commissioners to transfer specified property, rights and liabilities to the Director of Revenue and Customs Prosecutions (and the commissioners shall comply).
- (5) In relation to any matter that becomes a function of the Director of Revenue and Customs Prosecutions under section 35, section 48(2), (3), (5), (6) and (7) shall have effect with –
  - (a) the substitution of a reference to the Director for any reference to the new commissioners or to an officer of Revenue and Customs (or officers of Revenue and Customs), and
  - (b) the substitution of a reference to this section and anything done under it for a reference to section 48.
- (6) In this section the following expressions have the same meaning as in section 48 –
  - (a) “commencement”,
  - (b) “the old commissioners”, and
  - (c) “the new commissioners”.

*General***50 Consequential amendments, &c.**

- (1) In so far as is appropriate in consequence of section 5 a reference in an enactment, instrument or other document to the Commissioners of Customs and Excise, to customs and excise or to the Commissioners of Inland Revenue (however expressed) shall be taken as a reference to the Commissioners for Her Majesty's Revenue and Customs.
- (2) In so far as is appropriate in consequence of sections 6 and 7 a reference in an enactment, instrument or other document to any of the persons specified in section 6(2) or 7(3) (however expressed) shall be taken as a reference to an officer of Revenue and Customs.
- (3) In so far as is appropriate in consequence of this Act a reference in an enactment, instrument or other document to the Valuation Office of the Inland Revenue (however expressed) shall be taken as a reference to the Valuation Office of Her Majesty's Revenue and Customs.
- (4) The Treasury may by regulations make such provision as they think appropriate in consequence of section 5, 6 or 7 in respect of a reference in an enactment (however expressed) to—
  - (a) the Commissioners of Inland Revenue (or to a Commissioner),
  - (b) the Commissioners of Customs and Excise (or to a Commissioner),
  - (c) customs,
  - (d) customs and excise,
  - (e) Inland Revenue, or
  - (f) any of the persons specified in section 6(2) or 7(3).
- (5) Regulations under subsection (4) in respect of a reference in an enactment—
  - (a) may amend an enactment,
  - (b) may make incidental and consequential provision,
  - (c) shall be made by statutory instrument, and
  - (d) shall not be made unless a draft has first been laid before, and approved by resolution of, each House of Parliament.
- (6) Schedule 4 (consequential amendments, &c.) shall have effect (and is without prejudice to the generality of subsections (1) to (4)).
- (7) Subsections (1) to (4) shall, subject to any express provision to the contrary, have effect in relation to enactments passed or made, and instruments and documents issued, whether before or after the passing of this Act.

**51 Interpretation**

- (1) In this Act—
  - except where otherwise expressly provided, “enactment” includes—
    - (a) an Act of the Scottish Parliament,
    - (b) an instrument made under an Act of the Scottish Parliament,
    - (c) Northern Ireland legislation, and
    - (d) an instrument made under Northern Ireland legislation,
  - “officer of Revenue and Customs” means a person appointed under section 2, and

“revenue” has the meaning given by section 5(4).

- (2) In this Act—
  - (a) “function” means any power or duty (including a power or duty that is ancillary to another power or duty), and
  - (b) a reference to the functions of the Commissioners or of officers of Revenue and Customs is a reference to the functions conferred—
    - (i) by or by virtue of this Act, or
    - (ii) by or by virtue of any enactment passed or made after the commencement of this Act.
- (3) A reference in this Act, in an enactment amended by this Act or, subject to express provision to the contrary, in any future enactment, to responsibility for collection and management of revenue has the same meaning as references to responsibility for care and management of revenue in enactments passed before this Act.
- (4) In this Act a reference to information acquired in connection with a matter includes a reference to information held in connection with that matter.

## 52 Repeals

- (1) The following shall cease to have effect—
  - (a) the following provisions of the Customs and Excise Management Act 1979 (c. 2)—
    - (i) section 12 (inquiries),
    - (ii) section 15 (bribery and collusion),
    - (iii) section 32 (kidnapping officers),
    - (iv) section 84 (signalling to smugglers),
    - (v) section 86 (higher penalty where offender armed, &c.),
    - (vi) section 152(c) (mitigation and remission of penalties, &c.),
    - (vii) section 152(d) (early discharge from prison), and
    - (viii) section 169 (false scales, &c.), and
  - (b) section 111(2) of the Taxes Management Act 1970 (c. 9) (valuation: obstruction).
- (2) The enactments specified in Schedule 5 are hereby repealed to the extent specified.

## 53 Commencement

- (1) This Act shall come into force in accordance with provision made by order of the Treasury.
- (2) An order under subsection (1)—
  - (a) may make provision generally or only in relation to specified provisions or purposes,
  - (b) may include transitional, consequential or incidental provision or savings, and
  - (c) shall be made by statutory instrument.

**54 Transitional: general**

- (1) In the application of section 5—
  - (a) a reference to responsibility before commencement of that section includes a reference to responsibility under an enactment passed or made, but not yet in force, before commencement, and
  - (b) a reference to a function vesting includes a reference to a function which is to vest under an enactment passed or made, but not yet in force, before commencement of that section.
- (2) In the application of section 6 or 7 a reference to a function conferred by an enactment includes a reference to a function conferred by an enactment passed or made, but not yet in force, before commencement of that section.
- (3) Where immediately before the commencement of section 6 a person holds appointment as a member of the staff of the Commissioners of Inland Revenue or of the Commissioners of Customs and Excise, his appointment shall have effect on commencement as if made by the Commissioners for Her Majesty's Revenue and Customs under section 2.
- (4) The following shall be treated as being included in the list in Schedule 1—
  - (a) development land tax,
  - (b) disabled person's tax credit,
  - (c) estate duty,
  - (d) the national defence contribution under Part III of the Finance Act 1937 (c. 54),
  - (e) the special tax on banking deposits under section 134 of the Finance Act 1981 (c. 35), and
  - (f) working families tax credit.
- (5) The Treasury may by order made by statutory instrument add to the list in subsection (4) an item relating to a matter for which the Commissioners of Inland Revenue or a person listed in section 7(3) had responsibility before the commencement of section 5, if it appears to the Treasury that the law relating to that matter has lapsed or ceased to have effect but that transitional matters may continue to arise in respect of it.
- (6) An order under subsection (5)—
  - (a) may include consequential, transitional or incidental provision,
  - (b) shall be made by statutory instrument, and
  - (c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) A reference in this Act to anything done by, on behalf of or in relation to a specified person or class of person includes a reference to anything treated as if done by, on behalf of or in relation to that person by virtue of transitional provision of an enactment passed or made before this Act.

**55 Transitional: penalties**

- (1) In relation to an offence under section 19 committed before the commencement of section 282 of the Criminal Justice Act 2003 (c. 44) (short sentences) the reference in section 19(4)(b) to 12 months shall have effect as if it were a reference to six months.



- (2) In relation to an offence under section 21 committed before the commencement of section 282 of the Criminal Justice Act (short sentences), the reference in section 21(6)(b) to 12 months shall have effect as if it were a reference to six months.
- (3) In relation to an offence under section 29 committed before the commencement of section 282 of the Criminal Justice Act 2003 (c. 44) (short sentences) the reference in section 29(6)(b) to 12 months shall have effect as if it were a reference to six months.
- (4) In relation to an offence under section 30 committed before the commencement of section 281(4) and (5) of the Criminal Justice Act 2003 (51 week maximum term of sentences) the reference in section 30(2)(a) to 51 weeks shall have effect as if it were a reference to six months.
- (5) In relation to an offence under section 31 committed before the commencement of section 281(4) and (5) of the Criminal Justice Act 2003 (51 week maximum term of sentences) the reference in section 31(2)(a) to 51 weeks shall have effect as if it were a reference to one month.
- (6) In relation to an offence under section 32 committed before the commencement of section 281(4) and (5) of the Criminal Justice Act 2003 (51 week maximum term of sentences) the reference in section 32(2)(a) to 51 weeks shall have effect as if it were a reference to six months.
- (7) In relation to an offence under section 40 committed before the commencement of section 282 of the Criminal Justice Act 2003 (short sentences) the reference in section 40(7)(b) to 12 months shall have effect as if it were a reference to six months.

## **56 Extent**

- (1) This Act extends to the United Kingdom.
- (2) But an amendment, modification or repeal effected by this Act has the same extent as the enactment (or the relevant part of the enactment) to which it relates.

## **57 Short title**

This Act may be cited as the Commissioners for Revenue and Customs Act 2005.

