

SCHEDULES

SCHEDULE 2

Section 2

HELP-TO-SAVE ACCOUNTS: FURTHER PROVISION

PART 1

INTRODUCTORY

Interpretation: meaning of “bonus”

- 1 In this Schedule “bonus” means a government bonus under section 2.

HMRC responsibility for administration of bonuses

- 2 HMRC are responsible for the payment and management of bonuses, subject to section 2.

Interpretation: meaning of “Help-to-Save account”

- 3 (1) For the purposes of this Act, an account is a “Help-to-Save account” if—
- (a) it is an account for money savings,
 - (b) a single individual is beneficially entitled to all money in the account,
 - (c) the account is held—
 - (i) by the individual alone, or
 - (ii) in some other way authorised by Treasury regulations,
 - (d) the individual is an eligible person (see paragraph 4) on the eligibility reference dates,
 - (e) the account is provided by an authorised account provider (see paragraph 9),
 - (f) the requirements imposed by and under paragraph 10 are met in relation to the account,
 - (g) the account has been opened in accordance with the requirements imposed by and under paragraph 11, and
 - (h) the account has not ceased to be a Help-to-Save account.
- (2) An account which is a Help-to-Save account ceases to be a Help-to-Save account—
- (a) at the end of the maturity period for the account, or
 - (b) if the requirements imposed by and under paragraph 10 cease to be met in relation to the account before the end of that period.
- (3) Treasury regulations may make provision for an account to be treated as a Help-to-Save account.

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- (4) In this Schedule “the eligibility reference dates”, in relation to an account, means the following dates—
- (a) the date on which the application for the account is made, and
 - (b) the date on which the application is accepted.
- (5) For the purposes of this Schedule, a Help-to-Save account is opened for an individual if the account is opened and the individual is the person beneficially entitled to all money in the account.
- (6) In this Schedule “the maturity period”, in relation to a Help-to-Save account, means —
- (a) the period of 48 calendar months, or such other period as may be specified in Treasury regulations, beginning with the calendar month in which the account is opened, or
 - (b) if the individual for whom the account is opened becomes terminally ill or dies before the end of the period given by paragraph (a), the period—
 - (i) beginning with the calendar month in which the account is opened, and
 - (ii) ending with the individual’s becoming terminally ill or (as the case may be) the individual’s death.
- (7) Treasury regulations may make provision for the purposes of sub-paragraph (6)(b) about when an individual is to be considered to become terminally ill.

PART 2

ELIGIBILITY

“Eligible person”

- 4 (1) For the purposes of this Schedule, an individual is an “eligible person” on a particular day if—
- (a) the individual meets one of the benefit entitlement conditions (see paragraphs 5, 6 and 8(1)(a)) on that day, and
 - (b) the individual meets the UK connection condition (see paragraph 7) on that day.
- (2) Treasury regulations may make provision for an individual to be treated as an eligible person for purposes of this Schedule.

Benefit entitlement conditions: working tax credit

- 5 (1) The first benefit entitlement condition is that—
- (a) specified conditions relating to working tax credit are met in relation to the individual, and
 - (b) any other specified conditions are met in relation to the individual.
- (2) In sub-paragraph (1) “specified” means specified in Treasury regulations.

Benefit entitlement conditions: universal credit

- 6 (1) The second benefit entitlement condition is that—
- (a) specified conditions relating to universal credit are met in relation to the individual, and
 - (b) any other specified conditions are met in relation to the individual.
- (2) Conditions specified under sub-paragraph (1)(b) may (in particular) be framed by reference to the single hourly rate for the time being prescribed under section 1(3) of the National Minimum Wage Act 1998.
- (3) In sub-paragraph (1) “specified” means specified in Treasury regulations.

UK connection condition

- 7 (1) The individual meets the “UK connection condition” if the individual is in the United Kingdom.
- (2) Treasury regulations may—
- (a) specify circumstances in which a person is to be treated as being, or not being, in the United Kingdom;
 - (b) specify circumstances in which temporary absence from the United Kingdom is disregarded;
 - (c) modify the application of this Schedule, or regulations under it, in relation to persons of a description specified in the regulations who are treated as being in the United Kingdom for the purposes of this Schedule.

