

**Changes to legislation:** Finance Act 2016, Paragraph 58 is up to date with all changes known to be in force on or before 03 June 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 18

#### SERIAL TAX AVOIDANCE

##### Modifications etc. (not altering text)

- C1** Sch. 18 modified (17.12.2020 for specified purposes, 31.12.2020 in so far as not already in force) by 1994 c. 23, Sch. 9ZA para. 79 (as inserted by [Taxation \(Post-transition Period\) Act 2020 \(c. 26\), s. 11\(1\)\(e\)](#), [Sch. 2 para. 2](#) (with [s. 3\(4\)](#), [Sch. 2 para. 7\(7\)-\(10\)](#)); [S.I. 2020/1642, reg. 9](#))

#### PART 7

##### SUPPLEMENTAL

##### *General interpretation*

58 (1) In this Schedule—

“arrangements” has the meaning given by paragraph 2(6);

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

“contract settlement” means an agreement in connection with a person's liability to make a payment to the Commissioners under or by virtue of an enactment;

[<sup>F1</sup>“disclosable indirect tax arrangements” is to be interpreted in accordance with paragraph 9A;]

[<sup>F1</sup>“disclosable Schedule 11A VAT arrangements is to be interpreted in accordance with paragraph 9;]

“disclosable VAT arrangements” is to be interpreted in accordance with paragraph [<sup>F2</sup>8A];

“DOTAS arrangements” is to be interpreted in accordance with paragraph 8 (and see also paragraph 57(2));

“follower notice” has the meaning given by paragraph 13(6);

“HMRC” means Her Majesty's Revenue and Customs;

[<sup>F3</sup>“indirect tax” has the meaning given by paragraph 4(2);]

“national insurance contributions” means contributions under Part 1 of the Social Security Contributions and Benefits Act 1992 or Part 1 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992;

“net income” has the meaning given by section 23 of ITA 2007 (see Step 2 of that section);

“partnership follower notice” has the meaning given by paragraph 2(2) of Schedule 31 to FA 2014;

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- “partnership return” means a return under section 12AA of TMA 1970;  
 “relevant contributions” means the following contributions under Part 1 of the Social Security Contributions and Benefits Act 1992 or Part 1 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992—
- (a) Class 1 contributions;
  - (b) Class 1A contributions;
  - (c) Class 1B contributions;
  - (d) Class 2 contributions which must be paid but in relation to which section 11A of the Act in question (application of certain provisions of the Income Tax Acts in relation to Class 2 contributions under section 11(2) of that Act) does not apply;
- “relevant defeat” is to be interpreted in accordance with paragraph 11;  
 “tax” has the meaning given by paragraph [F4(1)];  
 “tax advantage” has the meaning given by paragraph 7;  
 “warning notice” has the meaning given by paragraph 2.
- (2) In this Schedule an expression used in relation to VAT has the same meaning as in VATA 1994.
- (3) In this Schedule (except where the context requires otherwise) references, however expressed, to a person's affairs in relation to tax include the person's position as regards deductions or repayments of, or of sums representing, tax that the person is required to make by or under an enactment.
- (4) For the purposes of this Schedule a partnership return is regarded as made on the basis that a particular tax advantage arises to a person from particular arrangements if—
- (a) it is made on the basis that an increase or reduction in one or more of the amounts mentioned in section 12AB(1) of TMA 1970 (amounts in the partnership statement in a partnership return) results from those arrangements, and
  - (b) that increase or reduction results in that tax advantage for the person.

#### Textual Amendments

- F1** Words in Sch. 18 para. 58(1) inserted (16.11.2017 for specified purposes, 1.1.2018 in so far as not already in force) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), s. 66(4), [Sch. 17 para. 55\(18\)\(a\)](#)
- F2** Word in Sch. 18 para. 58(1) substituted (16.11.2017 for specified purposes, 1.1.2018 in so far as not already in force) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), s. 66(4), [Sch. 17 para. 55\(18\)\(c\)](#)
- F3** Words in Sch. 18 para. 58(1) inserted (16.11.2017 for specified purposes, 1.1.2018 in so far as not already in force) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), s. 66(4), [Sch. 17 para. 55\(18\)\(b\)](#)
- F4** Word in Sch. 18 para. 58(1) substituted (16.11.2017 for specified purposes, 1.1.2018 in so far as not already in force) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), s. 66(4), [Sch. 17 para. 55\(18\)\(d\)](#)

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**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):

- Sch. 19 para. 12(5)(b) inserted by [2017 c. 32 Sch. 14 para. 49\(2\)\(c\)](#)
- Sch. 19 para. 12(5)(a) word inserted by [2017 c. 32 Sch. 14 para. 49\(2\)\(b\)](#)
- Sch. 19 para. 51(8)(b) words inserted by [2017 c. 32 Sch. 14 para. 48\(2\)](#)
- Sch. 19 para. 53(1) words inserted by [2017 c. 32 Sch. 14 para. 48\(4\)\(a\)](#)
- Sch. 19 para. 53(1) words inserted by [2017 c. 32 Sch. 14 para. 48\(4\)\(b\)](#)
- Sch. 19 para. 12(5)(a) words renumbered as Sch. 19 para. 12(5)(a) by [2017 c. 32 Sch. 14 para. 49\(2\)\(a\)](#)
- Sch. 19 para. 58(1) words substituted by [2017 c. 32 Sch. 14 para. 48\(5\)](#)
- Sch. 20 para. 1(4)(e) inserted by [2021 c. 26 Sch. 27 para. 47\(2\)](#)
- Sch. 20 para. 3(3)(d) and word inserted by [2021 c. 26 Sch. 27 para. 47\(3\)\(b\)](#)
- Sch. 20 para. 5(5) inserted by [2021 c. 26 Sch. 27 para. 47\(5\)](#)
- Sch. 22 para. 2(4B) inserted by [2021 c. 26 Sch. 27 para. 48\(2\)\(c\)](#)
- Sch. 22 para. 3(4A) inserted by [2021 c. 26 Sch. 27 para. 48\(3\)](#)