

SAVING GATEWAY ACCOUNTS ACT 2009

EXPLANATORY NOTES

COMMENTARY

Section 22 Decisions and notices

112. This section sets out various procedural matters relating to penalties imposed under section 19, 20 or 21.
113. *Subsection (1)* specifies that the decision to impose a penalty is that of the Commissioners.
114. *Subsection (2)* provides that a decision to impose a penalty must be made within 12 months of the “relevant date”, as defined in *subsection (3)*. *Subsection (4)* defines what is meant by “the appeal period” when establishing the relevant date for a penalty under *subsection (3)(a)*. This is the penalty that may be imposed under section 19(1) on a person who deliberately makes an incorrect declaration when applying to open a Saving Gateway account.
115. *Subsection (5)* states that the Commissioners must give notice of their decision to impose a penalty to the person on whom the penalty is imposed.
116. *Subsection (6)* allows the Commissioners to use their discretion to reduce a penalty after the notice referred to in *subsection (5)* has been given.
117. *Subsection (7)* provides a 30-day time limit for payment of a penalty, beginning with the date on which the penalty notice was issued.
118. *Subsection (8)* specifies information that must be included on a penalty notice.
119. *Subsection (9)* enables penalties to be treated as tax charged in an assessment for the purposes of Part 6 of the Taxes Management Act 1970¹. This will enable HMRC to collect sums charged by way of penalty in the same way as sums of tax due.

¹ (c.9)