
Changes to legislation: There are currently no known outstanding effects for the Finance (No. 2) Act 2015, Cross Heading: Making objections to hold notice. (See end of Document for details)

SCHEDULES

SCHEDULE 8

ENFORCEMENT BY DEDUCTION FROM ACCOUNTS

PART 1

SCHEME FOR ENFORCEMENT BY DEDUCTION FROM ACCOUNTS

Making objections to hold notice

- 10 (1) Where a hold notice is given to a deposit-taker, a person within sub-paragraph (2) may by a notice given to HMRC (a “notice of objection”) object against the hold notice.
- (2) The persons who may object are—
- (a) P,
 - (b) any interested third party in relation to an affected account, and
 - (c) any person (not falling within paragraph (a) or (b)) who is a holder of an affected account which is a joint account,
- but only P may object on the ground in sub-paragraph (3)(a).
- (3) An objection may only be made on one or more of the following grounds—
- (a) that the debts to which the hold notice relates (see paragraph 8(7)(a)) have been wholly or partly paid,
 - (b) that at the time when the hold notice was given, either there was no sum that was a relevant sum in relation to P or P did not hold any account with the deposit-taker,
 - (c) that the hold notice is causing or will cause exceptional hardship to the person making the objection or another person, or
 - (d) that there is an interested third party in relation to one or more of the affected accounts.
- (4) A notice of objection must state the grounds of the objection.
- (5) Objections under this paragraph may only be made within the period of 30 days beginning with—
- (a) in the case of—
 - (i) P, or
 - (ii) a person within sub-paragraph (2)(b) or (c) who has not been given a notice under paragraph 8(6)(b),the day on which a copy of the hold notice is given to P under paragraph 8(6)(a), and
 - (b) in the case of a person given a notice under paragraph 8(6)(b), the day on which that notice is given.

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- (6) Sub-paragraph (5) does not apply if HMRC agree to the notice of objection being given after the end of the period mentioned in that sub-paragraph.
- (7) HMRC must agree to a notice of objection being given after the end of that period if the following conditions are met—
 - (a) the person seeking to make the objection has made a request in writing to HMRC to agree to the notice of objection being given;
 - (b) HMRC is satisfied that there was reasonable excuse for not giving the notice before the relevant time limit, and
 - (c) HMRC is satisfied that the person complied with paragraph (a) without unreasonable delay after the reasonable excuse ceased.
- (8) If a request of the kind referred to in sub-paragraph (7)(a) is made, HMRC must by a notice inform the person making the request whether or not HMRC agrees to the request.
- (9) Nothing in Part 5 of TMA 1970 (appeals and other proceedings) applies to an objection under this paragraph.

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