
STATUTORY INSTRUMENTS

2012 No. 1868

The National Insurance Contributions (Application of Part 7 of the Finance Act 2004) Regulations 2012

PART 1

Introduction

Citation and commencement

1. These Regulations may be cited as the National Insurance Contributions (Application of Part 7 of the Finance Act 2004) Regulations 2012 and shall come into force on 1st September 2012.

Interpretation

2. In these Regulations—

“the Descriptions Regulations” means the Tax Avoidance Schemes (Prescribed Descriptions of Arrangements) Regulations 2006(1) as modified by these Regulations.

“the Information Regulations” means the Tax Avoidance (Information) Regulations 2012(2) as modified by these Regulations.

“introducer”, in relation to a notifiable contribution proposal, has the meaning given by regulation 7(2);

“HMRC” means the Commissioners for Her Majesty’s Revenue and Customs;

“notifiable arrangements” and “notifiable proposal” have the meaning given to them in section 306 of the Finance Act 2004(3);

“Part 7” means Part 7 of the Finance Act 2004 (disclosure of tax avoidance schemes)(4) and a reference to a numbered section (without more) is a reference to a section of Part 7;

“prescribed” means prescribed by the Information Regulations, unless the context otherwise requires;

“promoter”, in relation to notifiable contribution arrangements or a notifiable contribution proposal, has the meaning given by regulation 7;

“reference number” means the reference number allocated under regulation 12 or section 311 as the case may be;

“tribunal” means the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal.

(1) S.I. 2006/1543 as amended by S.I. 2009/2033 and S.I. 2010/2834.

(2) S.I. 2012/1836.

(3) 2004 c. 12.

(4) Part 7 has been amended by Schedule 27 to the Finance Act 2007 (c. 11), Schedule 38 to the Finance Act 2008 (c. 9), S.I. 2009/56, S.I. 2009/571, paragraphs 423 and 429 of Schedule 1 to the Corporation Tax Act 2010 (c. 4), paragraph 302 of Schedule 8 and Part 13 to Schedule 10 to the Taxation (International and Other Provisions) Act 2010 (c.8) and Schedule 17 to the Finance Act 2010 (c. 13).

Structure of the Regulations

3.—(1) Regulations 5 to 21 make provision corresponding to Part 7 (other than section 314 (legal professional privilege)) in so far as that Part applies to income tax.

(2) Regulations 22 to 24 make provision corresponding to section 98C and section 118(2) of the Taxes Management Act 1970⁽⁵⁾ (penalties for failure to comply with Part 7 of the Finance Act 2004) and other provisions of the Taxes Management Act 1970 in so far as they relate to a penalty under section 98C.

(3) Regulations 25 to 28 modify regulations made under Part 7 in so far as they apply to income tax.

Revocations

4.—(1) The regulations described in Regulation 29 are revoked.

(2) Anything begun under or for the purpose of any regulations revoked by these Regulations shall be continued under or, as the case may be, for the purpose of the corresponding provision of these Regulations.

(3) Where any document refers to a provision of a regulation revoked by these Regulations, such reference shall, unless the context otherwise requires, be construed as a reference to the corresponding provision of these Regulations.

(5) 1970 c. 9; section 98C was inserted by sections 315 and 319 of the Finance Act 2004 (c. 12) and amended by sections 108 and 110 of the Finance Act 2007 (c. 11), paragraph 7 of Schedule 38 to the Finance Act 2008 (c. 9), and paragraph 10 of Schedule 17 to the Finance Act 2010 (c.13).