

SCHEDULES

SCHEDULE 2

Section 19.

ADDITIONAL PROVISIONS WITH RESPECT TO LEVIES ON INTERMEDIARIES

Restriction on the imposition of the levy

- 1 No levy shall be imposed under section 19 above in respect of any company—
- (a) after the end of the period of two years beginning with the beginning of the liquidation if the company is a company in liquidation; or
 - (b) after the end of the period of two years beginning with the relevant time as defined by section 16(6) above if the company is a company in financial difficulties within the meaning of that section.

The rate of the levy

- 2 (1) Subject to sub-paragraph (2) below, the rate of a levy imposed under section 19 above in respect of any company shall be—
- (a) where the long term business expenditure incurred by the Board in relation to that company is less than the total amount of the income liable to levy, a percentage equal to the percentage of that amount which that expenditure represents ; and
 - (b) in any other case, one hundred per cent.
- (2) Where a levy is imposed under section 19 above in respect of any company before the exact amount of the long term business expenditure of the Board in relation to that company is ascertained sub-paragraph (1)(a) above shall apply as if the Board's estimate of that expenditure were the expenditure actually incurred.
- (3) In sub-paragraph (1) above "the total amount of the income liable to levy " means, in relation to any company, the total amount of the income of all the persons who appear to the Board to be accountable intermediaries of that company which appears to the Board to be income liable to levy.

Statements for the purposes of section 20

- 3 (1) The Board may by notice in writing require any person who appears to them to be an intermediary of any such company as is mentioned in sub-paragraph (a) or (b) of paragraph 1 above to give to them any information which appears to them to be necessary in order to determine what (if any) persons would be linked with that person within the meaning of section 20 above if that person were an intermediary of that company.
- (2) A person to whom a notice is sent under this paragraph shall send to the Board within one month of the date of the notice a statement—
- (a) giving any of the information required by the notice which he is able to give ;
or

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- (b) informing the Board that he is unable to give any of the information required by the notice.
- 4 (1) Any person who causes or permits to be included in a statement sent to the Board under paragraph 3 above any information which he knows to be false in a material particular or recklessly causes or permits to be so included any information which is false in a material particular shall be guilty of an offence and liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine, or to both ;
 - (b) on summary conviction, to a fine not exceeding £400.
- (2) Any person who makes default in complying with paragraph 3 above shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £400.

Declaration and enforcement of the levy

- 5 (1) On imposing a levy under section 19 above in respect of any company, the Board shall send notice of the levy to every person who appears to the Board to be an accountable intermediary of that company.
- (2) A notice under sub-paragraph (1) above shall indicate—
- (a) the name of the company in respect of which the levy is being imposed ;
 - (b) the period covered, in the case of that company, by each of the two years mentioned in section 19(2) above ; and
 - (c) what in the view of the Board is the amount of the income of the intermediary in question which is income liable to levy;
- and shall specify the rate of the levy.
- 6 (1) An intermediary to whom notice of a levy is sent under paragraph 5 above shall pay to the Board within one month of the date of the notice the percentage specified in the notice of any income of the intermediary which is income liable to levy.
- (2) Any sum due to the Board in respect of a levy imposed under section 19 above shall be recoverable in any court of competent jurisdiction.

Notices under paragraphs 3 and 5

- 7 A notice under paragraph 3 or 5 above may be sent by post, and a letter containing such a notice shall be deemed to be properly addressed if it is addressed to the person to whom it is sent at his last known place of business in the United Kingdom.