## SCHEDULES

### SCHEDULE 1

Section 7

#### FORMER INLAND REVENUE MATTERS

- 1 Capital gains tax.
- 2 Charities.
- 3 Child benefit.
- 4 Child tax credit.
- 5 Child trust funds.
- 6 Corporation tax (and amounts assessable or chargeable as if they were corporation tax).
- 7 Guardian's allowance.
- 8 Income tax.
- 9 Inheritance tax.
- 10 The issue of bank notes.
- 11 National insurance contributions.
- 12 The National Insurance Fund.
- 13 The national minimum wage.
- 14 Oil and gas royalties.
- 15 Payment of or in lieu of rates.
- 16 Payment in lieu of tax reliefs, in so far as the Commissioners of Inland Revenue were responsible before the commencement of section 5.
- 17 Pension schemes.
- 18 Petroleum revenue tax.
- 19 Rating lists.
- 20 Recovery of taxes due in other member States, in relation to matters corresponding to those for which the Commissioners of Inland Revenue were responsible before the commencement of section 5.
- 21 Stamp duty.
- 22 Stamp duty land tax.
- 23 Stamp duty reserve tax.

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- 24 Statutory adoption pay.
  - 25 Statutory maternity pay.
  - 26 Statutory paternity pay.
  - 27 Statutory sick pay.
  - 28 Student loans.
  - 29 Valuation lists in relation to council tax.
  - 30 Valuation of property.
  - 31 Working tax credit.

## SCHEDULE 2

Sections 16 and 17

## FUNCTIONS OF COMMISSIONERS AND OFFICERS: RESTRICTIONS, &amp;C.

## PART 1

## GENERAL

*Wireless Telegraphy Act 1949 (c. 54)*

- 1 The Commissioners may not give an authority under section 5 of the Wireless Telegraphy Act 1949 (interception, &c.) in connection with a function relating to a matter to which section 7 above applies.

*Taxes Management Act 1970 (c. 9)*

- 2 A power under any of the following provisions of the Taxes Management Act 1970 may be exercised only in connection with functions relating to matters to which section 6 above applies –
  - (a) section 21 (stock jobbers' transactions),
  - (b) section 23 (copies of registers of securities), and
  - (c) section 24 (information about income from securities).
- 3 Section 113(3) of that Act (form of documents) shall have effect only in connection with functions relating to matters to which section 7 above applies.

*Customs and Excise Management Act 1979 (c. 2)*

- 4 Section 8(2) and (3) of the Customs and Excise Management Act 1979 (person acting deemed to be proper officer) shall not apply to a person engaged in connection with a function relating to a matter to which section 7 above applies.
- 5 (1) Section 11 of that Act (assistance to be rendered by police, &c.) shall not apply in connection with a function relating to a matter to which section 7 above applies.

(2) A person may rely for the purposes of section 11 of that Act on a statement (written or oral) of an officer of Revenue and Customs that a function does not relate to a matter to which section 7 above applies.

6 Sections 167 (untrue declarations, &c.) and 168 (counterfeiting documents, &c.) of that Act shall not apply in relation to a declaration, document or statement in respect of a function relating to a matter to which section 7 above applies.

*Police and Criminal Evidence Act 1984 (c. 60)*

7 (1) Section 114 of the Police and Criminal Evidence Act 1984 (application of Act to customs and excise) shall not apply to investigations in connection with a matter to which section 7 above applies.

(2) Section 7(4) above shall not have effect in relation to a function conferred by order under section 114 of that Act.

*Finance Act 1985 (c. 54)*

8 Section 10 of the Finance Act 1985 (computer records &c.) shall not apply in connection with a function relating to a matter to which section 7 above applies.

*Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))*

9 (1) Article 85 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (application to customs and excise) shall not apply to investigations in connection with a matter to which section 7 above applies.

(2) Section 7(4) above shall not have effect in relation to a function conferred by order under Article 85 of that Order.

*Finance Act 1998 (c. 36)*

10 In section 163(1) of the Finance Act 1998 (adoption of single currency by other member States) for “any matter under the care and management of the Commissioners of Inland Revenue.” substitute “any matter for which the Commissioners for Her Majesty’s Revenue and Customs are responsible and to which section 7 of the Commissioners for Revenue and Customs Act 2005 (former Inland Revenue matters) applies.”

*Regulation of Investigatory Powers Act 2000 (c. 23)*

11 (1) Action may not be taken by or on behalf of the Commissioners under or by virtue of the following provisions of the Regulation of Investigatory Powers Act 2000 in connection with a function relating to a matter to which section 7 above applies.

(2) Those provisions are –

(a) section 6(2)(h) (application for issue of an interception warrant),

(b) section 32(6)(m) (designation of officers in relation to intrusive surveillance),

(c) section 49(1)(e) and paragraphs 2(3) and 4(2) of Schedule 2 (disclosure: permission), and

(d) section 54 (secrecy).

*Finance Act 2002 (c. 23)*

- 12 (1) In section 135(10) of the Finance Act 2002 (requirement to use electronic communications) for the definition of “taxation matter” substitute—
- ““taxation matter” means any taxation matter for which the Commissioners are responsible and to which section 7 of the Commissioners for Revenue and Customs Act 2005 (former Inland Revenue matters) applies.”
- (2) Section 135 is also amended by Schedule 4 below.

*Proceeds of Crime Act 2002 (c. 29)*

- 13 The power in section 294 of the Proceeds of Crime Act 2002 (to seize cash)—
- (a) shall vest in an officer of Revenue and Customs only in so far as he is exercising a function relating to a matter to which section 7 above does not apply, but
- (b) may be exercised by the officer in reliance on a suspicion that relates to a matter to which section 7 above applies.

*Crime (International Co-operation) Act 2003 (c. 32)*

- 14 An order under section 27 of the Crime (International Co-operation) Act 2003 (exercise of Secretary of State’s powers by others) shall not permit the exercise of a power by the Commissioners in relation to a matter—
- (a) to which section 7 above applies, or
- (b) which corresponds, in relation to a country other than the United Kingdom, to a matter to which section 7 above applies.

PART 2

USE OF INFORMATION

*Teaching and Higher Education Act 1998 (c. 30)*

- 15 The Commissioners may supply information in accordance with section 24 of the Teaching and Higher Education Act 1998 (supply of information in connection with the student loan scheme) only if the information was obtained or is held in the exercise of a function relating to matters to which section 7 above applies.

*Employment Relations Act 1999 (c. 26)*

- 16 The Commissioners may supply information in accordance with section 39 of the Employment Relations Act 1999 (supply of information in connection with the national minimum wage and agricultural wages) only if the information was obtained or is held in the exercise of a function relating to matters to which section 7 above applies.

*Immigration and Asylum Act 1999 (c. 33)*

- 17 The Commissioners may supply information under section 20 of the Immigration and Asylum Act 1999 (supply of information to the Secretary of State) if the information has not been held solely in the exercise of its functions relating to matters to which section 7 above applies.

*Financial Services and Markets Act 2000 (c. 8)*

- 18 The Commissioners may supply information in accordance with section 350 of the Financial Services and Markets Act 2000 (supply of information to assist with an investigation under section 168 of that Act) only if the information was obtained or is held in the exercise of a function relating to matters to which section 7 above applies.

*Terrorism Act 2000 (c. 11)*

- 19 Information may be supplied in accordance with paragraph 4(2) of Schedule 14 to the Terrorism Act 2000 (exercise of officers' powers) only if the information has not been held solely in the exercise of functions relating to matters to which section 7 above applies.

*Nationality, Immigration and Asylum Act 2002 (c. 41)*

- 20 The Commissioners may supply information to the Secretary of State under section 130 of the Nationality, Immigration and Asylum Act 2002 (power to supply the Secretary of State with information) only if the information was obtained or is held in connection with a function relating to matters to which section 7 above applies.

SCHEDULE 3

Section 34

REVENUE AND CUSTOMS PROSECUTIONS OFFICE

*Appointment of Director*

- 1 The Director must have a ten year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 (c. 41) (qualification for judicial appointments).
- 2 The Director shall hold and vacate office in accordance with the terms of his appointment (which may include provision for dismissal).

*Money*

- 3 The Director shall be paid such remuneration, expenses and other allowances as the Attorney General shall determine with the approval of the Minister for the Civil Service.
- 4 In incurring expenditure the Director shall comply with any directions given to him by the Attorney General with the consent of the Treasury.
- 5 Expenditure of the Director shall be paid out of money provided by Parliament.

*Annual report*

- 6 (1) As soon as is reasonably practicable after the end of each financial year the Director shall send to the Attorney General a report on the exercise of the Director's functions during that year.

