



Finance Act 2020

2020 CHAPTER 14

PART 2

DIGITAL SERVICES TAX

Duty to submit returns etc

52 Meaning of “the responsible member”

- (1) In this Part any reference to “the responsible member” of a group, at any time, is a reference to the following person—
 - (a) if at that time a nomination under subsection (2) is in force, the person nominated;
 - (b) otherwise, the parent of the group.
- (2) The parent of a group may nominate a person to be “the responsible member” of the group if—
 - (a) the person is a member of the group,
 - (b) the person is a company, and
 - (c) the parent agrees in writing to provide the person with everything the person may reasonably require in order to comply with—
 - (i) any obligation imposed by or under this Part, or
 - (ii) any other obligation imposed on the person in connection with any digital services tax liability of any member of the group.
- (3) A nomination is in force from the time it is made until any of the following events occurs—
 - (a) the parent nominates another person;
 - (b) the person nominated ceases to be a member of the group or ceases to be a company;
 - (c) an officer of Revenue and Customs or the parent revokes the nomination.

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- (4) An officer of Revenue and Customs may revoke a nomination only if the officer has reason to believe that the person nominated—
- (a) is not being provided with something the person reasonably requires in order to comply with an obligation of a kind mentioned in subsection (2)(c), or
 - (b) is not complying with any such obligation.

- (5) An officer of Revenue and Customs revokes a nomination by notifying the parent and the nominated person of the revocation.

The revocation has effect when the notification is issued.

- (6) Any nomination, or revocation of a nomination, must be in writing.

53 Continuity of obligations etc where change in the responsible member

- (1) This section applies if at any time (“the relevant time”) a person (“the new responsible member”) becomes the responsible member of a group in place of another person (“the old responsible member”).

- (2) The relevant obligations and liabilities of the new responsible member include any relevant obligations and liabilities of the old responsible member as respects the group.

- (3) Anything done as respects the group by or in relation to the old responsible member, before the relevant time, is treated as having been done by or in relation to the new responsible member.

- (4) Accordingly, a penalty may be imposed on the new responsible member in respect of anything done before the relevant time if, at that time, a penalty could have been imposed on the old responsible member in respect of the thing done.

- (5) Anything done by HMRC in relation to the old responsible member as respects the group, before the end of the day the change is notified, is treated for all relevant purposes as done by or in relation to the new responsible member.

- (6) Anything (including any proceedings) relating to the group that, at any time during the period beginning with the relevant time and ending with the day the change is notified, is in the process of being done in relation to the old responsible member may be continued in relation to the new responsible member.

- (7) Accordingly, any reference in an enactment or other instrument to the responsible member of the group is to be read, so far as necessary for the purposes of giving effect to any of subsections (2) to (6), as being or including a reference to the new responsible member.

- (8) In this section—

- (a) any reference to an act includes an omission;
- (b) any reference to the day the change is notified is to the day on which an officer of Revenue and Customs receives notification, in accordance with section 55, that the new responsible member has become the responsible member of the group;
- (c) “relevant obligations and liabilities” means any obligations or other liabilities relating to digital services tax;
- (d) “relevant purposes” means any purposes relating to digital services tax.

- (9) Nothing in this section—

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- (a) prevents HMRC or anyone else, after the relevant time, from imposing a penalty, exercising any other power, or doing anything else, in relation to the old responsible member in respect of anything done before the relevant time, or
- (b) affects the validity of anything done before the relevant time.

54 Duty to notify HMRC when threshold conditions are met

- (1) This section applies—
 - (a) in relation to the first accounting period of a group in respect of which the threshold conditions are met, and
 - (b) where a direction under section 56 has been given in respect of a group, in relation to the first relevant accounting period in respect of which the threshold conditions are met.

In paragraph (b) “relevant accounting period” means the accounting period specified in the direction or any subsequent accounting period.

- (2) The responsible member must provide specified information to HMRC.
- (3) The information must be provided in the specified way.
- (4) The information must be provided before the end of the period of 90 days from the end of the accounting period.
- (5) In subsections (2) and (3) “specified” means specified in a notice published by HMRC.

55 Duty to notify HMRC of change in relevant information

- (1) This section applies where section 54 applies or has applied in relation to a group.
- (2) If at any relevant time there is a change in relevant information relating to the group, the responsible member must notify HMRC of that change.
- (3) The notification must be given in the specified way.
- (4) The notification must be given before the end of the period of 90 days beginning with the day on which the change occurs.
- (5) In subsection (3) “specified” means specified in a notice published by HMRC.
- (6) In this section—
 - “relevant information” means information of a kind specified under section 54(2);
 - “relevant time” means any time—
 - (a) after the time when the information is provided under section 54 or (if earlier) the last time by which the information may be provided in accordance with that section, and
 - (b) before the giving of a direction under section 56 in relation to the group.

56 Duty to file returns

- (1) This section applies where the threshold conditions are met in relation to a group for an accounting period.

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- (2) The responsible member must deliver a DST return—
 - (a) for the accounting period, and
 - (b) for each subsequent accounting period, subject to subsection (3).
- (3) An officer of Revenue and Customs may, on the application of the responsible member, direct that the duty to deliver a DST return does not apply in relation to an accounting period specified in the direction or subsequent accounting periods.
- (4) Such a direction may be given only if it appears to the officer that the threshold conditions will not be met in relation to the group for any accounting period beginning with the specified accounting period.
- (5) Nothing in a direction under subsection (3) prevents the further application of this section to the group, in any subsequent accounting period in which the threshold conditions are met.
- (6) Schedule 8 contains provision about DST returns, enquiries, assessments etc.

Changes to legislation:

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