Power to make further provision about eligibility

- 8 (1) Treasury regulations may—
- (a) specify benefit entitlement conditions other than those for the time being specified in paragraphs 5 and 6;
 - (b) make provision about deciding whether an individual is an eligible person.
- (2) Regulations under sub-paragraph (1)(a) may (in particular) frame a benefit entitlement condition by reference to having a notice of eligibility issued by HMRC and, in that event, the regulations may make provision—
- (a) requiring HMRC to issue such notices;
 - (b) about the effect of such notices;
 - (c) about the duration, expiry or withdrawal of such notices;
 - (d) otherwise in connection with such notices.

PART 3

ACCOUNT PROVIDERS AND FEATURES OF ACCOUNTS

Authorised account providers

- 9 (1) Help-to-Save accounts may be provided only by an authorised account provider.
- (2) In this Act “authorised account provider” means—

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- (a) a person who has been approved, for the purposes of the provision of Help-to-Save accounts, by HMRC;
 - (b) a person or body with whom HMRC or the Treasury have entered into arrangements for the provision of Help-to-Save accounts;
 - (c) if the Treasury so determine, the Director of Savings.
- (3) Treasury regulations may make provision about approvals under sub-paragraph (2) (a), including (in particular) provision as to—
- (a) conditions which must be satisfied before approval may be given;
 - (b) conditions which must be complied with by an approved person;
 - (c) the withdrawal of approval to provide Help-to-Save accounts, or Help-to-Save accounts of a particular description.
- (4) In sub-paragraph (5) “retiring provider” means a person or body that—
- (a) expects, or wishes, to cease to be an authorised account provider, or
 - (b) has ceased to be an authorised account provider,
- whether the cessation is total or partial, and whether or not it is on account of withdrawal of approval.
- (5) Treasury regulations may make provision requiring a retiring provider to provide—
- (a) specified information to HMRC or an officer of Revenue and Customs;
 - (b) specified information to account holders of a specified description.

Required features of Help-to-Save accounts

- 10 (1) An account is not a Help-to-Save account unless—
- (a) under its terms, the amount that may be added to the account each calendar month (excluding interest or other sums paid by the account provider under the terms of the account and excluding any bonus) does not exceed the maximum monthly amount, and
 - (b) any requirements imposed by Treasury regulations are met in relation to the account.
- (2) In sub-paragraph (1)(a) “the maximum monthly amount” means £50, or such other amount (which may be nil) as may be specified in Treasury regulations.
- (3) Treasury regulations may specify whether the requirement imposed by sub-paragraph (1)(a) relates to—
- (a) the gross amount added in a calendar month (ignoring withdrawals and the mentioned exclusions), or
 - (b) the net amount added in a calendar month after taking account of withdrawals (but ignoring those exclusions).
- (4) Treasury regulations made for the purposes of sub-paragraph (1)(b) may include provision about deciding whether requirements imposed by the regulations are met.

Opening a Help-to-Save account

- 11 (1) A Help-to-Save account may be opened for an individual if—
- (a) an application to open the account is made in accordance with regulations under sub-paragraph (2),
 - (b) the individual is an eligible person on the eligibility reference dates, and

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- (c) no Help-to-Save account has previously been opened for the individual.
- (2) Treasury regulations may make provision about applications to open a Help-to-Save account, including (in particular)—
 - (a) provision about the form and manner in which applications may be made;
 - (b) provision specifying, or enabling HMRC to specify, information which applicants must provide and the persons to whom it must be provided;
 - (c) provision requiring an application to be made by the individual for whom the account is to be opened;
 - (d) exceptions to provision under paragraph (c).
- (3) Treasury regulations may—
 - (a) specify circumstances in which an account provider must refuse to open a Help-to-Save account for an individual;
 - (b) make provision requiring that a Help-to-Save account is to be held by the individual for whom the account is opened and that functions as the holder of the account are to be carried out by the individual;
 - (c) make provision for exceptions to provision under paragraph (b);
 - (d) make provision for exceptions to sub-paragraph (1)(c).
- (4) Where a contract is entered into by an individual who is 16 or 17 years old in connection with a Help-to-Save account opened for the individual, the contract has effect as if the individual had been 18 or over when it was entered into.

