

## SCHEDULES

### SCHEDULE 1

Section 1

#### LIFETIME ISAS: FURTHER PROVISION

#### PART 1

##### INTRODUCTORY

*Interpretation: meaning of “bonus”, “plan manager” and “document”*

- 1 (1) In this Schedule “bonus” means a government bonus under section 1.
- (2) For the meaning of “plan manager”, in relation to a Lifetime ISA, see section 696(2) of the Income Tax (Trading and Other Income) Act 2005.
- (3) In this Schedule “document” includes a part of a document (except where the context otherwise requires).

*HMRC responsible for administration of bonuses and withdrawal charges*

- 2 (1) HMRC are responsible for—
  - (a) the payment and management of bonuses, and
  - (b) the collection and management of amounts payable under paragraph 8 (charges on some withdrawals from Lifetime ISAs).
- (2) Treasury regulations may make provision about or in connection with—
  - (a) the payment and administration of bonuses;
  - (b) the collection and administration of amounts payable under paragraph 8.
- (3) The following provisions of this Schedule do not limit the generality of the powers under sub-paragraph (2).

#### PART 2

##### PAYMENT OF GOVERNMENT BONUSES

*Claims for bonuses*

- 3 (1) Treasury regulations may—
  - (a) provide that a bonus is payable only if a claim for it is made in accordance with Treasury regulations;
  - (b) require a person who is or was the plan manager of a Lifetime ISA to make a claim for a bonus for qualifying additions made to the Lifetime ISA.

- (2) With regards to claims for bonuses, Treasury regulations may—
- (a) specify the periods within which claims are to be made;
  - (b) specify the information to be included in claims;
  - (c) specify the periods to which claims are to relate;
  - (d) specify the form or manner in which claims are to be made;
  - (e) make provision about the assessment of claims;
  - (f) specify steps to be taken if a claim is rejected in whole or part;
  - (g) confer rights to a review of a rejection of a claim;
  - (h) make provision for or in connection with appeals against rejections of claims;
  - (i) provide for amendment of a claim if errors are discovered in it.
- (3) Treasury regulations may authorise HMRC to specify any of the matters mentioned in sub-paragraph (2)(b) to (d).

*Recovery of wrongly-paid bonus*

- 4 (1) Treasury regulations may provide for the repayment of any amount paid by way of bonus that ought not to have been paid.
- (2) The regulations may (in particular) make provision—
- (a) identifying the persons liable to make a repayment;
  - (b) charging interest on repayable amounts;
  - (c) for collecting a repayment and any interest charged on it.
- (3) The provision that may be made under sub-paragraph (2)(c) includes (in particular) provision applying or incorporating, with or without modifications, any enactment that makes provision in relation to the recovery of amounts of income tax or capital gains tax which has been repaid to a person but which ought not to have been repaid to the person.

*Penalties for inaccuracies in claims*

- 5 (1) This paragraph applies where—
- (a) a claim for a bonus contains information which is inaccurate,
  - (b) the inaccuracy is material, and
  - (c) condition A, B or C is met.
- (2) Condition A is that the inaccuracy is careless or deliberate.
- (3) An inaccuracy is careless if it is due to a failure by the claimant to take reasonable care.
- (4) Condition B is that the claimant knows of the inaccuracy at the time the claim is made but does not inform an officer of Revenue and Customs at that time.
- (5) Condition C is that the claimant—
- (a) discovers the inaccuracy some time later, and
  - (b) fails to take reasonable steps to inform an officer of Revenue and Customs.

- (6) The claimant is liable to a penalty not exceeding the amount for the time being specified in paragraph 40A(5) of Schedule 36 to the Finance Act 2008 (penalties for inaccurate information and documents).
- (7) Where the information contains more than one material inaccuracy, a penalty is payable for each inaccuracy.
- (8) Paragraphs 46 to 49 and 52 of Schedule 36 to the Finance Act 2008 (penalties: assessment, appeals and enforcement) apply in relation to a penalty under this paragraph as they apply in relation to a penalty under paragraph 40A of that Schedule.