- (2) A report shall, in particular, give details of—
- (a) the nature and outcomes of prosecutions undertaken,
  - (b) the criteria used to determine whether to designate individuals under section 39, and
  - (c) the arrangements for training individuals designated under that section.
- (3) Where the Attorney General receives a report under sub-paragraph (1) he shall—
- (a) lay a copy before Parliament, and
  - (b) arrange for it to be published.

*Financial year*

- 7 (1) The financial year of the Office shall begin with 1st April and end with 31st March.
- (2) But the first financial year of the Office shall—
- (a) begin with the date on which section 34 comes into force, and
  - (b) end with the following 31st March.

*Status*

- 8 Service as the Director or a member of the Office is service in the civil service of the State.

## SCHEDULE 4

Section 50

## CONSEQUENTIAL AMENDMENTS, &amp;c.

*Harbours, Docks, and Piers Clauses Act 1847 (c. 27)*

- 1 In section 14 of the Harbours, Docks and Piers Clauses Act 1847 (watch-houses &c. for customs officers)—
- (a) for “the Commissioners of her Majesty’s Customs and Excise” substitute “the Commissioners for Her Majesty’s Revenue and Customs”,
  - (b) for “the tide surveyors of the Customs” substitute “officers of Revenue and Customs”, and
  - (c) for “the officers of revenue” substitute “officers of Revenue and Customs”.

*Public Revenue and Consolidated Fund Charges Act 1854 (c. 94)*

- 2 In Schedule (B) to the Public Revenue and Consolidated Fund Charges Act (salaries and payments out of Consolidated Fund) omit the entry for the Inland Revenue.

*Exchequer and Audit Departments Act 1866 (c. 39)*

- 3 In section 10 of the Exchequer and Audit Departments Act 1866 (revenues payable to the Bank of England)—

- (a) omit from the beginning to “at the Bank of England”,
- (b) for “and all other public moneys” substitute “All public moneys”,
- (c) for “to that account” substitute “into the Consolidated Fund”, and
- (d) omit the words from “Provided always,” to the end.

*Game Laws Amendment (Scotland) Act 1877 (c. 28)*

- 4 In section 11 of the Game Laws Amendment (Scotland) Act 1877 (no person to be prosecuted again for same offence) for “the Inland Revenue” substitute “a matter listed in Schedule 1 to the Commissioners for Revenue and Customs Act 2005 except for paragraphs 2, 10, 13, 14, 15, 17, 19, 28, 29 and 30.”

*Inland Revenue Regulation Act 1890 (c. 21)*

- 5 The Inland Revenue Regulation Act 1890 shall cease to have effect.

*Public Accounts and Charges Act 1891 (c. 24)*

- 6 The Public Accounts and Charges Act 1891 (the only extant substantive provision of which is the provision as to Inland Revenue money in section 1) shall cease to have effect.

*Judicial Pensions Act (Northern Ireland) 1951 (c. 20 (N.I.))*

- 7 In paragraph 6(3) of Schedule 2A to the Judicial Pensions Act (Northern Ireland) 1951 (as inserted by Schedule 2 to the Judicial Pensions (Northern Ireland) Order 1991 (S.I. 1991/2631 (N.I. 24))) for “the Inland Revenue” substitute “the Commissioners for Her Majesty’s Revenue and Customs”.

*County Courts Act (Northern Ireland) 1959 (c. 25 (N.I.))*

- 8 In paragraph 6(3) of Schedule 2A to the County Courts Act (Northern Ireland) 1959 (as inserted by Schedule 2 to the Judicial Pensions (Northern Ireland) Order 1991 (S.I. 1991/2631 (N.I. 24))) for “the Inland Revenue” substitute “the Commissioners for Her Majesty’s Revenue and Customs”.

*Resident Magistrates’ Pensions Act (Northern Ireland) 1960 (c. 2 (N.I.))*

- 9 In paragraph 6(3) of Schedule 3 to the Resident Magistrates’ Pensions Act (Northern Ireland) 1960 (as inserted by Schedule 2 to the Judicial Pensions (Northern Ireland) Order 1991 (S.I. 1991/2631 (N.I. 24))) for “the Inland Revenue” substitute “the Commissioners for Her Majesty’s Revenue and Customs”.

*Parliamentary Commissioner Act 1967 (c. 13)*

- 10 In Schedule 2 to the Parliamentary Commissioner Act 1967 (departments etc. subject to investigation) –
- (a) omit “Customs and Excise.”,
  - (b) omit “Inland Revenue”, and
  - (c) at the appropriate place insert “Her Majesty’s Revenue and Customs”.



*Taxes Management Act 1970 (c. 9)*

- 11 The Taxes Management Act 1970 shall be amended as follows.
- 12 For section 1 (taxes for which Inland Revenue responsible) substitute –
- “1 Responsibility for certain taxes**
- The Commissioners for Her Majesty’s Revenue and Customs shall be responsible for the collection and management of –
- (a) income tax,  
(b) corporation tax, and  
(c) capital gains tax.”
- 13 Section 6(3) and (4) and Parts II and III of Schedule 1 (declarations on taking office) shall cease to have effect.
- 14 Section 111(2) (valuation: obstruction) shall cease to have effect.
- 15 In Part I of Schedule 1 (declarations: general and special commissioners, &c.) for “an offence relating to inland revenue,” substitute “an offence relating to a former Inland Revenue matter (being a matter listed in Schedule 1 to the Commissioners for Revenue and Customs Act 2005 except for paragraphs 2, 10, 13, 14, 15, 17, 19, 28, 29 and 30),”.

*Finance Act 1972 (c. 41)*

- 16 Section 127 of the Finance Act 1972 (exchange of information between the Inland Revenue and Customs and Excise) shall cease to have effect.

*Biological Weapons Act 1974 (c. 6)*

- 17 In section 1B of the Biological Weapons Act 1974 (Customs and Excise prosecution for a biological weapons offence) –
- (a) in subsection (1) –
- (i) for “by order of the Commissioners of Customs and Excise” substitute “by the Director of Revenue and Customs Prosecutions or by order of the Commissioners for Her Majesty’s Revenue and Customs”, and
- (ii) for “if it appears to them” substitute “if it appears to the Director or to the Commissioners”,
- (b) in subsection (3) –
- (i) after “instituted” insert “by order of the Commissioners”, and
- (ii) after “an officer” insert “of Revenue and Customs”,
- (c) in subsection (4) for “the Commissioners of Customs and Excise” substitute “the Commissioners”,
- (d) omit subsection (6), and
- (e) for the heading substitute “Revenue and Customs prosecutions”.

*Health and Safety at Work etc. Act 1974 (c. 37)*

- 18 (1) Section 27A of the Health and Safety at Work etc. Act 1974 (disclosure by Commissioners of Customs and Excise) shall be amended as follows.
- (2) In subsection (1) –

- (a) for “the Commissioners of Customs and Excise” substitute “the Commissioners for Her Majesty’s Revenue and Customs”,
  - (b) after “obtained” insert “or held”, and
  - (c) for “by the Commissioners” substitute “by Her Majesty’s Revenue and Customs”.
- (3) In subsection (3) for “the Commissioners of Customs and Excise” substitute “the Commissioners for Her Majesty’s Revenue and Customs”.
- (4) The heading to that section becomes “Information communicated by Commissioners for Revenue and Customs”.

*Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9))*

- 19 (1) Article 29A of the Health and Safety at Work (Northern Ireland) Order 1978 (disclosure by Commissioners of Customs and Excise) shall be amended as follows.
- (2) In paragraph (1) –
- (a) for “the Commissioners of Customs and Excise” substitute “the Commissioners for Her Majesty’s Revenue and Customs”,
  - (b) after “obtained” insert “or held”, and
  - (c) for “by the Commissioners” substitute “by Her Majesty’s Revenue and Customs”.
- (3) In paragraph (3) for “the Commissioners of Customs and Excise” substitute “the Commissioners for Her Majesty’s Revenue and Customs”.
- (4) The heading to that Article becomes “Information communicated by Commissioners for Revenue and Customs”.

*Customs and Excise Management Act 1979 (c. 2)*

- 20 The Customs and Excise Management Act 1979 shall be amended as follows.
- 21 The following provisions shall cease to have effect –
- (a) section 6 (appointment of Commissioners of Customs and Excise),
  - (b) section 7 (privileges of Commissioners),
  - (c) section 8(1) (authorisation by Commissioners),
  - (d) section 13 (impersonation),
  - (e) section 14 (surrender of commission, &c.),
  - (f) section 16 (obstruction),
  - (g) section 17 (disposal of duties, &c.),
  - (h) section 18 (remuneration and expenses),
  - (i) section 153 (proof of certain documents),
  - (j) section 155(2) (solicitors), and
  - (k) section 165 (rewards).
- 22 In section 1(1) (interpretation) –
- (a) for the definition of “assigned matter” substitute –  
““assigned matter” means any matter in relation to which the Commissioners, or officers of Revenue and Customs, have a power or duty;”, and
  - (b) for the definition of “the Commissioners” substitute –

““the Commissioners” means the Commissioners for Her Majesty’s Revenue and Customs”.

