

SCHEDULES

SCHEDULE 34

PROMOTERS OF TAX AVOIDANCE SCHEMES: THRESHOLD CONDITIONS

PART 2

MEETING THE THRESHOLD CONDITIONS: BODIES CORPORATE

- 13 (1) Sub-paragraph (2) applies where—
- (a) a relevant threshold condition is met by a person (“P”) at a time (“the earlier time”) when P has control of a body corporate,
 - (b) a determination under section 237 is made at a later time in relation to the body corporate, and
 - (c) P has control of the body corporate at the time of the determination.
- (2) The body corporate is regarded as having met the threshold condition at the earlier time.
- (3) “Relevant threshold condition” means a threshold condition specified in any of the following paragraphs of this Schedule—
- (a) paragraph 2 (deliberate tax defaulters);
 - (b) paragraph 4 (dishonest tax agents);
 - (c) paragraph 6 (criminal offences);
 - (d) paragraph 7 (opinion notice of GAAR advisory panel);
 - (e) paragraph 8 (disciplinary action by professional body);
 - (f) paragraph 9 (disciplinary action by regulatory authority);
 - (g) paragraph 10 (failure to comply with information notice).
- (4) For the purposes of this paragraph a person (“P”) has control of a body corporate (“B”) if P has power to secure—
- (a) by means of the holding of shares or the possession of voting power in relation to B or any other body corporate, or
 - (b) as a result of any powers conferred by the articles of association or other document regulating B or any other body corporate,
- that the affairs of B are conducted in accordance with P’s wishes.