
4 Winding-up petitions by an officer of Revenue and Customs

- (1) Subsection (2) applies where it appears to an officer of Revenue and Customs that it is expedient in the public interest, for the purposes of protecting the public revenue, that a relevant body should be wound up.
- (2) The officer may present a petition to the court for the winding up of the body.
- (3) On such a petition, the court may wind up the body if the court is of the opinion that it is just and equitable that it should be wound up.
- (4) In this section –
 - “court” means –
 - (a) the court having jurisdiction for the purposes of the Insolvency Act 1986, or
 - (b) in Northern Ireland, the High Court;
 - “indirect tax” has the same meaning as in Schedule 17 to F(No.2)A 2017 (disclosure of tax avoidance schemes: VAT and other indirect taxes);
 - “relevant body” means a body, including a partnership, that –
 - (a) carries on a business as a promoter within the meaning of Part 5 of FA 2014 (promoters of tax avoidance schemes) as if, in sections 234 and 235 of that Part, references to –
 - (i) “tax” included value added tax and other indirect taxes, and
 - (ii) “tax advantage” included a tax advantage as defined for value added tax in paragraph 6, and for other indirect taxes in paragraph 7, of Schedule 17 to F(No.2)A 2017;
 - (b) is connected to a body within paragraph (a) (within the meaning of section 1122 of CTA 2010 (“connected” persons)).
- (5) If a petition is presented under subsection (2) for the winding up of a partnership, the court has jurisdiction, and the Insolvency Act 1986 (or the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19))) has effect, as if the partnership were an unregistered company as defined by section 220 of that Act (or Article 184 of that Order).