

2010 No. 651

INCOME TAX

The Registered Pension Schemes (Enhanced Lifetime Allowance) (Amendment) Regulations 2010

<i>Made</i>	- - - -	<i>8th March 2010</i>
<i>Laid before the House of Commons</i>		<i>10th March 2010</i>
<i>Coming into force</i>	- -	<i>1st April 2010</i>

The Commissioners for Her Majesty's Revenue and Customs, in exercise of the powers conferred by sections 220(5), 221(6), 224(9) and 256 of, and paragraphs 7(1)(b), 11A(1)(c), 12(1), 15A(1)(b) and 18(6) of Schedule 36 to the Finance Act 2004(a), and now exercisable by them(b), make the following Regulations:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Registered Pension Schemes (Enhanced Lifetime Allowance) (Amendment) Regulations 2010 and shall come into force on 1st April 2010.

(2) These Regulations do not apply in relation to or in connection with a notice given before 1st April 2010 under regulation 22 of the 2006 Regulations.

(3) In these Regulations, “the 2006 Regulations” means the Registered Pension Schemes (Enhanced Lifetime Allowance) Regulations 2006(c).

Amendments to the 2006 Regulations

2.—(1) The 2006 Regulations are amended as follows.

(2) The following are omitted—

- (a) paragraph (4) of regulation 20 (procedure on review of notification after certificate issued);
- (b) paragraph (4) of regulation 21 (procedure on review of notification after receipt of further information);
- (c) regulation 22 (reviews of notifications: procedure to be followed);
- (d) regulation 23 (appeals against notices under regulation 22).

(a) 2004 c.12. Paragraphs 11A and 15A of Schedule 36 were inserted by paragraphs 38 and 41 of Schedule 23 to the Finance Act 2006 (c.25). The references in subsection (1)(d) and (e) of section 256 to those paragraphs were inserted by paragraph 42 of that Schedule.

(b) The functions of the Commissioners of Inland Revenue were transferred to the Commissioners for Her Majesty's Revenue and Customs by section 5(2) of the Commissioners for Revenue and Customs Act 2005 (c.11). Section 50(1) of that Act provides that, in so far as it is appropriate in consequence of section 5, a reference, however expressed, to the Commissioners of Inland Revenue is to be read as a reference to the Commissioners for Her Majesty's Revenue and Customs.

(c) S.I. 2006/131, amended by S.I. 2006/3261; there is another amending instrument which is not relevant.

(3) In sub-paragraph (b) of paragraph (1) of regulation 24, for “regulation 22” substitute “paragraph 1 of Schedule 36 to the Finance Act 2008(a)”.

*Dave Hartnett
Steve Lamey*

8th March 2010

Two of the Commissioners for Her Majesty’s Revenue and Customs

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 4 of the Finance Act 2004 includes provision that an individual has a lifetime allowance in the amount of pensions savings that may benefit from tax relief. In some cases, an individual can have an enhanced lifetime allowance, provided that notice of intention to rely on the provisions that allow for this (“an intention notice”) is given in accordance with regulations.

Part 4 of that Act also includes provision for a charge to income tax: the lifetime allowance charge. Paragraph 12 of Schedule 36 provides, in certain circumstances, that there is no liability to the charge if an intention notice in relation to that paragraph is given in accordance with regulations.

The Registered Pension Schemes (Enhanced Lifetime Allowance) Regulations 2006 (“the 2006 Regulations”) contain the provisions about the giving of intention notices. Where a notice is accepted, Her Majesty’s Revenue and Customs (“HMRC”) issues a certificate to the individual. Regulations 20 and 21 make arrangements for HMRC to review any information given in, or in connection with, an intention notice. Regulation 22 allows HMRC to require information, particulars and documents from the individual who gave the intention notice in connection with a review and regulation 24(1)(b) allows for the amendment or withdrawal of a certificate where the individual does not comply with such a requirement. Regulation 23 gives the individual the right to appeal against a notice requiring information.

Powers for HMRC to seek information in connection with a review under regulations 20 and 21 of the 2006 Regulations are now contained in Schedule 36 to the Finance Act 2008. As such, regulation 2 of these Regulations revokes regulations 22 and 23 and makes consequential amendments, including to regulation 24(1)(b).

Regulation 1(2) of these Regulations preserves the effect of the 2006 Regulations in relation to notices requiring information issued by HMRC under regulation 22 before the coming into force of these Regulations.

A full Impact Assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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(a) 2008 c.9.

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