*Information notice may require information related to claim for bonus*

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- (1) This paragraph applies where a claim is made for a bonus for any qualifying additions.
  - (2) An officer of Revenue and Customs may by notice require a relevant plan manager or a person who has made any of the additions—
    - (a) to provide the officer with any information, or
    - (b) to produce a document to the officer,if the officer reasonably requires the information or document in connection with the claim.
  - (3) Paragraphs 6(2), 7, 8, 18 to 20, 23 to 27, 42 and 43 of Schedule 36 to the Finance Act 2008 (information notices etc) apply in relation to notices under sub-paragraph (2) as they apply in relation to notices under paragraph 1 of that Schedule (see the definition of “information notice” in paragraph 6(1) of that Schedule).
  - (4) Where a notice under sub-paragraph (2) is given to a person other than a relevant plan manager, an officer of Revenue and Customs must give a copy of the notice to each relevant plan manager.
  - (5) A person who is given a notice under sub-paragraph (2) may appeal against the notice or any requirement in the notice.
  - (6) Paragraph 32 of Schedule 36 to the Finance Act 2008 (procedures for appeals against information notices) applies for the purposes of an appeal under sub-paragraph (5) as it applies for the purposes of an appeal under Part 5 of that Schedule, except that a reference to an information notice has effect as a reference to a notice under sub-paragraph (2).
  - (7) A person is a “relevant plan manager” for the purposes of this paragraph if the person—
    - (a) is the plan manager of any Lifetime ISA to which any of the qualifying additions was made,
    - (b) was the plan manager of a Lifetime ISA at or after the time any of the qualifying additions was made to that Lifetime ISA, or
    - (c) is the plan manager of the Lifetime ISA to which the bonus would be or has been paid.

### PART 3

#### CHARGES ON SOME WITHDRAWALS FROM LIFETIME ISAS

##### *Withdrawals not triggering charge*

- 7 (1) Paragraph 8 does not apply to a withdrawal from a Lifetime ISA—
- (a) at a time after the investor has reached such age as may be specified in Treasury regulations (but see sub-paragraph (3));
  - (b) for the purposes of a first-time residential purchase being made by the investor (but see sub-paragraph (4));
  - (c) at a time when the investor is suffering from a terminal illness;
  - (d) at a time after the investor's death;
  - (e) that is by way of transfer to another Lifetime ISA.
- (2) Treasury regulations may specify other withdrawals from a Lifetime ISA to which paragraph 8 does not apply.
- (3) Treasury regulations may provide, as an exception to sub-paragraph (1)(a), that paragraph 8 applies to a withdrawal from a Lifetime ISA if—
- (a) an addition is made to a Lifetime ISA at a time after the investor has reached such age as may be specified in the regulations,
  - (b) the withdrawal is under the regulations treated as being or including a withdrawal of investments representing the whole or part of the addition, and
  - (c) the withdrawal is made within a period—
    - (i) beginning with the date of the addition, and
    - (ii) of a duration specified in the regulations.
- (4) Treasury regulations may specify withdrawals from a Lifetime ISA, which may be withdrawals within sub-paragraph (1)(b), to which paragraph 8—
- (a) does not apply at the time of withdrawal, but
  - (b) comes to apply on a subsequent failure to meet conditions specified in the regulations.
- (5) Treasury regulations may make provision supplementing sub-paragraph (1), including (in particular) provision about—
- (a) what counts as a “first-time residential purchase”;
  - (b) whether, or the extent to which, a withdrawal is for the purposes of such a purchase;
  - (c) when a person is to be considered to be suffering from a terminal illness;
  - (d) conditions to be met in order for a transfer to count for the purposes of sub-paragraph (1)(e).