Account provider to be notified about absence from UK

- 12
- (1) Treasury regulations may, in connection with any stipulation that (directly or indirectly) links entitlement to bonus in respect of a Help-to-Save account with the presence in the United Kingdom of the individual for whom the account is opened—
 - (a) impose duties to notify the account provider about absences of the individual from the United Kingdom;
 - (b) make provision for the imposition of a penalty, which must not exceed £300, for failure to comply with a duty imposed under paragraph (a).
 - (2) Paragraphs 44, 45, 46(1), 47 to 49 and 52 of Schedule 36 to the Finance Act 2008 (penalties: liability, assessment, appeals and enforcement) apply in relation to a penalty under regulations under sub-paragraph (1)(b) as they apply in relation to a penalty under paragraph 39 of that Schedule.
 - (3) An assessment of a penalty under regulations under sub-paragraph (1)(b) must be made—
 - (a) within the period of 12 months beginning with the date on which the failure first came to the attention of an officer of Revenue and Customs, and
 - (b) within the period of 6 years beginning with the date on which the person became liable to the penalty.
 - (4) Without prejudice to paragraph 49(2) of Schedule 36 to the Finance Act 2008 (enforcement) as applied by sub-paragraph (2), regulations under sub-paragraph (1) (b) may (in particular) provide for a penalty under such regulations to be deducted from amounts to be paid by way of bonus in respect of the Help-to-Save account concerned.

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Further provision about Help-to-Save accounts

- 13 (1) Treasury regulations may, in relation to cases where the balance in a Help-to-Save account held with an authorised account provider is transferred to an account held with another authorised account provider, make provision—
- (a) for the account with the other provider to be treated as a Help-to-Save account;
 - (b) for the two accounts to be treated as a single account.
- (2) If the Director of Savings provides Help-to-Save accounts—
- (a) the fact that regulations could be made under this Act about any matter does not prevent that matter being dealt with instead in arrangements made with the Director by the Treasury or HMRC,
 - (b) sums paid into Help-to-Save accounts provided by the Director are not to be paid into the Consolidated Fund, and
 - (c) sums payable from such accounts are not to be regarded as expenditure of the Director.
- (3) Arrangements made between HMRC and a person or body within paragraph 9(2)(b) or (c) may include provision for the making of payments by HMRC to the person or body in respect of the provision of Help-to-Save accounts.

Accounts wrongly treated as Help-to-Save accounts

- 14 (1) Treasury regulations may make provision having effect in a case where a Help-to-Save account is opened for an individual who is not an eligible person on the eligibility reference dates, including where that is established as a result of a determination made with backdated effect after the account is opened for the individual.
- (2) The regulations may (in particular) provide for the account to be treated as never having been a Help-to-Save account.

PART 4

GOVERNMENT BONUS

Calculation and payment of government bonuses

- 15 (1) The individual for whom a Help-to-Save account is opened is the person entitled to bonus in respect of the account.
- (2) Treasury regulations must make provision for the calculation of the amount of bonus to which an individual is entitled in respect of a Help-to-Save account.
- (3) The regulations may (in particular) make provision—
- (a) for a single amount of bonus for the whole of the maturity period for a Help-to-Save account, or for different amounts of bonus for different parts of that period;
 - (b) for an amount of bonus to be nil in the case of an account that is closed, or otherwise ceases to be a Help-to-Save account, before the end of its maturity period.

