

*Changes to legislation:* There are currently no known outstanding effects for the Taxation (International and Other Provisions) Act 2010, PART 7. (See end of Document for details)

## SCHEDULES

### [<sup>F1</sup>SCHEDULE 7A

#### INTEREST RESTRICTION RETURNS

##### Textual Amendments

- F1** Sch. 7A inserted (with effect in accordance with Sch. 5 para. 25(1)(2) of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 5 para. 2](#) (with [Sch. 5 para. 28](#))

#### PART 7

##### INFORMATION POWERS EXERCISABLE BY OFFICERS OF REVENUE AND CUSTOMS

###### *Power to obtain information and documents from members of worldwide group*

- 62 (1) An officer of Revenue and Customs may, by notice, require a group member—
- (a) to provide information, or
  - (b) to produce a document,
- if the information or document is reasonably required by the officer for the purpose of checking an interest restriction return for, or exercising any of the powers under this Part of this Act in relation to, a period of account of a worldwide group.
- (2) For the purposes of this Part of this Schedule a person is a “group member” if, in the opinion of an officer of Revenue and Customs, the person is or might be a member of the worldwide group at any time in the period of account.
- (3) A group member may (subject to the operation of any provision of Part 4 of Schedule 36 to FA 2008 as applied by paragraph 66(1) of this Schedule) be required to provide information, or produce a document, that relates to one or more other group companies.
- (4) A notice under this paragraph may be given to a person even if the person is not within the charge to corporation tax or income tax.
- (5) A notice under this paragraph may specify or describe the information or documents to be provided or produced.

###### *Power to obtain information and documents from third parties*

- 63 (1) An officer of Revenue and Customs may, by notice, require a third party—
- (a) to provide information, or
  - (b) to produce a document,

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if the information or document is reasonably required by the officer for the purpose of checking an interest restriction return for, or exercising any of the powers under this Part of this Act in relation to, a period of account of a worldwide group.

- (2) A person is a “third party” if the person is not a group member at any time in the period of account.
- (3) A notice may not be given under this paragraph unless—
  - (a) a company which is a UK group company of the group at any time in the period of account agrees to the giving of the notice, or
  - (b) on an application made by an officer of Revenue and Customs, the tribunal approves the giving of the notice.
- (4) The tribunal may not approve the giving of a notice to a third party unless—
  - (a) the tribunal is satisfied that, in the circumstances, the officer giving the notice is justified in doing so, and
  - (b) either the requirements of sub-paragraph (5) are met or the tribunal is satisfied that it is appropriate to dispense with meeting those requirements because to meet them might prejudice the assessment or collection of tax.
- (5) The requirements in this sub-paragraph are met if—
  - (a) the third party has been told that the information or documents referred to in the notice are required,
  - (b) the third party has been given a reasonable opportunity to make representations to an officer of Revenue and Customs,
  - (c) the tribunal has been given a summary of any representations made by the third party, and
  - (d) a company which is a UK group company of the group at any time in the period of account has been given a summary of the reasons why the information and documents are required.
- (6) Sub-paragraph (5)(d) does not apply if an officer of Revenue and Customs has insufficient information to identify a company mentioned in that paragraph.
- (7) No notice of the application for the approval of the tribunal needs to be given to the third party by an officer of Revenue and Customs.
- (8) A notice under this paragraph to the third party must give details of the worldwide group unless—
  - (a) the notice is approved by the tribunal, and
  - (b) the tribunal is satisfied that no details should be given because to do so might seriously prejudice the assessment or collection of tax.
- (9) An officer of Revenue and Customs must give a copy of a notice under this paragraph to a company which is a UK group company of the group at any time in the period of account unless—
  - (a) the tribunal has approved the notice and is satisfied that no copy should be given because to do so might prejudice the assessment or collection of tax, or
  - (b) an officer of Revenue and Customs has insufficient information to identify such a company.
- (10) A decision of the tribunal under this paragraph is final (despite the provisions of sections 11 and 13 of the Tribunals, Courts and Enforcement Act 2007).

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- (11) A notice under this paragraph—
- (a) may specify or describe the information or documents to be provided or produced, and
  - (b) if given with the approval of the tribunal, must state that fact.

*Notices following submitted interest restriction returns*

- 64 (1) The general rule is that, if an interest restriction return for a period of account of a worldwide group has been received by an officer of Revenue and Customs, a notice under paragraph 62 or 63 may not be given in relation to the period of the account of the group.
- (2) But the general rule does not apply if—
- (a) a notice of enquiry has been given in respect of the return, and
  - (b) the enquiry has not been completed.

*Appeals*

- 65 (1) A group member may appeal against a notice under paragraph 62.
- (2) A person to whom a notice is given under paragraph 63 in a case where the tribunal has not approved the giving of the notice may appeal against the notice on the ground that it would be unduly onerous to comply with it.
- (3) No appeal may be made under this paragraph in relation to a requirement to provide any information, or produce any documents, that forms part of the statutory records of any company which is a UK group company of the group at any time in the period of account.
- (4) “Statutory records” has the same meaning given by paragraph 62 of Schedule 36 to FA 2008.
- (5) In this Part of this Schedule references to an appeal against a notice include an appeal against a requirement of the notice.

*Application of provisions of Schedule 36 to FA 2008*

- 66 (1) The following provisions of Schedule 36 to FA 2008 (information and inspection powers) apply in relation to notices under paragraph 62 or 63—
- (a) paragraph 7 (complying with notices),
  - (b) paragraph 8 (producing copies of documents),
  - (c) paragraph 15 (power to copy documents),
  - (d) paragraph 16 (power to remove documents),
  - (e) paragraph 18 (documents not in person's possession or power),
  - (f) paragraph 19 (types of information),
  - (g) paragraph 20 (old documents),
  - (h) paragraph 23 (privileged communications),
  - (i) paragraphs 24 to 27 (auditors and tax advisers),
  - (j) every paragraph contained in Part 7 (penalties),
  - (k) every paragraph contained in Part 8 (offence), and
  - (l) paragraph 56 (application of provisions of TMA 1970).

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- (2) Paragraph 32 of Schedule 36 to FA 2008 (procedure on appeals) applies in relation to an appeal under this Part of this Schedule against a notice under this Part of this Schedule.

*References to checking an interest restriction return etc*

- 67 (1) For the purposes of this Part of this Schedule references to checking an interest restriction return include—
- (a) determining whether or not an interest restriction return should be submitted for a period of account of a worldwide group,
  - (b) determining whether or not a worldwide group is, or may be, subject to interest restrictions in a period of account, (and, if so, determining the total disallowed amount of the group),
  - (c) determining the membership of a worldwide group (or determining the members that are UK group companies), and
  - (d) determining any other question that is relevant to the operation of this Part of this Schedule in relation to an interest restriction return or anything required to be included in it.
- (2) For the purposes of this Part of this Schedule references to a worldwide group include one that an officer of Revenue and Customs suspects may exist.]

**Changes to legislation:**

There are currently no known outstanding effects for the Taxation (International and Other Provisions) Act 2010, PART 7.