##### *Charge when non-exempt withdrawal made*

- 8 (1) Except as provided by or under paragraph 7, this paragraph applies in relation to a withdrawal from a Lifetime ISA.
- (2) An amount, equal to the total of—
- (a) the specified percentage of so much of the withdrawal as is a withdrawal of sterling, and

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- (b) the specified percentage of the market value of the rest (if any) of the withdrawal,  
is to be paid (in sterling) to HMRC.
- (3) Where there is a plan manager of the Lifetime ISA at the time of the withdrawal—
  - (a) that plan manager and the investor are jointly and severally liable to HMRC for the amount payable under sub-paragraph (2), and
  - (b) without prejudice to paragraph (a), that plan manager must deduct that amount from the withdrawal and pay the amount deducted to HMRC.
- (4) Otherwise, the investor is liable to HMRC for the amount payable under sub-paragraph (2).
- (5) In sub-paragraph (2) “specified” means specified by Treasury regulations.
- (6) In relation to a withdrawal specified under paragraph 7(4), sub-paragraph (3) has effect as if it provided as follows—
  - “(3) Where, at the time an amount becomes payable under sub-paragraph (2) in the case of the withdrawal, there is a plan manager of the Lifetime ISA (“the original”) or any Lifetime ISA that in accordance with Treasury regulations is a successor to the original—
    - (a) each such plan manager, and the investor, are jointly and severally liable to HMRC for the amount payable under sub-paragraph (2),
    - (b) the liability under paragraph (a) of a plan manager of a Lifetime ISA is limited to the amount or value of the investments from time to time held under that Lifetime ISA, and
    - (c) a plan manager of a Lifetime ISA may meet a liability under paragraph (a) by deducting an amount from that Lifetime ISA and paying the amount deducted to HMRC.”
- (7) Treasury regulations may make provision for the amount payable under sub-paragraph (2) in the case of a withdrawal to be calculated not as mentioned in that sub-paragraph but in accordance with the regulations.
- (8) A percentage specified under sub-paragraph (2), or provision made under sub-paragraph (7), may be such that the amount payable to HMRC under sub-paragraph (2) in the case of a withdrawal is greater than so much of the withdrawal as is attributable, directly or indirectly, to bonuses.

#### *Payment of withdrawal charges*

- 9 (1) Treasury regulations may make provision—
- (a) for requiring a person who is or was a plan manager of a Lifetime ISA, or the investor, to submit returns of information relating to withdrawals from the Lifetime ISA;
  - (b) about steps to be taken by the plan manager of a Lifetime ISA before relying on paragraph 7;
  - (c) specifying the date by which a withdrawal charge must be paid;
  - (d) charging interest on a withdrawal charge that is due but unpaid;
  - (e) for collecting a withdrawal charge and any interest charged on it, or otherwise for the purpose of fully implementing paragraph 8;
  - (f) for refunding a withdrawal charge or any interest paid on it.

- (2) The provision that may be made under sub-paragraph (1)(a) includes (in particular) provision about—
  - (a) the information to be included in a return;
  - (b) the form of a return;
  - (c) the form or manner in which a return is to be submitted;
  - (d) the period to which a return must relate;
  - (e) the period within which a return must be made;
  - (f) enquiries into, and amendments of, a submitted return.
- (3) The provision that may be made under sub-paragraph (1)(e) includes (in particular) provision applying or incorporating, with or without modifications, any enactment relating to the payment, collection or management of a tax.
- (4) In this paragraph “withdrawal charge” means an amount payable under paragraph 8.
- (5) Treasury regulations may authorise HMRC to specify any of the matters mentioned in sub-paragraph (2)(a) to (d).

