

## SCHEDULES

### SCHEDULE 32

#### ACCELERATED PAYMENTS AND PARTNERSHIPS

##### *Content of partner payment notices*

- 4 (1) The partner payment notice given to a relevant partner must—
- (a) specify the paragraph or paragraphs of paragraph 3(5) by virtue of which the notice is given,
  - (b) specify the payment required to be made under paragraph 6, and
  - (c) explain the effect of paragraphs 5 and 6, and of the amendments made by sections 224 and 225 (so far as relating to the relevant tax in relation to which the partner payment notice is given).
- (2) The payment required to be made under paragraph 6 is an amount equal to the amount which a designated HMRC officer determines, to the best of the officer's information and belief, as the understated partner tax.
- (3) "The understated partner tax" means the additional amount that would become due and payable by the relevant partner in respect of tax if—
- (a) in the case of a notice given by virtue of paragraph 3(5)(a) (case where a partnership follower notice is given)—
    - (i) it were assumed that the explanation given in the follower notice in question under section 206(b) is correct, and
    - (ii) what the officer may determine to the best of the officer's information and belief as the denied advantage is counteracted to the extent that it is reflected in a return or claim of the relevant partner;
  - (b) in the case of a notice given by virtue of paragraph 3(5)(b) (cases where the DOTAS arrangements are met), such adjustments were made as are required to counteract so much of what the designated HMRC officer so determines as the denied advantage as is reflected in a return or claim of the relevant partner;
  - (c) in the case of a notice given by virtue of paragraph 3(5)(c) (cases involving counteraction under the general anti-abuse rule), such of the adjustments set out in the GAAR counteraction notice are made as have effect to counteract so much of the denied advantage as is reflected in a return or claim of the relevant partner.
- (4) "The denied advantage"—
- (a) in the case of the notice given by virtue of paragraph 3(5)(a), has the meaning given by paragraph 4(3) of Schedule 31,
  - (b) in the case of a notice given by virtue of paragraph 3(5)(b), means so much of the asserted advantage as is not a tax advantage which results from the chosen arrangements or otherwise, and

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*Status: This is the original version (as it was originally enacted).*

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- (c) in the case of a notice given by virtue of paragraph 3(5)(c), means so much of the asserted advantage as would be counteracted by making the adjustments set out in the GAAR counteraction notice.
- (5) If a notice is given by reason of two or all of the requirements of paragraph 3(5) being met, the payment specified under sub-paragraph (1)(b) is to be determined as if the notice were given by virtue of such one of them as is stated in the notice as being used for this purpose.