

2016 No.

TAXES

**The Data-gathering Powers (Relevant Data) (Amendment)
Regulations 2016**

<i>Made</i>	- - - -	***
<i>Laid before the House of Commons</i>		***
<i>Coming into force</i>	- -	***

The Treasury make the following Regulations in exercise of the powers conferred by paragraph 1(3) of Schedule 23 to the Finance Act 2011(a):

Citation and commencement

1. These Regulations may be cited as the Data-gathering Powers (Relevant Data) (Amendment) Regulations 2016 and come into force on [1 October 2016].

Amendment of the Data-gathering Powers (Relevant Data) Regulations 2012

2. The Data-gathering Powers (Relevant Data) Regulations 2012(b) are amended as follows.

3. In regulation 11A(1)—

(a) after sub-paragraph 11A(1)(a) insert—

“(aa) the identifying information of a retailer to whom the data-holder has a contractual obligation to make payments and the identifying information associated with a merchant account; and”;

(b) for sub-paragraph 11A(1)(b) substitute—

“(b) information relating to the account into which payments are made by the data-holder to the retailer, including any account reference number and any other unique identifying number and, where necessary for identifying the account, the branch where the account is held.”;

(c) Omit sub-paragraphs 11A(1)(c) to 11A(1)(f).

4. In regulation 11A(2) insert the following definitions at the appropriate places—

““company registration number” means “registered number” for the purposes of section 1066 of the Companies Act 2006;

“identifying information” in relation to a retailer or associated with a merchant account includes—

(a) 2011 c.11; paragraph 13A of Schedule 23 was inserted by section 228 of Finance Act 2013 c.29; paragraphs 13B and 13C of Schedule 23 were inserted by section [] of Finance Act 2016 (c.xx).

(b) S.I. 2012/847, amended by S.I. 2013/1811 and S.I. 2015/672.

name, address (including email, website, and any other electronic address), and telephone number;

whether a retailer is an individual, partnership, limited company, or has any other legal status;

any unique or generic identifier allocated by, or used by, the data-holder for the purposes of identifying a retailer or merchant account, or classifying the trade of a retailer or merchant account holder;

national insurance number, unique taxpayer reference, VAT number, company registration number, and any other unique government-issued identifier;

“retailer” has the meaning given by paragraph 13A of Schedule 23;”.

5. After regulation 11A insert—

“Electronic payment service providers

11B.—(1) The relevant data for a data-holder of the type described in paragraph 13B(a) of Schedule 23 are—

- (a) in relation to a payment recipient, information relating to transactions, including the currency these transactions were made in;
- (b) the identifying information of a payment recipient; and
- (c) information relating to the account or system into which payments are credited by the data-holder to, or on behalf of, a payment recipient, including any account reference number or other unique identifying number, and, where necessary for identifying the account, the branch where the account is held.

(2) In this regulation—

“company registration number” means “registered number” for the purposes of section 1066 of the Companies Act 2006;

“electronic payment services” has the meaning given to it by paragraph 13B of Schedule 23;

“identifying information of a payment recipient” includes—

name, address (including email, website, and any other electronic address), and telephone number;

whether a payment recipient is an individual, partnership, limited company, or has any other legal status;

any unique or generic identifier allocated by, or used by, the data-holder for the purposes of identifying a payment recipient or classifying the trade of a payment recipient;

national insurance number, unique taxpayer reference, VAT number, company registration number, or any other unique government-issued number;

“payment recipient” means the recipient of a payment from a transaction for which the data holder provided electronic payment services;

“VAT number” means “registration number” for the purposes of paragraph (1) of regulation 2 of the Value Added Tax Regulations 1995.

Business intermediaries

11C.—(1) The relevant data for a data-holder of the type described in paragraph 13C(b) of Schedule 23 are—

(a) Paragraph 13B of Schedule 23 was inserted by section [] of the Finance Act 2016 (c.xx).
(b) Paragraph 13C of Schedule 23 was inserted by section [] of the Finance Act 2016 (c.xx)

- (a) in relation to a supplier—
 - (i) information relating to transactions that the data-holder enabled or facilitated; and
 - (ii) information that will assist the Commissioners to quantify or otherwise determine the volume or value of transactions of a supplier, whether or not the data-holder processed the payment for that transaction;
- (b) the identifying information of a supplier for whom the data-holder enables or facilitates transactions; and
- (c) information relating to the account or system into which payments are credited by the data-holder to, or on behalf of, a supplier, including any account reference number and other unique identifying number, and, where necessary for identifying the account, the branch where the account is held.

(2) In this regulation—

“company registration number” means “registered number” for the purposes of section 1066 of the Companies Act 2006;

“identifying information of a supplier” includes—

name, address (including email, website, and any other electronic address), and telephone number;

whether a supplier is an individual, partnership, limited company, or has any other legal status;

any unique or generic identifier allocated by, or used by, the data-holder for the purposes of identifying a supplier or classifying the trade of a supplier;

national insurance number, unique taxpayer reference, VAT number, company registration number, and any other unique government-issued identifier;

“supplier” has the meaning given by paragraph 13C of Schedule 23;

“VAT number” means “registration number” for the purposes of paragraph (1) of regulation 2 of the Value Added Tax Regulations 1995.”.

	<i>Name</i>
	<i>Name</i>
Date	Two of the Lords Commissioners of Her Majesty’s Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Data-gathering Powers (Relevant Data) Regulations 2012 (SI 2012/847) by specifying relevant data which an officer of Her Majesty’s Revenue and Customs (HMRC) may require from two new categories of data-holder introduced into Schedule 23 to the Finance Act 2011 (c.11) by sections [] and [] of Finance Act 2016 (c.xx).

The first category of data-holder are electronic payments service providers, from whom an officer of HMRC may require data relating to the electronic payments they facilitate for payment recipients.

The second category of data-holder are business intermediaries, which are those businesses which enable or facilitate transactions involving the supply of goods or services, and from whom HMRC may require data relating to the suppliers of those goods and services.

The Regulations also amend existing regulation 11A, which specifies relevant data that may be required from merchant acquirers, to align with the new provisions.

A Tax Information and Impact Note covering the parts of this instrument which comprise a change in tax policy was published on 9 December 2015 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.