
Changes to legislation: Finance Act 2016, Cross Heading: Amendments to Schedule 55 to the Finance Act 2009 (c.10) is up to date with all changes known to be in force on or before 18 August 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 21

PENALTIES RELATING TO OFFSHORE MATTERS AND OFFSHORE TRANSFERS

Amendments to Schedule 55 to the Finance Act 2009 (c.10)

- 9 Schedule 55 to FA 2009 (penalty for failure to make returns etc) is amended as follows

Commencement Information

II [Sch. 21 para. 9](#) in force at 1.4.2017 with effect in accordance with reg. 2 by [S.I. 2017/259](#), [reg. 2](#)

- 10 (1) Paragraph 14 (reductions for disclosure) is amended as follows.
- (2) At the beginning insert—
- “(A1) In this paragraph, “relevant information” means information which has been withheld by a failure to make a return.”
- (3) In sub-paragraph (1)—
- (a) after “6(3) or (4)” insert “ where P discloses relevant information that involves a domestic matter ”;
- (b) for the words from “information which” to the end substitute “ relevant information ”.
- (4) After sub-paragraph (1) insert—
- “(1A) Paragraph 15A provides for reductions in the penalty under paragraph 6(3) or (4) where P discloses relevant information that involves an offshore matter or an offshore transfer.
- (1B) Sub-paragraph (2) applies where—
- (a) P is liable to a penalty under paragraph 6(3) or (4) and P discloses relevant information that involves a domestic matter, or
- (b) P is liable to a penalty under any of the other provisions mentioned in sub-paragraph (1) and P discloses relevant information.”
- (5) After sub-paragraph (2) insert—
- “(2A) Sub-paragraph (2B) applies where P is liable to a penalty under paragraph 6(3) or (4) and P discloses relevant information that involves an offshore matter or an offshore transfer.
- (2B) P discloses relevant information by—
- (a) telling HMRC about it,

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- (b) giving HMRC reasonable help in quantifying any tax unpaid by reason of its having been withheld,
 - (c) allowing HMRC access to records for the purpose of checking how much tax is so unpaid, and
 - (d) providing HMRC with additional information.
- (2C) The Treasury must make regulations setting out what is meant by “additional information” for the purposes of sub-paragraph (2B)(d).
- (2D) Regulations under sub-paragraph (2C) are to be made by statutory instrument.
- (2E) An instrument containing regulations under sub-paragraph (2C) is subject to annulment in pursuance of a resolution of the House of Commons.”
- (6) At the end insert—
- “(5) Paragraph 6A(4) to (5) applies to determine whether relevant information involves an offshore matter, an offshore transfer or a domestic matter for the purposes of this paragraph.”

Commencement Information

- I2** [Sch. 21 para. 10\(1\)-\(4\)\(6\)](#) in force at 1.4.2017 with effect in accordance with reg. 2 by [S.I. 2017/259, reg. 2](#)
- I3** [Sch. 21 para. 10\(5\)](#) in force at 8.3.2017 for specified purposes by [S.I. 2017/259, reg. 3](#)
- I4** [Sch. 21 para. 10\(5\)](#) in force at 1.4.2017 in so far as not already in force and with effect in accordance with reg. 2 of the commencing S.I. by [S.I. 2017/259, reg. 2](#)

- 11 In paragraph 15 (amount of reduction for disclosure), for the Table in sub-paragraph (2) substitute—

<i>“Standard %</i>	<i>Minimum % for prompted disclosure</i>	<i>Minimum % for unprompted disclosure</i>
70%	35%	20%
100%	50%	30%”

Commencement Information

- I5** [Sch. 21 para. 11](#) in force at 1.4.2017 with effect in accordance with reg. 2 by [S.I. 2017/259, reg. 2](#)

- 12 After paragraph 15 insert—

- “15A(1) If a person who would otherwise be liable to a penalty of a percentage shown in column 1 of the Table (a “standard percentage”) has made a disclosure, HMRC must reduce the standard percentage to one that reflects the quality of the disclosure.
- (2) But the standard percentage may not be reduced to a percentage that is below the minimum shown for it—
- (a) in the case of a prompted disclosure, in column 2 of the Table, and
 - (b) in the case of an unprompted disclosure, in column 3 of the Table.

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<i>Standard %</i>	<i>Minimum % for prompted disclosure</i>	<i>Minimum % for unprompted disclosure</i>
70%	45%	30%
87.5%	53.75%	35%
100%	60%	40%
105%	62.5%	40%
125%	72.5%	50%
140%	80%	50%
150%	85%	55%
200%	110%	70%

(3) But HMRC must not under this paragraph reduce a penalty below £300.”

Commencement Information

I6 [Sch. 21 para. 12](#) in force at 1.4.2017 with effect in accordance with reg. 2 by [S.I. 2017/259](#), **reg. 2**

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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\(3\)](#)