
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Finance Act 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 34

PROMOTERS OF TAX AVOIDANCE SCHEMES: THRESHOLD CONDITIONS

PART 1

MEETING THE THRESHOLD CONDITIONS: GENERAL

Opinion notice of GAAR Advisory Panel

7 ^[F1](1) A person meets this condition if one or more of sub-paragraphs (2) to (4) apply in respect of the person.]

^[F2](2) ^[F3]This sub-paragraph applies in respect of a person if] —

- (a) arrangements in relation to which the person is a promoter ^[F4]—
 - (i) have been referred to the GAAR Advisory Panel under Schedule 43 to FA 2013 (referrals of single schemes),
 - (ii) are in a pool in respect of which a referral has been made to that Panel under Schedule 43B to that Act (generic referrals), or
 - (iii) have been referred to that Panel under paragraph 26 of Schedule 16 to F(No. 2)A 2017 (referrals in relation to penalties for enablers of defeated tax avoidance).]
- (b) one or more opinion notices are given ^[F5]in respect of the referral^[F6]under (as the case may be)—
 - (i) paragraph 11(3)(b) of Schedule 43 to FA 2013,
 - (ii) paragraph 6(4)(b) of Schedule 43B to that Act, or
 - (iii) paragraph 34(3)(b) of Schedule 16 to F(No. 2)A 2017,(opinion of sub-panel of GAAR Advisory Panel that arrangements are not reasonable), and]
- (c) the notice, or the notices taken together, either—
 - (i) state the joint opinion of all the members of the sub-panel arranged under ^{F7}... that Schedule, or
 - (ii) state the opinion of two or more members of that sub-panel.

^[F8](3) This sub-paragraph applies in respect of a person (“P”) if—

- (a) another person has been given, in respect of arrangements in relation to which P is a promoter (“the promoted arrangements”)—
 - (i) a pooled arrangements opinion notice, under paragraph 6(2) of Schedule 43A to FA 2013, or
 - (ii) a bound arrangements opinion notice under paragraph 6(4) of that Schedule,

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Finance Act 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) the notice in question sets out a report prepared by HMRC of an opinion of the GAAR Advisory Panel in relation to the promoted arrangements that is contained in one or more opinion notices given under paragraph 11(3)(b) of Schedule 43 to FA 2013 or paragraph 6(4)(b) of Schedule 43B to FA 2013, and
 - (c) the opinion notice, or the opinion notices taken together, either—
 - (i) state the joint opinion of all the members of the sub-panel arranged under Schedule 43 or 43B, as the case may be, or
 - (ii) state the opinion of two or more members of the sub-panel.
- (4) This sub-paragraph applies in respect of a person if—
- (a) arrangements in relation to which the person is a promoter (“the promoted arrangements”) are equivalent within the meaning of paragraph 24(3) of Schedule 16 to F(No. 2)A 2017 to arrangements that have been referred to the GAAR Advisory Panel under paragraph 26 of that Schedule,
 - (b) one or more opinion notices are given under paragraph 34(3)(b) of Schedule 16 to F(No.2)A 2017 that apply to the promoted arrangements for the purposes of Part 7 of that Schedule, and
 - (c) the notice, or the notices taken together, either—
 - (i) state the joint opinion of all the members of the sub-panel arranged under that Schedule, or
 - (ii) state the opinion of two or more members of that sub-panel.]

Textual Amendments

- F1** Sch. 34 para. 7(1) inserted (with effect in accordance with s. 121(6) of the amending Act) by Finance Act 2021 (c. 26), **Sch. 30 para. 30(a)**
- F2** Sch. 34 para. 7 renumbered as Sch. 34 para. 7(2) (with effect in accordance with s. 121(6) of the amending Act) by Finance Act 2021 (c. 26), **Sch. 30 para. 30(b)**
- F3** Words in Sch. 34 para. 7(2) substituted (with effect in accordance with s. 121(6) of the amending Act) by Finance Act 2021 (c. 26), **Sch. 30 para. 30(c)**
- F4** Words in Sch. 34 para. 7(a) substituted (with effect in accordance with Sch. 16 para. 62 of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **Sch. 16 para. 61(a)**
- F5** Words in Sch. 34 para. 7(b) substituted (with effect in accordance with s. 157(30) of the amending Act) by Finance Act 2016 (c. 24), **s. 157(29)(b)(i)**
- F6** Words in Sch. 34 para. 7(b) substituted (with effect in accordance with Sch. 16 para. 62 of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **Sch. 16 para. 61(b)**
- F7** Words in Sch. 34 para. 7(c)(i) omitted (with effect in accordance with s. 157(30) of the amending Act) by virtue of Finance Act 2016 (c. 24), **s. 157(29)(c)**
- F8** Sch. 34 para. 7(3) inserted (with effect in accordance with s. 121(6) of the amending Act) by Finance Act 2021 (c. 26), **Sch. 30 para. 30(d)**

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Finance Act 2014. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 212(4)(f) and word inserted by [2021 c. 26 Sch. 27 para. 43\(b\)\(ii\)](#)
- s. 212(5)(a)(iv) and word inserted by [2021 c. 26 Sch. 27 para. 43\(c\)\(ii\)](#)
- s. 212(5)(b)(iv) and word inserted by [2021 c. 26 Sch. 27 para. 43\(c\)\(iv\)](#)
- s. 212(5)(c)(iv) and word inserted by [2021 c. 26 Sch. 27 para. 43\(c\)\(v\)](#)
- Sch. 31 para. 2(3)(b) inserted by [2017 c. 32 Sch. 14 para. 45\(2\)\(a\)\(iii\)](#)
- Sch. 31 para. 2(4A) inserted by [2017 c. 32 Sch. 14 para. 45\(2\)\(c\)](#)
- Sch. 31 para. 3(1A) inserted by [2017 c. 32 Sch. 14 para. 45\(3\)\(b\)](#)
- Sch. 31 para. 5(b) inserted by [2017 c. 32 Sch. 14 para. 45\(4\)\(c\)](#)
- Sch. 31 para. 2(3)(a) words inserted by [2017 c. 32 Sch. 14 para. 45\(2\)\(a\)\(ii\)](#)
- Sch. 31 para. 5(a) words inserted by [2017 c. 32 Sch. 14 para. 45\(4\)\(b\)](#)
- Sch. 31 para. 2(3)(a) words renumbered as Sch. 31 para. 2(3)(a) by [2017 c. 32 Sch. 14 para. 45\(2\)\(a\)\(i\)](#)
- Sch. 31 para. 5(a) words renumbered as Sch. 31 para. 5(a) by [2017 c. 32 Sch. 14 para. 45\(4\)\(a\)](#)
- Sch. 32 para. 1(2)(b) inserted by [2017 c. 32 Sch. 14 para. 46\(2\)\(a\)\(iii\)](#)
- Sch. 32 para. 1(3A) inserted by [2017 c. 32 Sch. 14 para. 46\(2\)\(c\)](#)
- Sch. 32 para. 1(2)(a) words inserted by [2017 c. 32 Sch. 14 para. 46\(2\)\(a\)\(ii\)](#)
- Sch. 32 para. 1(2)(a) words renumbered as Sch. 32 para. 1(2)(a) by [2017 c. 32 Sch. 14 para. 46\(2\)\(a\)\(i\)](#)