*Information notice may require information related to withdrawals*

- 10 (1) This paragraph applies if there is a time when any investments held under a Lifetime ISA are attributable, directly or indirectly, to an amount paid by way of bonus for any qualifying additions.
- (2) An officer of Revenue and Customs may by notice require a relevant person—
  - (a) to provide the officer with any information, or
  - (b) to produce a document to the officer,
 if the officer reasonably requires the information or document in connection with establishing whether there have been any withdrawals from the Lifetime ISA and, if so, the details of any such withdrawals.
- (3) Each of the following is a “relevant person” for the purposes of sub-paragraph (2)—
  - (a) the person (if any) who is the plan manager of the Lifetime ISA at the time mentioned in sub-paragraph (1),
  - (b) any person who is the plan manager of the Lifetime ISA at any later time,
  - (c) the investor, and
  - (d) any other person who appears to an officer of Revenue and Customs to be a person who may have received the whole or part of a withdrawal from the Lifetime ISA.
- (4) Paragraphs 6(2), 7, 8, 18 to 20, 23 to 27, 42 and 43 of Schedule 36 to the Finance Act 2008 (information notices etc) apply in relation to notices under sub-paragraph (2) as they apply in relation to notices under paragraph 1 of that Schedule (see the definition of “information notice” in paragraph 6(1) of that Schedule).
- (5) Where a notice under sub-paragraph (2) is given to a person other than the plan manager of the Lifetime ISA at the time the notice is given, an officer of Revenue and Customs must give a copy of the notice to that plan manager.
- (6) A person who is given a notice under sub-paragraph (2) may appeal against the notice or any requirement in the notice.

- (7) Paragraph 32 of Schedule 36 to the Finance Act 2008 (procedure for appeals against information notices) applies for the purposes of an appeal under sub-paragraph (6) as it applies for the purposes of an appeal under Part 5 of that Schedule, except that a reference to an information notice has effect as a reference to a notice under sub-paragraph (2).

*Meaning of “investor” and “withdrawal”*

- 11 Treasury regulations may make provision about—
- (a) who, for purposes of this Schedule, is (or is not) “the investor” in relation to a Lifetime ISA;
  - (b) what, for purposes of this Schedule, counts (or does not count) as “a withdrawal” in relation to a Lifetime ISA.

**PART 4**

ENFORCEMENT OF INFORMATION REQUIREMENTS

*Penalties for inaccuracies in information provided in response to requirements*

- 12 (1) This paragraph applies where—
- (a) in complying with a notice under paragraph 6(2) or 10(2), or with a requirement imposed under paragraph 9(1)(a), a person provides inaccurate information or produces a document that contains an inaccuracy,
  - (b) the inaccuracy is material, and
  - (c) condition A, B or C is met.
- (2) Condition A is that the inaccuracy is careless or deliberate.
- (3) An inaccuracy is careless if it is due to a failure by the person to take reasonable care.
- (4) Condition B is that the person knows of the inaccuracy at the time the information is provided, or the document is produced, but does not inform an officer of Revenue and Customs at that time.
- (5) Condition C is that the person—
- (a) discovers the inaccuracy some time later, and
  - (b) fails to take reasonable steps to inform an officer of Revenue and Customs.
- (6) The person is liable to a penalty not exceeding the amount for the time being specified in paragraph 40A(5) of Schedule 36 to the Finance Act 2008 (penalties for inaccurate information and documents).
- (7) Where the information or document contains more than one material inaccuracy, a penalty is payable for each inaccuracy.
- (8) Paragraphs 46 to 49 and 52 of Schedule 36 to the Finance Act 2008 (penalties: assessment, appeals and enforcement) apply in relation to a penalty under this paragraph as they apply in relation to a penalty under paragraph 40A of that Schedule.

*Power to inspect documents relating to claims*

- 13 (1) This paragraph applies where a claim is made for a bonus for any qualifying additions.
- (2) An officer of Revenue and Customs may—
- (a) enter any business premises of a relevant plan manager, and
  - (b) inspect documents that are on the premises,
- if the officer reasonably requires to inspect the documents in connection with the claim.
- (3) A person is a “relevant plan manager” for the purposes of this paragraph if the person—
- (a) is the plan manager of any Lifetime ISA to which any of the qualifying additions was made,
  - (b) was the plan manager of a Lifetime ISA at or after the time any of the qualifying additions was made to that Lifetime ISA, or
  - (c) is the plan manager of the Lifetime ISA to which the bonus would be or has been paid.
- (4) See also paragraph 15.