- 23 In section 145 (institution of proceedings) –
- (a) in subsection (1), for “except by order of the Commissioners” substitute “except –
    - (a) by or with the consent of the Director of Revenue and Customs Prosecutions, or
    - (b) by order of, or with the consent of, the Commissioners for Her Majesty’s Revenue and Customs.”,
  - (b) in subsection (2) –
    - (i) after “instituted” in both places insert “by order of the Commissioners”, and
    - (ii) after “an officer” insert “of Revenue and Customs”,
  - (c) subsection (4) shall cease to have effect, and
  - (d) in subsection (6), for “by order of the Commissioners or have not been commenced in the name of an officer.” substitute “in accordance with this section.”
- 24 In section 146A(7) (time limits), for the words from “means” to the end of the subsection substitute –
- “(a) in England and Wales, means the Director of Revenue and Customs Prosecutions,
  - (b) in Scotland, means the Commissioners or the procurator fiscal, and
  - (c) in Northern Ireland, means the Commissioners.”
- 25 In section 150(1) (joint and several liability) for “the Commissioners” substitute “the Director of Revenue and Customs Prosecutions (in relation to proceedings instituted in England and Wales) or the Commissioners (in relation to proceedings instituted in Scotland or Northern Ireland).”.
- 26 In section 152(a) (power to compound offences, &c.) for “compound any proceedings for an offence” substitute “compound an offence (whether or not proceedings have been instituted in respect of it) and compound proceedings”.
- 27 For section 155(1), substitute –
- “An officer of Revenue and Customs or other person authorised by the Commissioners may conduct criminal proceedings relating to an assigned matter before a court of summary jurisdiction in Scotland or Northern Ireland.”
- 28 In section 171 (offences and penalties) after subsection (4) (offence by body corporate) insert –
- “(4A) Subsection (4) shall not apply to an offence which relates to a matter listed in Schedule 1 to the Commissioners for Revenue and Customs Act 2005 (former Inland Revenue matters).”

*Judicial Pensions Act 1981 (c. 20)*

- 29 In paragraph 6(3) of Schedule 1A to the Judicial Pensions Act 1981 (transfer of accrued benefits), for “the Inland Revenue” substitute “the Commissioners for Revenue and Customs”.

*Police and Criminal Evidence Act 1984 (c. 60)*

- 30 Sections 37 to 37B of the Police and Criminal Evidence Act 1984 (guidance, &c.) shall have effect, in relation to a person arrested following a criminal investigation by the Revenue and Customs, as if references to the Director of Public Prosecutions were references to the Director of Revenue and Customs Prosecutions.
- 31 Section 114(4) of the Police and Criminal Evidence Act 1984 (application to Revenue and Customs) shall cease to have effect.

*Debtors (Scotland) Act 1987 (c. 18)*

- 32 The Debtors (Scotland) Act 1987 shall be amended as follows.
- 33 In section 1(5)(d) (cases where time to pay directions not competent) for “the Inland Revenue” substitute “the Commissioners for Her Majesty’s Revenue and Customs”.
- 34 In section 5(4)(d) (cases where time to pay orders not competent) for “the Inland Revenue” substitute “the Commissioners for Her Majesty’s Revenue and Customs”.

*Criminal Justice Act 1987 (c. 38)*

- 35 (1) In section 3(1) and (2) of the Criminal Justice Act 1987 (disclosure) –
- (a) for “subject to an obligation of secrecy under the Taxes Management Act 1970” substitute “to which section 18 of the Commissioners for Revenue and Customs Act 2005 would apply but for section 18(2)”,
  - (b) for “the Commissioners of Inland Revenue or an officer of those Commissioners”, in each place, substitute “Her Majesty’s Revenue and Customs”,
  - (c) for “an offence relating to inland revenue”, in each place, substitute “an offence relating to a former Inland Revenue matter”, and
  - (d) for “any member of the Crown Prosecution Service” substitute “the Revenue and Customs Prosecutions Office”.
- (2) At the end of section 3 of that Act add –
- “(8) In subsections (1) and (2) “former Inland Revenue matter” means a matter listed in Schedule 1 to the Commissioners for Revenue and Customs Act 2005 except for paragraphs 2, 10, 13, 14, 15, 17, 19, 28, 29 and 30.”

*Consumer Protection Act 1987 (c. 43)*

- 36 (1) Section 37 of the Consumer Protection Act 1987 (disclosure by Commissioners of Customs and Excise) shall be amended as follows.
- (2) In subsection (1) –

- (a) for “the Commissioners of Customs and Excise” substitute “the Commissioners for Her Majesty’s Revenue and Customs”,
  - (b) after “obtained” insert “or held”, and
  - (c) for “by the Commissioners” substitute “by Her Majesty’s Revenue and Customs”.
- (3) In subsection (3) for “the Commissioners of Customs and Excise” substitute “the Commissioners for Her Majesty’s Revenue and Customs”.
- (4) The heading to that section becomes “Power of Commissioners for Revenue and Customs to disclose information”.

*Income and Corporation Taxes Act 1988 (c. 1)*

- 37 In section 816 of the Income and Corporation Taxes Act 1988 (double taxation relief: disclosure of information) –
- (a) in subsection (1) for “persons employed in relation to Inland Revenue” substitute “Revenue and Customs officials”,
  - (b) in subsections (2), (2ZA) and (2A) for “officer of the Board” substitute “Revenue and Customs official”, and
  - (c) at the end add –
    - “(5) In this section “Revenue and Customs official” has the same meaning as in section 18 of the Commissioners for Revenue and Customs Act 2005 (confidentiality).”

*Copyright, Designs and Patents Act 1988 (c. 48)*

- 38 Section 112(5) of the Copyright, Designs and Patents Act 1988 (fees) shall cease to have effect.

*Finance Act 1989 (c. 26)*

- 39 After section 182(10) of the Finance Act 1989 (disclosure) insert –
- “(10A) In this section, in relation to the disclosure of information “identifiable person” means a person whose identity is specified in the disclosure or can be deduced from it.”

*Police and Criminal Evidence (Northern Ireland) Order 1989 (SI 1989/1341 (N.I. 12))*

- 40 Article 85(3) of the Police and Criminal Evidence (Northern Ireland) Order 1989 shall cease to have effect.

*Criminal Justice (International Co-operation) Act 1990 (c. 5)*

- 41 In section 21(2)(a) of the Criminal Justice (International Co-operation) Act 1990 (prosecutions) for “the Commissioners of Customs and Excise” substitute “the Director of Revenue and Customs Prosecutions”.

*Child Support Act 1991 (c. 48)*

- 42 In Schedule 2 to the Child Support Act 1991 (provision of information to Secretary of State) –

- (a) for “a person employed in relation to the Inland Revenue”, in each place, substitute “a Revenue and Customs official”,
- (b) for “the Commissioners of Inland Revenue” substitute “the Commissioners for Her Majesty’s Revenue and Customs”, and
- (c) at the end add—

“3 In this Schedule “Revenue and Customs official” has the same meaning as in section 18 of the Commissioners for Revenue and Customs Act 2005 (confidentiality).”

*Social Security Contributions and Benefits Act 1992 (c. 4)*

- 43 In section 171 of the Social Security Contributions and Benefits Act 1992 (interpretation), in the definition of “employee” for “the Inland Revenue” substitute “Her Majesty’s Revenue and Customs”.

*Social Security Administration Act 1992 (c. 5)*

- 44 The Social Security Administration Act 1992 shall be amended as follows.
- 45 In section 122ZA (disclosure of tax information)—
- (a) in subsection (4) for “a person employed in relation to the Inland Revenue” substitute, in each place, “a Revenue and Customs official (within the meaning of section 18 of the Commissioners for Revenue and Customs Act 2005 (confidentiality))”, and
  - (b) in subsection (5) for “the Inland Revenue” substitute “the Commissioners for Her Majesty’s Revenue and Customs”.
- 46 In section 122AA (disclosure of contributions information)—
- (a) in subsection (1)—
    - (i) for “persons employed in relation to the Inland Revenue” substitute “Revenue and Customs officials (within the meaning of section 18 of the Commissioners for Revenue and Customs Act 2005 (confidentiality))”, and
    - (ii) for “the Inland Revenue” substitute “Her Majesty’s Revenue and Customs”, and
  - (b) in the heading for “Inland Revenue” substitute “Her Majesty’s Revenue and Customs”.
- 47 For section 161(1) (the National Insurance Fund) substitute—
- “(1) The National Insurance Fund shall be maintained under the control and management of the Commissioners for Her Majesty’s Revenue and Customs.”

*Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)*

- 48 In section 167(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (interpretation), in the definition of “employee” for “the Inland Revenue” substitute “Her Majesty’s Revenue and Customs”.

*Social Security Administration (Northern Ireland) Act 1992 (c. 8)*

- 49 In section 116ZA of that Act (disclosure of tax information)—

- (a) in subsection (4) for “a person employed in relation to the Inland Revenue” substitute “a Revenue and Customs official (within the meaning of section 18 of the Commissioners for Revenue and Customs Act 2005 (confidentiality)”, and
  - (b) in subsection (5) for “the Inland Revenue” substitute “the Commissioners for Her Majesty’s Revenue and Customs”.
- 50 In section 116AA of the Social Security Administration (Northern Ireland) Act 1992 (disclosure of contributions information)—
- (a) in subsection (1)—
    - (i) for “persons employed in relation to the Inland Revenue” substitute “Revenue and Customs officials (within the meaning of section 18 of the Commissioners for Revenue and Customs Act 2005 (confidentiality)”, and
    - (ii) for “the Inland Revenue” substitute “Her Majesty’s Revenue and Customs”, and
  - (b) in the heading for “Inland Revenue” substitute “Her Majesty’s Revenue and Customs”.

*Pension Schemes Act 1993 (c. 48)*

- 51 In section 158 of the Pension Schemes Act 1993 (disclosure)
- (a) for “persons employed in relation to the Inland Revenue” substitute, in each place, “Revenue and Customs officials”, and
  - (b) at the end add—
    - “(9) In this section “Revenue and Customs officials” has the meaning given by section 18 of the Commissioners for Revenue and Customs Act 2005 (confidentiality).”

*Pension Schemes (Northern Ireland) Act 1993 (c. 49)*

- 52 In section 154 of the Pension Schemes (Northern Ireland) Act 1993 (disclosure)—
- (a) for “persons employed in relation to the Inland Revenue” substitute, in each place, “Revenue and Customs officials”,
  - (b) in subsections (5) and (6)(a) for “the Inland Revenue” substitute “the Commissioners for Her Majesty’s Revenue and Customs”, and
  - (c) at the end add—
    - “(9) In this section “Revenue and Customs officials” has the meaning given by section 18 of the Commissioners for Revenue and Customs Act 2005 (confidentiality).”

*Finance Act 1994 (c. 9)*

- 53 In Schedule 7 to the Finance Act 1994 (insurance premium tax) paragraph 32 (destination of receipts) shall cease to have effect.

*Value Added Tax Act 1994 (c. 23)*

- 54 The Value Added Tax Act 1994 shall be amended as follows.
- 55 In Schedule 3B (supply of electronic services in member States) for

paragraph 21(1)(b) substitute—

“(b) section 44 of the Commissioners for Revenue and Customs Act 2005,”.

56 In Schedule 11 (administration, &c.) for paragraph 1 substitute—

“1 The Commissioners for Her Majesty’s Revenue and Customs shall be responsible for the collection and management of VAT.”

*Trade Marks Act 1994 (c. 26)*

57 Section 90(5) of the Trade Marks Act 1994 (destination of fees) shall cease to have effect.

58 (1) In section 91 of that Act (disclosure by Commissioners of Customs and Excise)—

- (a) for “the Commissioners of Customs and Excise” substitute “the Commissioners for her Majesty’s Revenue and Customs”,
- (b) after “obtained” insert “or is held”, and
- (c) for “their functions” substitute “functions of Her Majesty’s Revenue and Customs”.

(2) The heading to that section becomes “Power of Commissioners for Revenue and Customs to disclose information.

*Drug Trafficking Act 1994 (c. 37)*

59 In section 60 of the Drug Trafficking Act 1994 (prosecution by order of the Commissioners)—

- (a) in subsection (1) for “by order of the Commissioners of Customs and Excise” substitute “by the Director of Revenue and Customs Prosecutions or by order of the Commissioners for Her Majesty’s Revenue and Customs”,
- (b) in subsection (2)—
  - (i) for “so instituted” substitute “instituted by order of the Commissioners”, and
  - (ii) after “an officer” insert “of Revenue and Customs”,
- (c) subsection (3) shall cease to have effect,
- (d) in subsection (5)(b) for “by an order made under subsection (1) above” substitute “in accordance with this section”,
- (e) in subsection (6) omit the definition of “officer”, and
- (f) for the heading substitute “Revenue and Customs prosecutions”.

*Finance Act 1995 (c. 4)*

60 Section 158 of the Finance Act 1995 (amendment of the Exchequer and Audit Departments Act 1866) shall cease to have effect.

*Merchant Shipping Act 1995 (c. 21)*

61 Section 303 of the Merchant Shipping Act 1995 (expenses of the Commissioners of Customs and Excise) shall cease to have effect.



*Criminal Appeal Act 1995 (c. 35)*

- 62 For section 22(4)(e) and (f) of the Criminal Appeal Act 1995 (documents: public bodies) substitute—
- “(e) in relation to Her Majesty’s Revenue and Customs, the Commissioners for Her Majesty’s Revenue and Customs,
  - (f) in relation to the Revenue and Customs Prosecutions Office, the Director of Revenue and Customs Prosecutions,”.

*Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39)*

- 63 (1) Section 30 of the Criminal Law (Consolidation) (Scotland) Act 1995 (disclosure of information) shall be amended as follows.
- (2) In subsection (1)—
- (a) for “subject to an obligation of secrecy under the Taxes Management Act 1970” substitute “to which section 18 of the Commissioners for Revenue and Customs Act 2005 would apply but for section 18(2)”,
  - (b) for “the Commissioners of Inland Revenue or an officer of those Commissioners” substitute “Her Majesty’s Revenue and Customs”, and
  - (c) for “relating to inland Revenue” substitute “relating to a former Inland Revenue matter”.
- (3) In subsection (2), for “other than an enactment contained in the Taxes Management Act 1970” substitute “and is not information to which section 18 of the Commissioners for Revenue and Customs Act 2005 would apply but for section 18(2)”.
- (4) At the end add—
- “(7) In subsection (1) above “former Inland Revenue matter” means a matter listed in Schedule 1 to the Commissioners for Revenue and Customs Act 2005 except for paragraphs 2, 10, 13, 14, 15, 17, 19, 28, 29 and 30.”

*Chemical Weapons Act 1996 (c. 6)*

- 64 In section 30A of the Chemical Weapons Act 1996 (prosecutions for a chemical weapons offence)—
- (a) in subsection (1)—
    - (i) for “by order of the Commissioners of Customs and Excise” substitute “by the Director of Revenue and Customs Prosecutions or by order of the Commissioners for Her Majesty’s Revenue and Customs”,
    - (ii) for “to them” substitute “to the Director or to the Commissioners”,
  - (b) in subsection (3)—
    - (i) after “instituted” insert “by order of the Commissioners”, and
    - (ii) after “an officer” insert “of Revenue and Customs”,
  - (c) in subsection (4) omit “of Customs and Excise”,
  - (d) subsection (6) shall cease to have effect, and
  - (e) for the heading substitute “Revenue and Customs prosecutions”.

*Finance Act 1996 (c. 8)*

- 65 In Schedule 5 to the Finance Act 1996 (landfill tax) paragraph 41 (destination of receipts) shall cease to have effect.

*Landmines Act 1998 (c. 33)*

- 66 In section 21 of the Landmines Act 1998 (Customs and Excise prosecutions) –
- (a) in subsection (1) –
    - (i) for “by order of the Commissioners of Customs and Excise” substitute “by the Director of Revenue and Customs Prosecutions or by order of the Commissioners for Her Majesty’s Revenue and Customs”,
    - (ii) for “to them” substitute “to the Director or to the Commissioners”,
  - (b) in subsection (2) –
    - (i) after “instituted” insert “by order of the Commissioners”, and
    - (ii) after “an officer” insert “of Revenue and Customs”,
  - (c) subsection (3) shall cease to have effect,
  - (d) in subsection (4) omit “of Customs and Excise”,
  - (e) in subsection (5)(b) for “by an order made under subsection (1) above” substitute “in accordance with this section”,
  - (f) subsection (6) shall cease to have effect, and
  - (g) for the heading substitute “Revenue and Customs prosecutions”.

