

## **Part D notes on amendments to 31 March 2017 GAAR guidance approved by the GAAR Advisory Panel with effect from 11 September 2020**

Two changes have been made to the guidance in part D,

Paragraph D1.8 has been expanded to make clear that much of the legislation underlying the examples has changed since the examples were included and to give the date the examples were included.

The previous text was :

The GAAR covers a wide range of taxes and a wide variety of taxpayers. What is normal behaviour or a common transaction or action in one context may be exceptional in another context. The GAAR needs to be considered in each case by reference not only to the facts and circumstances of that case but also to the underlying tax and related law and the examples should be looked at in that light.

This has been expanded to :

The GAAR covers a wide range of taxes and a wide variety of taxpayers. What is normal behaviour or a common transaction or action in one context may be exceptional in another context. The GAAR needs to be considered in each case by reference not only to the facts and circumstances of that case but also to the underlying tax and related law and the examples should be looked at in that light. In some cases the relevant legislation has changed from that in the examples included in the guidance. With the exception of D25A, the current examples were all included in the guidance when it was first published in April 2013. A small number have been updated to note the law change. D25A was included with effect from 30 January 2015. The examples are included to indicate when an arrangement might be regard abusive.

Paragraph D1.13 has been added. This is in order to make reference to GAAR Advisory Panel opinions. The text is below.

In addition to the examples in this Part of the Guidance reference should be made to the published (anonymised) versions of the opinions of the GAAR Advisory Panel on the cases that have come before it. Each of the opinions is developed by a sub-Panel consisting of 3 members of the Panel. These opinions provide examples of where arrangements have, or have not, been found to be a reasonable course of action by the Panel. As set out in Parts C6.5.8 to C6.5.11 of the Guidance, the sub-Panel do not consider all aspects of the GAAR tests.