*Power to inspect documents relating to withdrawals*

- 14 (1) This paragraph applies if there is a time when any investments held under a Lifetime ISA are attributable, directly or indirectly, to an amount paid by way of bonus for any qualifying additions.
- (2) An officer of Revenue and Customs may—
- (a) enter any business premises of a relevant person, and
  - (b) inspect documents that are on the premises,
- if the officer reasonably requires to inspect the documents in connection with establishing whether there have been any withdrawals from the Lifetime ISA and, if so, the details of any such withdrawals.
- (3) Each of the following is a “relevant person” for the purposes of sub-paragraph (2)—
- (a) the person (if any) who is the plan manager of the Lifetime ISA at the time mentioned in sub-paragraph (1),
  - (b) any person who is the plan manager of the Lifetime ISA at any later time, and
  - (c) any other person who appears to an officer of Revenue and Customs to be a person who may have received the whole or part of a withdrawal from the Lifetime ISA.
- (4) See also paragraph 15.

*Supplementary provisions about inspections*

- 15 (1) The powers under paragraph 13(2) or 14(2)—
- (a) do not include power to enter any part of the premises that is used solely as a dwelling, but
  - (b) do include power to obtain and record information (whether electronically or otherwise) relating to the documents that have been inspected.



- (2) In paragraphs 13(2) and 14(2) “business premises”, in relation to a person, means premises (or any part of premises) that an officer of Revenue and Customs has reason to believe are (or is) used in connection with the carrying on of a business by or on behalf of the person.
- (3) Paragraph 12 of Schedule 36 to the Finance Act 2008 (timing of inspections) applies in relation an inspection under paragraph 13(2) or 14(2) as it applies in relation to an inspection under paragraph 10 of that Schedule.
- (4) An officer of Revenue and Customs may not inspect a document under paragraph 13 or 14 if or to the extent that, by virtue of a provision of Part 4 of Schedule 36 to the Finance Act 2008 (restrictions on powers) applied by paragraph 6(3) or 10(4), a notice under paragraph 6(2) or 10(2) given at the time of the inspection to the occupier of the premises could not require the occupier to produce the document.
- (5) An officer of Revenue and Customs may ask the tribunal to approve an inspection under paragraph 13(2) or 14(2).
- (6) Paragraph 13(1A), (2) and (3) of Schedule 36 to the Finance Act 2008 (approval of tribunal for inspections) applies in relation to an application under sub-paragraph (5) as it applies in relation to an application under paragraph 13 of that Schedule relating to an inspection under paragraph 10 of that Schedule.
- (7) In this paragraph “the tribunal” means the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal.

*Penalties for non-compliance with information requirements*

- 16 (1) Sub-paragraph (2) applies to a person who—
- (a) fails to make a claim in accordance with a requirement imposed on the person under paragraph 3(1)(b),
  - (b) fails to comply with a notice under paragraph 6(2) or 10(2) given to the person,
  - (c) fails to comply with a requirement imposed on the person under paragraph 9(1)(a), or
  - (d) deliberately obstructs an officer of Revenue and Customs in the course of an inspection under paragraph 13 or 14 that has been approved by the tribunal.
- (2) The person is liable to a penalty of the amount for the time being specified in paragraph 39(2) of Schedule 36 to the Finance Act 2008.
- (3) If the failure or obstruction mentioned in sub-paragraph (1) continues after the date on which a penalty is imposed under sub-paragraph (2) in respect of the failure or obstruction, the person is liable to a further penalty or penalties not exceeding the amount for the time being specified in paragraph 40(2) of that Schedule for each subsequent day on which the failure or obstruction continues.
- (4) The reference in sub-paragraph (1)(b) to a person who fails to comply with a notice under paragraph 6(2) or 10(2) includes a person who conceals, destroys or otherwise disposes of, or arranges for the concealment, destruction or disposal of, a document in breach of paragraph 42 or 43 of Schedule 36 to the Finance Act 2008 as applied by (as the case may be) paragraph 6(3) or 10(4).

- (5) Paragraphs 44 to 49 and 52 of Schedule 36 to the Finance Act 2008 (penalties: liability, assessment, appeals and enforcement) apply in relation to a penalty under sub-paragraph (2) or (3) as they apply in relation to a penalty under paragraph 39 or 40 of that Schedule, except that the reference in paragraph 46(3) to an information notice has effect as a reference to a notice under paragraph 6(2) or 10(2) of this Schedule.
- (6) In sub-paragraph (1)(d) “the tribunal” means the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal.