*Finance Act 1998 (c. 36)*

- 67 Section 145 of the Finance Act 1998 (accounting for property accepted in satisfaction of tax) shall cease to have effect.
- 68 Schedule 18 to that Act (company tax returns &c.) shall have effect –
- (a) with the substitution for “the Inland Revenue”, in each place, of “an officer of Revenue and Customs”,
  - (b) with the omission of paragraph 95 (meaning of references to Inland Revenue), and
  - (c) with any other necessary consequential modifications.

*Crime and Disorder Act 1998 (c. 37)*

- 69 In section 51B(9) of the Crime and Disorder Act 1998 (notices in serious or complex fraud cases) for paragraphs (c) and (d) substitute –  
“(c) the Director of Revenue and Customs Prosecutions;”.

*Scotland Act 1998 (c. 46)*

- 70 The Scotland Act 1998 shall be amended as follows.
- 71 In section 77 (accounting for additional Scottish tax) –
- (a) in subsection (7) for “section 10 of the Exchequer and Audit Departments Act 1866 (gross revenues of Board’s department to be paid into that Fund after the making of specified deductions)”

substitute “section 44 of the Commissioners for Revenue and Customs Act 2005 (payment into Consolidated Fund)”, and  
(b) subsection (8) shall cease to have effect.

72 Section 78(8) (tax reduction: destination of receipts) shall cease to have effect.

*Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2)*

73 The Social Security Contributions (Transfer of Functions etc.) Act 1999 shall be amended as follows.

74 For section 3(1) to (5) (management of contributions) substitute—

“(1) The Commissioners for Her Majesty’s Revenue and Customs shall be responsible for the collection and management of contributions.”

75 Section 7 (use of information) shall cease to have effect.

*Finance Act 1999 (c. 16)*

76 In section 135(2) of the Finance Act 1999 (lending to the National Loans Fund), for “section 10 of the Exchequer and Audit Departments Act 1866” substitute “section 44 of the Commissioners for Revenue and Customs Act 2005”.

*Crown Prosecution Service Inspectorate Act 2000 (c. 10)*

77 At the end of section 2 of the Crown Prosecution Service Inspectorate Act 2000 (functions of the Inspectorate) insert—

“(4) This section applies to the Revenue and Customs Prosecutions Office as it applies to the Crown Prosecution Service (by virtue of section 42 of the Commissioners for Revenue and Customs Act 2005).”

*Terrorism Act 2000 (c. 11)*

78 In section 121 of the Terrorism Act 2000 (interpretation) for the definition of “customs officer” substitute—  
““customs officer” means an officer of Revenue and Customs;”.

*Finance Act 2000 (c. 17)*

79 The Finance Act 2000 shall be amended as follows.

80 Section 148(2) (use of minimum wage information) shall cease to have effect.

81 In Schedule 6 (climate change levy) paragraph 140 (destination of receipts) shall cease to have effect.

*Capital Allowances Act 2001 (c. 2)*

82 The Capital Allowances Act 2001 shall be amended as follows.

83 (1) For “the Inland Revenue”, wherever that expression appears, substitute “an officer of Revenue and Customs” (except as provided in paragraph 84).

(2) For “the Board of Inland Revenue”, wherever that expression appears, substitute “the Commissioners for Her Majesty’s Revenue and Customs”.

- 84 In section 51 (disclosure) –
- (a) in subsection (1), for “the Inland Revenue” in each place substitute “Her Majesty’s Revenue and Customs”,
  - (b) in subsection (2) for “its” substitute “their”, and
  - (c) in subsection (3)(a), for “the Inland Revenue” substitute “Her Majesty’s Revenue and Customs”.
- 85 Section 576 (meaning of “the Inland Revenue”, &c) shall cease to have effect.
- 86 In Part 2 of Schedule 1 –
- (a) the entry for “the Board of Inland Revenue” shall cease to have effect, and
  - (b) the entry for “the Inland Revenue” shall cease to have effect.

*Anti-terrorism, Crime and Security Act 2001 (c. 24)*

- 87 In section 53 of the Anti-terrorism, Crime and Security Act (Customs and Excise prosecution for a nuclear weapons offence) –
- (a) in subsection (1) –
    - (i) for “by order of the Commissioners of Customs and Excise” substitute “by the Director of Revenue and Customs Prosecutions or by order of the Commissioners for Her Majesty’s Revenue and Customs”, and
    - (ii) for “if it appears to them” substitute “if it appears to the Director or to the Commissioners”,
  - (b) in subsection (3) –
    - (i) after “instituted” insert “by order of the Commissioners”, and
    - (ii) after “an officer” insert “of Revenue and Customs”,
  - (c) in subsection (4) leave out “of Customs and Excise”,
  - (d) omit subsection (6), and
  - (e) for the heading substitute “Revenue and Customs prosecutions”.

*Tax Credits Act 2002 (c. 21)*

- 88 For section 2 of the Tax Credits Act 2002 (functions of Inland Revenue) substitute –
- “2 Functions of Commissioners for Revenue and Customs**
- The Commissioners for Her Majesty’s Revenue and Customs shall be responsible for the payment and management of tax credits.”
- 89 Section 40(1)(a) of that Act (annual reports) shall cease to have effect.
- 90 For section 53 of that Act, substitute –
- “53 General functions of Commissioners for Revenue and Customs**
- The Commissioners for Her Majesty’s Revenue and Customs shall be responsible for the payment and management of child benefit and guardian’s allowance.”
- 91 Paragraph 2 of Schedule 5 to that Act (use and disclosure of information) shall cease to have effect.

- 92 To the extent that the Tax Credits Act 1999 (c. 10) is saved by the Tax Credits Act 2002 (Commencement No. 4, Transitional and Savings) Order 2003 (S.I. 2003/962), the modifications made by paragraphs 88 to 91 shall have effect in relation to the relevant provisions of that Act as they have effect in relation to the Tax Credits Act 2002 (c. 21).

*Employment Act 2002 (c. 22)*

- 93 Section 5 of the Employment Act 2002 (functions of Inland Revenue) shall cease to have effect.

*Finance Act 2002 (c. 23)*

- 94 The Finance Act 2002 shall be amended as follows.
- 95 (1) In section 135 (requirement to use electronic communications) –
- (a) in subsection (1) for “the Commissioners of Inland Revenue” substitute “the Commissioners for Her Majesty’s Revenue and Customs”,
  - (b) in subsections (2) to (5) for “Inland Revenue”, in each place, substitute “Revenue and Customs”, and
  - (c) in subsection (10) for the definition of “the Inland Revenue” substitute –
    - “the Revenue and Customs” means –
    - (a) the Commissioners,
    - (b) any officer of Revenue and Customs, and
    - (c) any other person who for the purposes of electronic communications is acting under the authority of the Commissioners;”.
- (2) Section 135(10) is also amended in Part 1 of Schedule 2 above.
- 96 In Schedule 13 (tax relief for expenditure on vaccine research, &c.) paragraph 26 (deduction of tax credits from Revenue’s gross receipts) shall cease to have effect.

*Proceeds of Crime Act 2002 (c. 29)*

- 97 In section 72(9) of the Proceeds of Crime Act 2002 (power of Crown Court to order compensation) for paragraph (d) substitute –
- “(d) if the person in default was a member of or acting on behalf of the Revenue and Customs Prosecutions Office, the compensation is payable by the Director of Revenue and Customs Prosecutions;”.
- 98 In section 436 of that Act (disclosure of information to Director) after paragraph (g) of subsection (5) insert –
- “(ga) the Director of Revenue and Customs Prosecutions;”.
- 99 In section 451 of that Act (Customs and Excise prosecutions) –
- (a) in subsection (1), for “by order of the Commissioners of Customs and Excise” substitute “by the Director of Revenue and Customs Prosecutions or by order of the Commissioners for Her Majesty’s Revenue and Customs”,

- (b) for subsection (2) substitute—
    - “(2) Where proceedings under subsection (1) are instituted by the Commissioners, the proceedings must be brought in the name of an officer of Revenue and Customs.”,
  - (c) subsection (3) shall cease to have effect,
  - (d) in subsection (5) for “customs officer”, in each place, substitute “officer of Revenue and Customs”, and
  - (e) for the heading substitute “Revenue and Customs prosecutions”.
- 100 In Schedule 8 to that Act (declarations) for “an offence relating to inland revenue,”, in each place, substitute “an offence relating to a former Inland Revenue matter (being a matter listed in Schedule 1 to the Commissioners for Revenue and Customs Act 2005 except for paragraphs 2, 10, 13, 14, 15, 17, 19, 28, 29 and 30),”.

