

SCHEDULES

SCHEDULE 2

HELP-TO-SAVE ACCOUNTS: FURTHER PROVISION

PART 5

INFORMATION

Information sharing between HMRC and others

- 17 (1) Sub-paragraph (2) applies to information which is held as mentioned in section 18(1) of the Commissioners for Revenue and Customs Act 2005 (confidentiality).
- (2) Information to which this sub-paragraph applies may be disclosed—
- (a) to an authorised account provider, or
 - (b) to any person for use for the purpose of enabling or assisting the exercise of any of the functions of HMRC, or an officer of Revenue and Customs, under section 2 and this Schedule.
- (3) 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).
- (4) If revenue and customs information relating to a person is disclosed in contravention of sub-paragraph (3) 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.
- (5) In sub-paragraph (4) “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.
- (6) A person who holds 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 2 and this Schedule.
- (7) This paragraph does not limit the circumstances in which information may be disclosed apart from this paragraph.
- (8) In section 127 of the Welfare Reform Act 2012 (information-sharing between Secretary of State and HMRC), in subsection (7), in the definition of “HMRC function”—

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- (a) omit the “or” at the end of paragraph (b), and
- (b) after paragraph (c) insert “, or
- (d) which is conferred by or under section 2 of, or Schedule 2 to, the Savings (Government Contributions) Act 2017 (bonuses in respect of savings in Help-to-Save accounts);”.

Claims and returns

- 18 (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 an authorised account provider to make a claim for a bonus in respect of a Help-to-Save account.
- (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 found in it.
- (3) Treasury regulations may authorise HMRC to specify any of the matters mentioned in sub-paragraph (2)(b) to (d).
- (4) Treasury regulations may make provision for requiring a person who is or was an authorised account provider—
- (a) to keep records relating to a Help-to-Save account;
 - (b) to submit returns of information relating to the operation of a Help-to-Save account.
- (5) The provision that may be made under sub-paragraph (4)(b) includes (in particular) information about—
- (a) the information to be included in a return;
 - (b) the form of a return;
 - (c) the period to which a return must relate;
 - (d) the form or manner in which a return is to be submitted;
 - (e) the period within which a return must be made;
 - (f) enquiries into, and amendments of, a submitted return.
- (6) Treasury regulations may authorise HMRC to specify any of the matters mentioned in sub-paragraph (5)(a) to (d).

Information notices

- 19 (1) An officer of Revenue and Customs may by notice require—
- (a) a person who has applied to open a Help-to-Save account,

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- (b) an individual for whom a Help-to-Save account has been opened,
 - (c) a person who has received an application to open a Help-to-Save account, or
 - (d) a person who is or has been the provider of a Help-to-Save account,
- to provide the officer with any information, or to produce a document to the officer, if the officer reasonably requires the information or document in connection with functions of HMRC, or an officer of Revenue and Customs, under section 2 or this Schedule.
- (2) 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 (1) 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).
 - (3) Where a notice under sub-paragraph (1) is given to a person other than the provider of the Help-to-Save account at the time the notice is given, an officer of Revenue and Customs must give a copy of the notice to that provider.
 - (4) A person who is given a notice under sub-paragraph (1) may appeal against the notice or any requirement in the notice.
 - (5) 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 (4) 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 (1).

Penalties for inaccuracies in information provided in response to requirements

- 20 (1) This paragraph applies where—
- (a) in complying with a requirement imposed under paragraph 18(1)(b) or (4) (b), or with a notice under paragraph 19(1), 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.

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- (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

- 21 (1) This paragraph applies where a claim is made by an authorised account provider for a bonus in respect of a Help-to-Save account.
- (2) An officer of Revenue and Customs may—
- (a) enter any business premises of—
 - (i) that authorised account provider,
 - (ii) any authorised account provider to whom the balance in the account has been transferred, or
 - (iii) any authorised account provider to whom funds directly or indirectly representing the whole or part of that balance have been transferred, and
 - (b) inspect documents that are on the premises,
- if the officer reasonably requires to inspect the documents in connection with the claim.
- (3) The powers under sub-paragraph (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.
- (4) In sub-paragraph (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.
- (5) Paragraph 12 of Schedule 36 to the Finance Act 2008 (timing of inspections) applies in relation an inspection under sub-paragraph (2) as it applies in relation to an inspection under paragraph 10 of that Schedule.
- (6) An officer of Revenue and Customs may not inspect a document under this paragraph 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 19(2), a notice under paragraph 19(1) given at the time of the inspection to the occupier of the premises could not require the occupier to produce the document.
- (7) An officer of Revenue and Customs may ask the tribunal to approve an inspection under sub-paragraph (2).
- (8) 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 (7) as it applies in relation to an application under paragraph 13 of that Schedule relating to an inspection under paragraph 10 of that Schedule.
- (9) 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

- 22 (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 18(1)(b),
 - (b) fails to submit a return in accordance with a requirement imposed on the person under paragraph 18(4)(b),
 - (c) fails to comply with a notice under paragraph 19(1) given to the person, or
 - (d) deliberately obstructs an officer of Revenue and Customs in the course of an inspection under paragraph 21 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)(c) to a person who fails to comply with a notice under paragraph 19(1) 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 paragraph 19(2).
- (5) Paragraphs 44 to 49 and 52 of that Schedule (penalties: liability, assessment, appeals and enforcement) apply in relation to a penalty under sub-paragraph (3) or (4) 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 19(1) 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.
- 23 (1) Sub-paragraph (2) applies to a person who, in complying with a requirement under paragraph 11(2) when applying for a Help-to-Save account, provides information that is inaccurate if the inaccuracy is material and deliberate.
- (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) Paragraphs 46 to 49 and 52 of that Schedule (penalties: assessment, appeals and enforcement) apply in relation to a penalty under sub-paragraph (2) as they apply in relation to a penalty under paragraph 39 of that Schedule.

Interpretation: meaning of “document”

- 24 In this Part of this Schedule “document” includes a part of a document (except where the context otherwise requires).