- (4) Treasury regulations may make provision about the payment of bonus, and the regulations may (in particular) make provision—
 - (a) for bonus in respect of a Help-to-Save account to be paid by a single payment (even if the total payable is made up of different amounts for different parts of the maturity period for the account), or by two or more payments;
 - (b) for bonus paid in respect of an account to be added to the account or otherwise credited or paid out;
 - (c) about payment of bonus in respect of a Help-to-Save account in cases where payment is made after the death of the individual for whom the account was opened.
- (5) Sub-paragraph (1) has effect subject to any provision mentioned in sub-paragraph (4) (c) that is contained in regulations under sub-paragraph (4).

Recovery of wrongly-paid bonus

- 16 (1) Treasury regulations may provide for the repayment of any amount paid by way of bonus that ought not to have been paid (whether because of provision under paragraph 14 or otherwise).
- (2) The regulations may (in particular) make provision—
 - (a) identifying the persons liable to make a repayment;
 - (b) charging interest on repayable amounts;
 - (c) for collecting a repayment and interest charged on it.
- (3) The provision that may be made under sub-paragraph (2)(c) includes (in particular) provisions applying or incorporating, with or without modifications, any enactment that makes provision in relation to the recovery of amounts of income tax or capital gains tax which has been repaid to a person but ought not to have been repaid to the person.

PART 5

INFORMATION

Information sharing between HMRC and others

- 17 (1) Sub-paragraph (2) applies to information which is held as mentioned in section 18(1) of the Commissioners for Revenue and Customs Act 2005 (confidentiality).
- (2) Information to which this sub-paragraph applies may be disclosed—
 - (a) to an authorised account provider, or
 - (b) to any person for use for the purpose of enabling or assisting the exercise of any of the functions of HMRC, or an officer of Revenue and Customs, under section 2 and this Schedule.
- (3) Information disclosed in reliance on sub-paragraph (2) may not be further disclosed to any other person without the authority of HMRC (which may be general or specific).
- (4) If revenue and customs information relating to a person is disclosed in contravention of sub-paragraph (3) and the identity of the person—

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- (a) is specified in the disclosure, or
 - (b) can be deduced from it,
- section 19 of the Commissioners for Revenue and Customs Act 2005 (wrongful disclosure) applies in relation to the disclosure as it applies in relation to a disclosure of such information in contravention of section 20(9) of that Act.
- (5) In sub-paragraph (4) “revenue and customs information relating to a person” has the meaning given by section 19(2) of the Commissioners for Revenue and Customs Act 2005.
 - (6) A person who holds information may disclose that information to HMRC or an officer of Revenue and Customs if the disclosure is made for the purposes of the exercise of any of the functions of HMRC, or an officer of Revenue and Customs, under section 2 and this Schedule.
 - (7) This paragraph does not limit the circumstances in which information may be disclosed apart from this paragraph.
 - (8) In section 127 of the Welfare Reform Act 2012 (information-sharing between Secretary of State and HMRC), in subsection (7), in the definition of “HMRC function”—
 - (a) omit the “or” at the end of paragraph (b), and
 - (b) after paragraph (c) insert “, or
 - (d) which is conferred by or under section 2 of, or Schedule 2 to, the Savings (Government Contributions) Act 2017 (bonuses in respect of savings in Help-to-Save accounts);”.

Claims and returns

- 18 (1) Treasury regulations may—
- (a) provide that a bonus is payable only if a claim for it is made in accordance with Treasury regulations;
 - (b) require a person who is or was an authorised account provider to make a claim for a bonus in respect of a Help-to-Save account.
- (2) With regards to claims for bonuses, Treasury regulations may—
- (a) specify the periods within which claims are to be made;
 - (b) specify the information to be included in claims;
 - (c) specify the periods to which claims are to relate;
 - (d) specify the form or manner in which claims are to be made;
 - (e) make provision about the assessment of claims;
 - (f) specify steps to be taken if a claim is rejected in whole or part;
 - (g) confer rights to a review of a rejection of a claim;
 - (h) make provision for or in connection with appeals against rejections of claims;
 - (i) provide for amendment of a claim if errors are found in it.
- (3) Treasury regulations may authorise HMRC to specify any of the matters mentioned in sub-paragraph (2)(b) to (d).
- (4) Treasury regulations may make provision for requiring a person who is or was an authorised account provider—