*Income Tax (Earnings and Pensions) Act 2003 (c. 1)*

- 101 The Income Tax (Earnings and Pensions) Act 2003 shall be amended as follows.
- 102 (1) For the expression “the Inland Revenue”, wherever it appears, substitute “an officer of Revenue and Customs” (except as provided in paragraphs 109, 117 and 118).
- (2) For the expression “the Board of Inland Revenue”, wherever it appears, substitute “the Commissioners for Her Majesty’s Revenue and Customs”.
- (3) In the following provisions for “Board” substitute “Commissioners” and for “Board’s” substitute “Commissioners” —
- (a) section 28(6),
  - (b) the title of section 42,
  - (c) the title of section 43,
  - (d) section 43(2),
  - (e) section 343,
  - (f) section 355,
  - (g) section 594,
  - (h) section 647,
  - (i) section 691,
  - (j) section 703,
  - (k) section 704, and
  - (l) the title of section 717.
- 103 (1) In the following provisions for “they” or “them” in each place substitute “the officer” —
- (a) section 58(3),
  - (b) section 65(3),
  - (c) section 79(2),
  - (d) section 96(2),
  - (e) section 179(3),
  - (f) section 312(5),
  - (g) section 344(3),
  - (h) section 392(4) and (5),

- 
- (i) section 421J(4),
  - (j) paragraph 81(1) and (3) of Schedule 2,
  - (k) paragraph 84(2) of Schedule 2,
  - (l) paragraph 85(1) of Schedule 2,
  - (m) paragraph 93(1) of Schedule 2,
  - (n) paragraph 40(1) and (3) of Schedule 3,
  - (o) paragraph 42(2A) of Schedule 3,
  - (p) paragraph 43 of Schedule 3,
  - (q) paragraph 44(1) of Schedule 3,
  - (r) paragraph 45(1) of Schedule 3,
  - (s) paragraph 28(1) and (3) of Schedule 4,
  - (t) paragraph 30(3) of Schedule 4,
  - (u) paragraph 31 of Schedule 4,
  - (v) paragraph 32(1) of Schedule 4,
  - (w) paragraph 33(1) of Schedule 4,
  - (x) paragraph 46(2) of Schedule 5,
  - (y) paragraph 46(3) of Schedule 5,
  - (z) paragraph 47 of Schedule 5, and
  - (aa) paragraph 51(1) of Schedule 5.
- (2) In the following provisions for “their” in each place substitute “the officer’s” –
- (a) section 715(3)(b),
  - (b) paragraph 85(3) of Schedule 2,
  - (c) paragraph 93(1)(a) of Schedule 2,
  - (d) paragraph 41(2) of Schedule 3,
  - (e) paragraph 44(3) of Schedule 3,
  - (f) paragraph 45(1) of Schedule 3,
  - (g) paragraph 29(2) of Schedule 4,
  - (h) paragraph 32(3) of Schedule 4,
  - (i) paragraph 33(1) of Schedule 4,
  - (j) paragraph 46(2) and (3) of Schedule 5,
  - (k) paragraph 47(1)(b) and (3)(b) of Schedule 5,
  - (l) paragraph 49(2) and (3) of Schedule 5, and
  - (m) paragraph 51(1) of Schedule 5.
- (3) In the following provisions in each place for “their” substitute “the” –
- (a) paragraph 81(3) of Schedule 2,
  - (b) paragraph 82(2) of Schedule 2,
  - (c) paragraph 85(3) of Schedule 2,
  - (d) paragraph 40(3) of Schedule 3,
  - (e) paragraph 43 of Schedule 3,
  - (f) paragraph 28(3) of Schedule 4,
  - (g) paragraph 31 of Schedule 4, and
  - (h) paragraph 47(1)(a) and (3)(a) of Schedule 5.
- (4) In the following provisions omit “their” –
- (a) paragraph 84(2) of Schedule 2,
  - (b) paragraph 42(2A) of Schedule 3, and

- (c) paragraph 30(3) of Schedule 4.
- 104 In section 43(1) for “the Board’s decision” substitute “the decision of the Commissioners for Her Majesty’s Revenue and Customs”.
- 105 In section 58(3) for “are” substitute “is”.
- 106 In section 65 –  
(a) in subsection (3) for “are” substitute “is”, and  
(b) in subsection (4) for “agree” substitute “agrees”.
- 107 In section 79(2) for “are” substitute “is”.
- 108 In section 96 –  
(a) in subsection (2) for “are” substitute “is”, and  
(b) in subsection (3) for “agree” substitute “agrees”.
- 109 In section 179(3) for “the Inland Revenue are” substitute “an officer of Revenue and Customs is”.
- 110 In section 183(1)(a) for “require” substitute “requires”.
- 111 In section 312(5) for “have” substitute “has”.
- 112 In section 344(3) for “are satisfied” substitute “is satisfied”.
- 113 In section 392(4) and (5) for “are satisfied” substitute “is satisfied”.
- 114 In section 511(2) –  
(a) in paragraph (a) for “are” substitute “is”, and  
(b) in paragraph (b) for “direct” substitute “directs”.
- 115 In section 514(2) –  
(a) in paragraph (a) for “are” substitute “is”, and  
(b) in paragraph (b) for “direct” substitute “directs”.
- 116 In section 647(3)(b) for “is” substitute “are”.
- 117 In section 684, in paragraph 8 of the list of provisions for “the Board or the Inland Revenue” substitute “Her Majesty’s Revenue and Customs”.
- 118 In section 715(3)(b) for “Inland Revenue’s refusal to approve” substitute “a refusal by an officer of Revenue and Customs to approve”.
- 119 Section 720 (meaning of “Inland Revenue”, &c) shall cease to have effect.
- 120 In Part 2 of Schedule 1, omit the entries for “the Board of Inland Revenue” and “the Inland Revenue”.
- 121 In Schedule 2 –  
(a) in paragraph 81 –  
(i) in sub-paragraph (1), for “are” substitute “is”, and  
(ii) in sub-paragraph (3), for “have” substitute “has”,  
(b) in paragraph 82(1) for “refuse” substitute “refuses”,  
(c) in paragraph 85(1) for “decide” substitute “decides”,  
(d) in paragraph 93(1)(a) for “require” substitute “requires”, and  
(e) in paragraph 100, omit the entries for “the Board of Inland Revenue” and “the Inland Revenue”.



- 122 In Schedule 3—
- (a) in paragraph 40—
    - (i) in sub-paragraph (1) for “are” substitute “is”, and
    - (ii) in sub-paragraph (3) for “have” substitute “has”,
  - (b) in paragraph 41(1) for “refuse” substitute “refuses”,
  - (c) in paragraph 43 for “have” in each place substitute “has”,
  - (d) in paragraph 44(1) for “decide” in each place substitute “decides”,
  - (e) in paragraph 45(1) for “require” substitute “requires”, and
  - (f) in paragraph 49 of Schedule 3, omit the entry for “the Inland Revenue”.
- 123 In Schedule 4—
- (a) in paragraph 28—
    - (i) in sub-paragraph (1) for “are” substitute “is”, and
    - (ii) in sub-paragraph (3) for “have” substitute “has”,
  - (b) in paragraph 29(1) for “refuse” substitute “refuses”,
  - (c) in paragraph 31 for “have” in each place substitute “has”,
  - (d) in paragraph 32(1) for “decide” in each place substitute “decides”,
  - (e) in paragraph 33(1)(a) for “require” substitute “requires”, and
  - (f) in paragraph 37 omit the entry for “the Inland Revenue”.
- 124 In Schedule 5—
- (a) in paragraph 46—
    - (i) in sub-paragraphs (2) and (3) for “give” substitute “gives”, and
    - (ii) in sub-paragraph (6) for “discover” substitute “discovers”,
  - (b) in paragraph 47—
    - (i) in sub-paragraph (1) for “give” substitute “gives” and for “have” substitute “has”,
    - (ii) in sub-paragraph (2) for “conclude” substitute “concludes”, and
    - (iii) in sub-paragraph (3) for “give” substitute “gives” and for “have” substitute “has”,
  - (c) in paragraph 48(5) for “have” substitute “has”,
  - (d) in paragraph 49(1) and (2) for “do” substitute “does”,
  - (e) in paragraph 51(1)(a) for “require” substitute “requires”, and
  - (f) in paragraph 59 omit the entry for “the Inland Revenue”.

*Finance Act 2003 (c. 14)*

- 125 The Finance Act 2003 shall be amended as follows.
- 126 In section 129(6) (relief for certain leases) for “section 10 of the Exchequer and Audit Departments Act 1866 (c. 39) (Commissioners to deduct repayments from gross revenues)” substitute “section 44 of the Commissioners for Revenue and Customs Act 2005 (payment into Consolidated Fund)”.
- 127 In section 130(6) (registered social landlords: treatment of certain leases) for “section 10 of the Exchequer and Audit Departments Act 1866 (Commissioners to deduct repayments from gross revenues)” substitute

“section 44 of the Commissioners for Revenue and Customs Act 2005 (payment into Consolidated Fund)”.