## PART 5

### FURTHER PROVISION ABOUT PENALTIES

#### *Penalties for dishonesty*

- 17 (1) Sub-paragraph (2) applies to a person who dishonestly does anything, or dishonestly omits to do anything, either—
  - (a) for the purpose of obtaining an amount by way of bonus to which the person is not entitled, or
  - (b) for the purpose of assisting another person to obtain an amount by way of bonus to which that other person is not entitled.
- (2) The person is liable to a penalty not exceeding the greater of—
  - (a) £3,000, and
  - (b) the amount mentioned in paragraph (a) or (b), as the case may be, of sub-paragraph (1).
- (3) Sub-paragraph (4) applies to a person who dishonestly does anything, or dishonestly omits to do anything, for the purpose of—
  - (a) securing that a withdrawal from a Lifetime ISA, other than a withdrawal specified under paragraph 7(4), is made without deduction of any amount that under paragraph 8(3)(b) should be deducted from the withdrawal, or
  - (b) concealing that an amount has become payable under paragraph 8.
- (4) The person is liable to a penalty of an amount not exceeding the greater of—
  - (a) £3,000, and
  - (b) the amount that should have been deducted or (as the case may be) the amount concealed.
- (5) Treasury regulations may substitute a different amount for the amount for the time being specified in sub-paragraph (2)(a) or (4)(a).
- (6) Paragraphs 46 to 49 and 52 of Schedule 36 to the Finance Act 2008 (penalties: assessment, appeals and enforcement) apply in relation to a penalty under this paragraph as they apply in relation to a penalty under paragraph 40A of that Schedule, except that the reference in paragraph 46(4) to the inaccuracy has effect as a reference to the dishonest act or omission.

## PART 6

### INFORMATION SHARING

#### *Information sharing between HMRC and others*

- 18 (1) Sub-paragraph (2) applies to information which—
- (a) is held as mentioned in section 18(1) of the Commissioners for Revenue and Customs Act 2005 (confidentiality),
  - (b) relates to withdrawals from a Lifetime ISA, and
  - (c) is relevant to whether an individual is eligible for a bonus under the Help to Buy: ISA Scheme.
- (2) Information to which this sub-paragraph applies may be disclosed to the Administrator for use for the purpose of establishing whether or not an individual is eligible for a bonus under the Help to Buy: ISA Scheme.
- (3) In this paragraph—
- “the Administrator” means the person who for the time being is the Administrator under the Scheme Rules (as from time to time amended or supplemented) of the Help to Buy: ISA Scheme, and
  - “the Help to Buy: ISA Scheme” means the scheme of that name—
- (a) announced by the Treasury in March 2015,
  - (b) launched on 1 December 2015,
  - (c) for which Scheme Rules were published on that date by the Treasury, and
  - (d) which is governed by those Scheme Rules (as from time to time amended or supplemented),
- and paragraph 1(1) (meaning of “bonus”) does not apply for the purposes of this paragraph.
- (4) Information disclosed in reliance on sub-paragraph (2) may not be further disclosed to any other person without the authority of HMRC (which may be general or specific).
- (5) If revenue and customs information relating to a person is disclosed in contravention of sub-paragraph (4) and the identity of the person—
- (a) is specified in the disclosure, or
  - (b) can be deduced from it,
- section 19 of the Commissioners for Revenue and Customs Act 2005 (wrongful disclosure) applies in relation to the disclosure as it applies in relation to a disclosure of such information in contravention of section 20(9) of that Act.
- (6) In sub-paragraph (5) “revenue and customs information relating to a person” has the meaning given by section 19(2) of the Commissioners for Revenue and Customs Act 2005.
- (7) A person who holds any information may disclose that information to HMRC or an officer of Revenue and Customs if the disclosure is made for the purposes of the exercise of any of the functions of HMRC, or an officer of Revenue and Customs, under section 1 and this Schedule.

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- (8) This paragraph does not limit the circumstances in which information may be disclosed apart from this paragraph.