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- (a) to keep records relating to a Help-to-Save account;
 - (b) to submit returns of information relating to the operation of a Help-to-Save account.
- (5) The provision that may be made under sub-paragraph (4)(b) includes (in particular) information about—
- (a) the information to be included in a return;
 - (b) the form of a return;
 - (c) the period to which a return must relate;
 - (d) the form or manner in which a return is to be submitted;
 - (e) the period within which a return must be made;
 - (f) enquiries into, and amendments of, a submitted return.
- (6) Treasury regulations may authorise HMRC to specify any of the matters mentioned in sub-paragraph (5)(a) to (d).

Information notices

- 19 (1) An officer of Revenue and Customs may by notice require—
- (a) a person who has applied to open a Help-to-Save account,
 - (b) an individual for whom a Help-to-Save account has been opened,
 - (c) a person who has received an application to open a Help-to-Save account, or
 - (d) a person who is or has been the provider of a Help-to-Save account,
- to provide the officer with any information, or to produce a document to the officer, if the officer reasonably requires the information or document in connection with functions of HMRC, or an officer of Revenue and Customs, under section 2 or this Schedule.
- (2) Paragraphs 6(2), 7, 8, 18 to 20, 23 to 27, 42 and 43 of Schedule 36 to the Finance Act 2008 (information notices etc) apply in relation to notices under sub-paragraph (1) as they apply in relation to notices under paragraph 1 of that Schedule (see the definition of “information notice” in paragraph 6(1) of that Schedule).
- (3) Where a notice under sub-paragraph (1) is given to a person other than the provider of the Help-to-Save account at the time the notice is given, an officer of Revenue and Customs must give a copy of the notice to that provider.
- (4) A person who is given a notice under sub-paragraph (1) may appeal against the notice or any requirement in the notice.
- (5) Paragraph 32 of Schedule 36 to the Finance Act 2008 (procedure for appeals against information notices) applies for the purposes of an appeal under sub-paragraph (4) as it applies for the purposes of an appeal under Part 5 of that Schedule, except that a reference to an information notice has effect as a reference to a notice under sub-paragraph (1).

Penalties for inaccuracies in information provided in response to requirements

- 20 (1) This paragraph applies where—
- (a) in complying with a requirement imposed under paragraph 18(1)(b) or (4)(b), or with a notice under paragraph 19(1), a person provides inaccurate information or produces a document that contains an inaccuracy,

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- (b) the inaccuracy is material, and
 - (c) condition A, B or C is met.
- (2) Condition A is that the inaccuracy is careless or deliberate.
- (3) An inaccuracy is careless if it is due to a failure by the person to take reasonable care.
- (4) Condition B is that the person knows of the inaccuracy at the time the information is provided or the document is produced, but does not inform an officer of Revenue and Customs at that time.
- (5) Condition C is that the person—
- (a) discovers the inaccuracy some time later, and
 - (b) fails to take reasonable steps to inform an officer of Revenue and Customs.
- (6) The person is liable to a penalty not exceeding the amount for the time being specified in paragraph 40A(5) of Schedule 36 to the Finance Act 2008 (penalties for inaccurate information and documents).
- (7) Where the information or document contains more than one material inaccuracy, a penalty is payable for each inaccuracy.
- (8) Paragraphs 46 to 49 and 52 of Schedule 36 to the Finance Act 2008 (penalties: assessment, appeals and enforcement) apply in relation to a penalty under this paragraph as they apply in relation to a penalty under paragraph 40A of that Schedule.

Power to inspect documents relating to claims

- 21 (1) This paragraph applies where a claim is made by an authorised account provider for a bonus in respect of a Help-to-Save account.
- (2) An officer of Revenue and Customs may—
- (a) enter any business premises of—
 - (i) that authorised account provider,
 - (ii) any authorised account provider to whom the balance in the account has been transferred, or
 - (iii) any authorised account provider to whom funds directly or indirectly representing the whole or part of that balance have been transferred, and
 - (b) inspect documents that are on the premises,
- if the officer reasonably requires to inspect the documents in connection with the claim.
- (3) The powers under sub-paragraph (2)—
- (a) do not include power to enter any part of the premises that is used solely as a dwelling, but
 - (b) do include power to obtain and record information (whether electronically or otherwise) relating to the documents that have been inspected.
- (4) In sub-paragraph (2) “business premises”, in relation to a person, means premises (or any part of premises) that an officer of Revenue and Customs has reason to believe are (or is) used in connection with the carrying on of a business by or on behalf of the person.