*Dealing in Cultural Objects (Offences) Act 2003 (c. 27)*

- 128 In section 4 of the Dealing in Cultural Objects (Offences) Act 2003 (Customs and Excise prosecutions) –
- (a) in subsection (1) –
    - (i) for “by order of the Commissioners of Customs and Excise” substitute “by the Director of Revenue and Customs Prosecutions or by order of the Commissioners for Her Majesty’s Revenue and Customs”, and
    - (ii) for “if it appears to them” substitute “if it appears to the Director or to the Commissioners”,
  - (b) in subsection (3) –
    - (i) after “instituted” insert “by order of the Commissioners”, and
    - (ii) after “an officer” insert “of Revenue and Customs”,
  - (c) in subsection (4) omit “of Customs and Excise”,
  - (d) omit subsection (6), and
  - (e) for the heading substitute “Revenue and Customs prosecutions”.

*Criminal Justice Act 2003 (c. 44)*

- 129 In section 27 of the Criminal Justice Act 2003 (interpretation) –
- (a) in the definition of “investigating officer”, after “means” insert “an officer of Revenue and Customs, appointed in accordance with section 2(1) of the Commissioners for Revenue and Customs Act 2005, or”, and
  - (b) in the definition of “relevant prosecutor”, omit items (e) and (f) and after item (b) insert –
    - “(ba) the Director of Revenue and Customs Prosecutions,”.
- 130 In section 29 of that Act (new method of instituting proceedings), in subsection (5) after paragraph (c) insert –
- “(ca) the Director of Revenue and Customs Prosecutions or a person authorised by him to institute criminal proceedings,”.

*Income Tax (Trading and Other Income) Act 2005 (c. 5)*

- 131 The Income Tax (Trading and Other Income) Act 2005 shall be amended as follows.
- 132 (1) For the expression “the Inland Revenue”, wherever it appears, substitute “an officer of Revenue and Customs” (except as provided by paragraph 133(2)(b) and (5)).
- (2) For the expression “the Board of Inland Revenue”, wherever it appears, substitute “the Commissioners for Her Majesty’s Revenue and Customs”.
- (3) In the following provisions, for “Board” substitute “Commissioners” and for “Board’s” substitute “Commissioners” –
- (a) the title of section 343,
  - (b) section 695(4),

- (c) section 698(3) and (4),  
 (d) section 699(2),  
 (e) section 700(1)(b), (2) and (5),  
 (f) section 757(3),  
 (g) section 762(2),  
 (h) the title of section 873, and  
 (i) section 883(3).
- 133 (1) In section 75(5) –  
 (a) for “have” substitute “has”, and  
 (b) in each place for “they” substitute “the officer”.
- (2) In section 218 –  
 (a) in subsections (1) and (2) for “do” substitute “does”, and  
 (b) in subsection (3)(a) for “the Inland Revenue are not” substitute “the officer is not”.
- (3) In section 305(1) for “have” substitute “has”.
- (4) In section 647(1)  
 (a) for “them” substitute “the officer”,  
 (b) for “they” in each place substitute “the officer”, and  
 (c) for “consider” substitute “considers”.
- (5) In section 723(2) for “the Inland Revenue’s determination” substitute “the officer’s determination”.
- (6) In section 758(5) for “has” substitute “have”.
- 134 (1) In section 878(1), omit the definitions of “the Board of Inland Revenue” and “the Inland Revenue”.
- (2) In Part 2 of Schedule 4, omit the entries for “the Board of Inland Revenue” and “the Inland Revenue”.

## SCHEDULE 5

Section 52

## REPEALS

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Public Revenue and Consolidated Fund Charges Act 1854 (c. 94)	In Schedule (B), the entry relating to the Inland Revenue.
Exchequer and Audit Departments Act 1866 (c. 39)	In section 10, the words from the beginning to “at the Bank of England” and the proviso.
Inland Revenue Regulation Act 1890 (c. 21)	The whole Act.
Public Accounts and Charges Act 1891 (c. 24)	The whole Act.
Parliamentary Commissioner Act 1967 (c. 13)	In Schedule 2, the entries relating to the Inland Revenue and Customs and Excise.

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Taxes Management Act 1970 (c. 9)	Section 6(3) and (4).
Finance Act 1972 (c. 41)	Section 111(2). Parts II and III of Schedule 1.
Biological Weapons Act 1974 (c. 6)	Section 127.
Biological Weapons Act 1974 (c. 6)	Section 1B(6).
Customs and Excise Management Act 1979 (c. 2)	Sections 6 and 7.
Customs and Excise Management Act 1979 (c. 2)	Section 8(1).
Customs and Excise Management Act 1979 (c. 2)	Sections 12 to 18.
Customs and Excise Management Act 1979 (c. 2)	Section 32.
Customs and Excise Management Act 1979 (c. 2)	Section 84.
Customs and Excise Management Act 1979 (c. 2)	Section 86.
Customs and Excise Management Act 1979 (c. 2)	Section 145(4).
Customs and Excise Management Act 1979 (c. 2)	In section 152(a), the words “stay, sist or”.
Customs and Excise Management Act 1979 (c. 2)	Paragraphs (c) and (d) of section 152.
Customs and Excise Management Act 1979 (c. 2)	Section 153.
Customs and Excise Management Act 1979 (c. 2)	Section 155(2).
Customs and Excise Management Act 1979 (c. 2)	Section 165.
Customs and Excise Management Act 1979 (c. 2)	Section 169.
Police and Criminal Evidence Act 1984 (c. 60)	Section 114(4).
Copyright, Designs and Patents Act 1988 (c. 48)	Section 112(5).
Police and Criminal Evidence (Northern Ireland) Order 1989 (SI 1989/1341 (NI 12))	Article 85(3).
Finance Act 1994 (c. 9)	Paragraph 32 of Schedule 7.
Trade Marks Act 1994 (c. 26)	Section 90(5).
Drug Trafficking Act 1994 (c. 37)	In section 60— (a) subsection (3), and (b) in subsection (6), the definition of “officer”.
Finance Act 1995 (c. 4)	Section 158.
Merchant Shipping Act 1995 (c. 21)	Section 303.
Chemical Weapons Act 1996 (c. 6)	Section 30A(6).
Finance Act 1996 (c. 8)	Paragraph 41 of Schedule 5.
Landmines Act 1998 (c. 33)	Section 21(3) and (6).
Finance Act 1998 (c. 36)	Section 145. Paragraph 95 of Schedule 18.
Scotland Act 1998 (c. 46)	Section 77(8). Section 78(8).

<i>Short title and chapter</i>	<i>Extent of repeal</i>
Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2)	Section 7.
Finance Act 2000 (c. 17)	Section 148(2). Paragraph 140 of Schedule 6.
Capital Allowances Act 2001 (c. 2)	Section 576. In Part 2 of Schedule 1, the entries for “the Board of Inland Revenue” and “the Inland Revenue”.
Anti-terrorism, Crime and Security Act 2001 (c. 24)	Section 53(6).
Tax Credits Act 2002 (c. 21)	Section 40(1)(a). Paragraph 2 of Schedule 5.
Employment Act 2002 (c. 22)	Section 5.
Finance Act 2002 (c. 23)	Paragraph 26 of Schedule 13.
Proceeds of Crime Act 2002 (c. 29)	Section 451(3).
Income Tax (Earnings and Pensions) Act 2003 (c. 1)	Section 720. In Part 2 of Schedule 1, the entries for “the Board of Inland Revenue” and “the Inland Revenue”. In paragraph 84(2) of Schedule 2, the word “their”. In paragraph 100 of Schedule 2, the entries for “the Board of Inland Revenue” and “the Inland Revenue”. In paragraph 42(2A) of Schedule 3, the word “their”. In paragraph 49 of Schedule 3, the entry for “the Inland Revenue”. In paragraph 30(3) of Schedule 4, the word “their”. In paragraph 37 of Schedule 4, the entry for “the Inland Revenue”. In paragraph 59 of Schedule 5, the entry for “the Inland Revenue”.
Dealing in Cultural Objects (Offences) Act 2003 (c. 27)	Section 4(6).
Criminal Justice Act 2003 (c. 44)	In section 27, in the definition of “relevant prosecutor”, items (e) and (f).
Income Tax (Trading and Other Income) Act 2005 (c. 5)	In section 878(1), the definitions of “the Board of Inland Revenue” and “the Inland Revenue”. In Part 2 of Schedule 4, the entries for “the Board of Inland Revenue” and “the Inland Revenue”.