
EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made under powers conferred by section 95(2) to (5) of the Finance Act 2009. The Schedule to the Order provides for the repeal of a range of powers under which officers of Her Majesty's Revenue and Customs can require information or documents and carry out inspections.

Schedule 36 to the Finance Act 2008 contains a new set of information and inspection powers that can be used to check a person's tax position for income tax, capital gains tax, corporation tax and VAT. With those powers applying from 1 April 2009 it is now possible to repeal a number of existing specialist information powers that apply to particular types of tax check. This avoids leaving unnecessary powers in place.

Most of the information powers being repealed by this Order have associated penalties for failure to comply which apply by virtue of the provision containing the power having an entry in the Table in section 98 of TMA 1970. Those entries are repealed by paragraph 8 of the Schedule to the Order. In addition, that paragraph repeals a number of other entries in the Table that are obsolete.

Paragraph 60 of the Schedule to the Order makes provision consequent on the repeals and amendments made by other paragraphs of the Schedule.

An impact assessment has not been prepared in respect of this instrument as no impact on the private or voluntary sectors is foreseen.