- (5) Paragraph 12 of Schedule 36 to the Finance Act 2008 (timing of inspections) applies in relation to an inspection under sub-paragraph (2) as it applies in relation to an inspection under paragraph 10 of that Schedule.
- (6) An officer of Revenue and Customs may not inspect a document under this paragraph if or to the extent that, by virtue of a provision of Part 4 of Schedule 36 to the Finance Act 2008 (restrictions on powers) applied by paragraph 19(2), a notice under paragraph 19(1) given at the time of the inspection to the occupier of the premises could not require the occupier to produce the document.
- (7) An officer of Revenue and Customs may ask the tribunal to approve an inspection under sub-paragraph (2).
- (8) Paragraph 13(1A), (2) and (3) of Schedule 36 to the Finance Act 2008 (approval of tribunal for inspections) applies in relation to an application under sub-paragraph (7) as it applies in relation to an application under paragraph 13 of that Schedule relating to an inspection under paragraph 10 of that Schedule.
- (9) In this paragraph “the tribunal” means the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal.

Penalties for non-compliance with information requirements

- 22 (1) Sub-paragraph (2) applies to a person who—
- (a) fails to make a claim in accordance with a requirement imposed on the person under paragraph 18(1)(b),
 - (b) fails to submit a return in accordance with a requirement imposed on the person under paragraph 18(4)(b),
 - (c) fails to comply with a notice under paragraph 19(1) given to the person, or
 - (d) deliberately obstructs an officer of Revenue and Customs in the course of an inspection under paragraph 21 that has been approved by the tribunal.
- (2) The person is liable to a penalty of the amount for the time being specified in paragraph 39(2) of Schedule 36 to the Finance Act 2008.
 - (3) If the failure or obstruction mentioned in sub-paragraph (1) continues after the date on which a penalty is imposed under sub-paragraph (2) in respect of the failure or obstruction, the person is liable to a further penalty or penalties not exceeding the amount for the time being specified in paragraph 40(2) of that Schedule for each subsequent day on which the failure or obstruction continues.
 - (4) The reference in sub-paragraph (1)(c) to a person who fails to comply with a notice under paragraph 19(1) includes a person who conceals, destroys or otherwise disposes of, or arranges for the concealment, destruction or disposal of, a document in breach of paragraph 42 or 43 of Schedule 36 to the Finance Act 2008 as applied by paragraph 19(2).
 - (5) Paragraphs 44 to 49 and 52 of that Schedule (penalties: liability, assessment, appeals and enforcement) apply in relation to a penalty under sub-paragraph (3) or (4) as they apply in relation to a penalty under paragraph 39 or 40 of that Schedule, except that the reference in paragraph 46(3) to an information notice has effect as a reference to a notice under paragraph 19(1) of this Schedule.

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- (6) In sub-paragraph (1)(d) “the tribunal” means the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal.
- 23 (1) Sub-paragraph (2) applies to a person who, in complying with a requirement under paragraph 11(2) when applying for a Help-to-Save account, provides information that is inaccurate if the inaccuracy is material and deliberate.
- (2) The person is liable to a penalty of the amount for the time being specified in paragraph 39(2) of Schedule 36 to the Finance Act 2008.
- (3) Paragraphs 46 to 49 and 52 of that Schedule (penalties: assessment, appeals and enforcement) apply in relation to a penalty under sub-paragraph (2) as they apply in relation to a penalty under paragraph 39 of that Schedule.

Interpretation: meaning of “document”

- 24 In this Part of this Schedule “document” includes a part of a document (except where the context otherwise requires).