

## **Tax Amnesty Part II – a gentle reminder**

Following the article that appeared on our website in August, it is worth reminding readers about the approaching deadline in force for the latest New Disclosure Opportunity (NDO).

The date set by HMRC is 30 November 2009 and anyone intending to make a full disclosure under the NDO (whether electronically or in writing) has until this date to take advantage of the 'special terms' offered by HMRC.

These special terms concern the penalties likely to be charged - namely a 10% fixed penalty of the tax that has been underpaid or if the individual had received correspondence in 2007 about the Offshore Disclosure Facility, but failed to respond, a 20% fixed penalty.

It should be noted that whilst disclosures can still be made after the 30 November deadline, the fixed penalties highlighted will no longer be available.

A link on the HMRC website ([www.hmrc.gov.uk](http://www.hmrc.gov.uk)), under the heading New Disclosure Opportunity, takes readers to a download of the guidance booklet NDO1 (entitled "Making a disclosure") which provides an excellent resume of the procedures involved under this latest 'truce'.

Amongst other items the booklet contains various key dates, information on making the disclosure, how to calculate what is owed to HMRC, what happens after HMRC receives the disclosure and "specialist questions and answers" on areas such as residence, domicile and inheritance tax.

Finally, as mentioned in our earlier article, individuals who fail to disclose under the NDO run a risk of:

- HMRC conducting a full enquiry into their taxation affairs
- Incurring a penalty charge of at least 30%
- The possibility of their case being considered for prosecution

On a cautionary note, Abbey Tax is currently assisting an individual who is the subject of an HMRC Code of Practice 9 enquiry (suspected serious fraud) because of his failure to make a full disclosure under the 2007 Facility.

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