

SCHEDULE 4 OTHER MEASURES IN RESPONSE TO CORONAVIRUS

PART 12

RESTRICTION ON GIVING GRANT TO BUSINESSES CONNECTED TO TAX HAVENS

- 16 (1) Before providing a coronavirus-related grant to a person, the Scottish Ministers must take steps to satisfy themselves about whether or not sub-paragraph (4) applies to the person.
- (2) If, having taken those steps, the Scottish Ministers are satisfied that sub-paragraph (4) applies to the person, they are not to provide the grant.
- (3) The Scottish Ministers must frame the terms of coronavirus-related grants so that they are entitled to repayment of a grant if they ascertain, after providing it (wholly or partly), that the person to whom the grant was provided—
- (a) was a person that sub-paragraph (4) applied to at the time the Ministers decided to provide the grant, or
 - (b) knowingly provided false or misleading information in applying for the grant.
- (4) This sub-paragraph applies to a person that—
- (a) is based in a tax haven,
 - (b) is the subsidiary of a person based in a tax haven,
 - (c) has a subsidiary based in a tax haven,
 - (d) is party to an arrangement under which any of its profits are subject to the tax regime of a tax haven.
- (5) For the purposes of this paragraph, a person is based in a tax haven if the person is incorporated or otherwise established under the law of a tax haven.
- (6) Sub-paragraphs (1) to (3) do not apply in relation to a grant if the application for it was received by the Scottish Ministers before the date on which this paragraph comes into force.
- (7) In this paragraph—
- “coronavirus-related grant” means a grant to mitigate the effects on the person’s business of disruption attributable to coronavirus,
 - “subsidiary” is to be read in accordance with section 1159 of the Companies Act 2006,
 - “tax haven” means a jurisdiction for the time being included in—
 - (a) the revised EU list of non-cooperative jurisdictions for tax purposes set out in Annex I to the Council of the European Union’s conclusions of February 2020 on the revised EU list of non-cooperative jurisdictions for tax purposes (2020/C 64/03), or
 - (b) any successor list of jurisdictions endorsed for the same purposes by the Council.