



# Finance Act 2004

## 2004 CHAPTER 12

### PART 7

#### DISCLOSURE OF TAX AVOIDANCE SCHEMES

#### 313 [F<sup>1</sup>Duty of parties to notify HMRC of reference number etc ]

- (1) Any person who is a party to any <sup>F2</sup>... arrangements must provide the Board with prescribed information relating to—
  - (a) any reference number notified to him <sup>F3</sup>..., and
  - (b) the time when he obtains or expects to obtain by virtue of the arrangements an advantage in relation to any relevant tax.
- (2) For the purposes of subsection (1) a tax is a “relevant tax” in relation to [F<sup>4</sup>arrangements of any description] if it is prescribed in relation to arrangements of that description by regulations under section 306.
- (3) Regulations [F<sup>5</sup>made by HMRC] may—
  - (a) in prescribed cases, require the [F<sup>6</sup>information prescribed under subsection (1)] to be included in any return or account which the person is required by or under any enactment to deliver to the Board, and
  - (b) in prescribed cases, require the [F<sup>7</sup>information prescribed under subsection (1) and such other information as is prescribed] to be provided separately to the Board at the prescribed time or times.
- (4) A person is not liable to a penalty under—
  - [F<sup>8</sup>(a) any provision relating to incorrect or uncorrected returns made under section 98 of the Finance Act 1986 (administration of stamp duty reserve tax),
  - (b) Schedule 24 to the Finance Act 2007 (penalties for errors), or
  - (c) any other prescribed provision,]

by reason of any failure to include in any return or account any reference number or other information required by virtue of subsection (3)(a) (but see section 98C of the Taxes Management Act 1970 for the penalty for failure to comply with this section).

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*Changes to legislation:* There are outstanding changes not yet made by the legislation.gov.uk editorial team to Finance Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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[<sup>F9</sup>(5) HMRC may give notice that, in relation to <sup>F10</sup>... arrangements specified in the notice, persons are not under the duty under subsection (1) after the date specified in the notice.]

[<sup>F11</sup>(6) The duty under subsection (1) does not apply in prescribed circumstances.]

#### Textual Amendments

- F1** S. 313 heading substituted (with application in accordance with Sch. 31 paras. 45, 46 of the amending Act) by [Finance Act 2021 \(c. 26\)](#), [Sch. 31 paras. 10\(2\)](#), 44
- F2** Word in s. 313(1) omitted (with application in accordance with Sch. 31 paras. 45, 46 of the amending Act) by virtue of [Finance Act 2021 \(c. 26\)](#), [Sch. 31 paras. 10\(3\)](#), 44
- F3** Words in s. 313(1)(a) omitted (1.11.2008 except for the purposes of Stamp Duty Land tax, 1.4.2010 in so far as not already in force) by virtue of [Finance Act 2008 \(c. 9\)](#), s. 116(2), [Sch. 38 para. 5\(2\)](#); S.I. 2008/1935, art. 2(1) (with art. 2(2)); S.I. 2010/409, art. 2
- F4** Words in s. 313(2) substituted (with application in accordance with Sch. 31 paras. 45, 46 of the amending Act) by [Finance Act 2021 \(c. 26\)](#), [Sch. 31 paras. 10\(4\)](#), 44
- F5** Words in s. 313(3) substituted (1.11.2008 except for the purposes of Stamp Duty Land tax, 1.4.2010 in so far as not already in force) by [Finance Act 2008 \(c. 9\)](#), s. 116(2), [Sch. 38 para. 5\(3\)\(a\)](#); S.I. 2008/1935, art. 2(1) (with art. 2(2)); S.I. 2010/409, art. 2
- F6** Words in s. 313(3)(a) substituted (1.11.2008 except for the purposes of Stamp Duty Land tax, 1.4.2010 in so far as not already in force) by [Finance Act 2008 \(c. 9\)](#), s. 116(2), [Sch. 38 para. 5\(3\)\(b\)](#); S.I. 2008/1935, art. 2(1) (with art. 2(2)); S.I. 2010/409, art. 2
- F7** Words in s. 313(3)(b) substituted (1.11.2008 except for the purposes of Stamp Duty Land tax, 1.4.2010 in so far as not already in force) by [Finance Act 2008 \(c. 9\)](#), s. 116(2), [Sch. 38 para. 5\(3\)\(c\)](#); S.I. 2008/1935, art. 2(1) (with art. 2(2)); S.I. 2010/409, art. 2
- F8** S. 313(4)(a)-(c) substituted for s. 313(4)(a)-(g) (1.4.2009) by [The Finance Act 2008, Schedule 40 \(Appointed Day, Transitional Provisions and Consequential Amendments\) Order 2009 \(S.I. 2009/571\)](#), art. 1(1), [Sch. 1 para. 26](#)
- F9** S. 313(5) inserted (1.11.2008 except for the purposes of Stamp Duty Land tax, 1.4.2010 in so far as not already in force) by [Finance Act 2008 \(c. 9\)](#), s. 116(2), [Sch. 38 para. 5\(4\)](#); S.I. 2008/1935, art. 2(1) (with art. 2(2)); S.I. 2010/409, art. 2
- F10** Word in s. 313(5) omitted (with application in accordance with Sch. 31 paras. 45, 46 of the amending Act) by virtue of [Finance Act 2021 \(c. 26\)](#), [Sch. 31 paras. 10\(5\)](#), 44
- F11** S. 313(6) inserted (26.3.2015) by [Finance Act 2015 \(c. 11\)](#), [Sch. 17 para. 6](#)

#### Commencement Information

- I1** S. 313 wholly in force at 1.8.2004; s. 313 in force for certain purposes at Royal Assent and otherwise in force at 1.8.2004 see s. 319(1)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 236ZA inserted by [S.I. 2024/357 art. 2\(2\)](#)