

---

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 2010, Cross Heading: Initial marketing. (See end of Document for details)*

---

## SCHEDULES

### SCHEDULE 17

#### DISCLOSURE OF TAX AVOIDANCE SCHEMES

##### *Initial marketing*

- 2 (1) Section 307 (meaning of “promoter”) is amended as follows.
- (2) In paragraph (a) of subsection (1), for the words from “business” to “makes” substitute “business, the person (“P”)—
- “(i) is to any extent responsible for the design of the proposed arrangements,
  - (ii) makes a firm approach to another person (“C”) in relation to the notifiable proposal with a view to P making the notifiable proposal available for implementation by C or any other person, or
  - (iii) makes”.
- (3) In paragraph (b) of that subsection, after “(a)(ii)” insert “ or (iii) ”.
- (4) After subsection (1) insert—
- “(1A) For the purposes of this Part a person is an introducer in relation to a notifiable proposal if the person makes a marketing contact with another person in relation to the notifiable proposal.”
- (5) After subsection (4) insert—
- “(4A) For the purposes of this Part a person makes a firm approach to another person in relation to a notifiable proposal if the person makes a marketing contact with the other person in relation to the notifiable proposal at a time when the proposed arrangements have been substantially designed.
- (4B) For the purposes of this Part a person makes a marketing contact with another person in relation to a notifiable proposal if—
- (a) the person communicates information about the notifiable proposal to the other person,
  - (b) the communication is made with a view to that other person, or any other person, entering into transactions forming part of the proposed arrangements, and
  - (c) the information communicated includes an explanation of the advantage in relation to any tax that might be expected to be obtained from the proposed arrangements.
- (4C) For the purposes of subsection (4A) proposed arrangements have been substantially designed at any time if by that time the nature of the transactions to form part of them has been sufficiently developed for it to

---

*Changes to legislation: There are currently no known outstanding effects for the  
Finance Act 2010, Cross Heading: Initial marketing. (See end of Document for details)*

---

be reasonable to believe that a person who wished to obtain the advantage mentioned in subsection (4B)(c) might enter into—

- (a) transactions of the nature developed, or
- (b) transactions not substantially different from transactions of that nature.”

- (6) In subsection (5), after “promoter” insert “ or introducer ”.
  - (7) In subsection (6), after “promoter” (in both places) insert “ or introducer ”.
- 3
- (1) Section 308(2) (duties of promoter) is amended as follows.
  - (2) For “earlier” substitute “ earliest ”.
  - (3) Before paragraph (a) insert—
    - “(za) the date on which the promoter first makes a firm approach to another person in relation to a notifiable proposal,”.
- 4
- In section 313A(1) (pre-disclosure enquiry), for “of a proposal or arrangements” substitute “ or introducer of a proposal, or the promoter of arrangements, ”.
- 5
- In section 318(1) (interpretation), after the definition of “HMRC” insert—
    - ““introducer”, in relation to a notifiable proposal, has the meaning given by section 307;
    - “make a firm approach” has the meaning given by section 307(4A);
    - “make a marketing contact” has the meaning given by section 307(4B);”.

**Changes to legislation:**

There are currently no known outstanding effects for the Finance Act 2010, Cross Heading:  
Initial marketing.