
STATUTORY INSTRUMENTS

2014 No. 1928

INCOME TAX

The Registered Pension Schemes (Accounting and Assessment) (Amendment) Regulations 2014

<i>Made</i>	- - - -	<i>21st July 2014</i>
<i>Laid before the House of Commons</i>	- - - -	<i>22nd July 2014</i>
<i>Coming into force</i>	- -	<i>1st September 2014</i>

The Commissioners for Her Majesty's Revenue and Customs make the following Regulations, in exercise of the powers conferred by section 255 of the Finance Act 2004⁽¹⁾ and now exercisable by them⁽²⁾.

Citation, commencement and effect

1. (1) These Regulations may be cited as the Registered Pension Schemes (Accounting and Assessment) (Amendment) Regulations 2014 and shall come into force on 1st September 2014.

(2) In relation to a person's liability to pay tax under regulations made under section 273ZA of the Finance Act 2004 (income and gains from taxable property)⁽³⁾, these Regulations have effect for any liability arising on or after 1st September 2014.

Amendment of the Registered Pension Schemes (Accounting and Assessment) Regulations 2005

2. The Registered Pension Schemes (Accounting and Assessment) Regulations 2005⁽⁴⁾ are amended as follows.

3. In regulation 4(1), insert the following entries at the appropriate places in Table 2—

(1) [2004 c. 12](#). Section 255 was relevantly amended by paragraph 17 of Schedule 7 to the Finance Act [2014 \(c. 26\)](#).
(2) The functions of the Commissioners of Inland Revenue were transferred to the Commissioners for Her Majesty's Revenue and Customs by section 5(1) 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.
(3) Section 273ZA was inserted by paragraph 10 of Schedule 21 to the Finance Act [2006 \(c. 25\)](#).
(4) [S.I. 2005/3454](#), to which there are amendments not relevant to these Regulations.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“Case 6A: section 272C of the Act (former scheme administrator etc to retain liability)(5) applies.	The person or persons specified as assuming liability under section 272C(3), (4) or (7) of the Act.
Case 7A: a charge to tax arises under regulations made under section 273ZA of the Act (income and gains from taxable property).	The person liable to the charge.”

4. In regulation 5(3) in Table 3—

- (a) in the row for tax assessed under case 6 or 7—
- (i) in Column 1, after “case 6” insert “, 6A”;
- (ii) in Column 2, after “sections 272” insert “, 272C”;
- (b) insert the following entry at the appropriate place—

“Tax assessed under Case 7A.	31st January following the end of the tax year in which the charge arose.”
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5. In regulation 8(1), for “3, 6 or 7” substitute “3, 6, 6A, 7 or 7A”.

6. In regulation 8(2), for “(a)” substitute “(ab)”.

7. In regulation 8(3)—

- (a) at the end of inserted paragraph (d) delete “or” and insert—
- “(da) “(da) is chargeable on a person or persons under section 272C of the Finance Act 2004 (former scheme administrator etc to retain liability),”;
- (b) after inserted paragraph (e) insert—
- “, or
- (f) is chargeable on a person under regulations made under section 273ZA of the Finance Act 2004 (income and gains from taxable property).”.

*Ruth Owen
Jim Harra*

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

21st July 2014

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend regulations 4, 5 and 8 of the Registered Pension Schemes (Accounting and Assessment) Regulations 2005 (S.I. 2005/3454) (“the principal Regulations”) in relation to the assessment of liabilities to tax under Part 4 of the Finance Act 2004 (c. 12) (“the 2004 Act”).

Regulation 4 of the principal Regulations provides for cases where an officer of Revenue and Customs issues an assessment to tax to, amongst others, a person who is liable to the scheme sanction charge and a person who has assumed liability to tax under section 272 or 273 of the 2004 Act. Regulation 5 provides for interest to be charged if the tax is unpaid by the reckonable date and regulation 8 modifies section 9(1A) of the Taxes Management Act 1970 (c. 9) in order to exempt the chargeable person from the requirement to make a self-assessment of the tax.

Regulation 3 of these Regulations amends Table 2 in regulation 4 of the principal Regulations. It adds new cases 6A and 7A to Table 2. Case 6A requires HMRC to make an assessment to tax on a person specified in section 272C of the 2004 Act as assuming any of the liabilities mentioned in section 272A(7) of that Act. Case 7A requires HMRC to make an assessment on a person who is liable to a charge to tax under regulations made under section 273ZA of the 2004 Act. This case applies to the property enjoyment scheme sanction charge, imposed by regulation 10 of the Pension Schemes (Taxable Property Provisions) Regulations 2006 (S.I. 2006/1958) made under section 273ZA of the 2004 Act.

Regulation 4 of these Regulations amends Table 3 in regulation 5 of the principal Regulations and provides for interest to be charged on tax assessed under cases 6A and 7A.

Regulations 5 to 7 amend regulation 8 of the principal Regulations in order to add the circumstances arising under cases 6A and 7A to the exemptions from the self-assessment requirement in section 9(1A) of the Taxes Management Act 1970.

A Tax Information and Impact Note covering this instrument was published on 19th March 2014 and is available on the HMRC website at <http://www.hmrc.gov.uk/thelibrary/tiins.htm>. It remains an accurate summary of the impacts that apply to this instrument.