HMRC is focusing its aim on Tax Investigations

Service Summary

When you subscribe to our Service we are able to make a claim against our insurance policy held with Bspoke Fee Protection in respect of our fees incurred (up to £100,000 per claim unless otherwise indicated) when we defend a client who is subject to any of the following events:

A self-assesment tax return enquiry

This will feature the issue of a notice under S9A/S12AC TMA 1970 or paragraph 24(1) Schedule 18 FA 1998.

A notice issued under Schedule 36 FA 2008

Where HMRC exercise their power to request entry to a person's business premises and inspect the business premises, assets, goods and documents.

VAT / PAYE / CJRS / Construction Industry Scheme/National Minimum Wage Compliance Visit Cover

Where HMRC wish to carry out a routine VAT / PAYE / CJRS / CIS / NMW Compliance Visit where it is considered that professional representation is necessary, and cannot be dealt with by the client alone. This includes desk-based compliance checks.*

VAT dispute

Where HMRC state there has been an underpayment of VAT and are seeking to collect the relevant amount from you.

PAYE / CJRS / NIC / construction industry scheme disputes

Where HMRC state there has been an underpayment of tax/NIC and are seeking to collect the relevant amount from you.

Employment status dispute

Where HMRC state that an individual previously classed as self-employed should have been treated as an employee and are looking to collect tax/NIC from you.

Inheritance tax (IHT) cover

Where HMRC enquire into an IHT return which has been wholly prepared and submitted by us.*

Gift Aid inspections

Where HMRC check the operation of a Gift Aid Scheme.

Stamp duty land tax

Where HMRC launch an enquiry into a SDLT return prepared and submitted by us.*

Partners / Directors cover

Where HMRC launch either a self-assessment tax return enquiry or an Intervention or a nudge letter is issued into the personal returns of the partners and directors and their spouses and company secretaries (for whom we are the tax return agent) of a company or partnership included as a client in our service. This cover will not extend to rental income or sole trader activities in excess of £50,000 per annum (before costs and expenses) or any other business activities.

Application for a judicial review

An application (during the course of a valid claim under the Policy) to the Administrative Court to challenge a decision of an official or Tribunal where there is no other legal recourse available to you.*

Code of practice 8 investigations

Where HMRC conduct an investigation whilst issuing Code of Practice 8.*

IR35 status check

Where HMRC wish to check if a client falls within the scope of IR35.*

IR35 disputes

This is where HMRC states a client should be subject to the IR35 legislation and wishes to collect tax/NIC from you following a PAYE Compliance visit or the issue of a notice under paragraph 24(1) Schedule 18 FA 1998 into you. It will feature a dispute over whether Tax/NIC is due.

Interventions cover

Where HMRC issue a routine letter or telephone call with a view to obtaining clarification on particular points on a specified self-assessment tax return without the issue of a statutory notice not dealt with or excluded under any other section of this policy. This will include discovery enquiries.

Nudge letters

Where HMRC issue a letter as a result of information received from third parties where they are asking nominated clients if their tax liabilities have been correctly declared. Cover will not extend to replying where a reply has not been requested by HMRC or any cases where a disclosure has to be made.**

Tax credits/student loan

Where HMRC wish to enquire into the tax credit/student loan position for you.

ATED return enquiries

Where HMRC wish to check the ATED returns prepared and submitted by us.*

Probate enquiries

Where HMRC enquire into returns prepared and submitted by us.

* The limit of indemnity for this is £10,000.

** The limit of indemnity for this is £1,000.

The main exclusions of our Service are as follows:

- The costs of making good any deficiencies in books, records, accounts or returns or work ordinarily capable of being done by the client.
- Claims that originate from any matter which existed before you joined our service, except where full disclosure has been made and the increase in risk has been accepted in writing.
- CIS gross payment status disputes.
- Returns which have been submitted more than 90 days late.
- Any claim involving the Civil Investigation of Fraud procedure (Code of Practice 9) or specialist/fraud investigations except where a Code of Practice 8 booklet has been issued.

Full details are available on request.

Subscribing to our Tax Investigation Service provides access to a free client legal helpline. This helpline grants you unrestricted access to support from legally qualified advisors who are available 24/7, 365 days a year.

The telephone based service offers general and preliminary legal support. Typically over 99% of the queries given to the helpline will be supported. Please note that the service does not extend to corresponding with third parties, only with the individual about their legal rights. Topics include, but are not limited to:

- Commercial litigation and dispute resolution
- Employment contracts/restrictive covenants, disciplinary/grievance issues and unfair dismissal
- Property and landlord/tenant queries
- Pensions
- Health and safety
- Corporate
- Banking and Finance
- Costs
- In House Counsel
- Intellectual Property
- Insolvency
- Legal support on HMRC 'unannounced' visits

W monahans.co.uk

in @monahans

X @monahansaccount

Independent Member of
PrimeGlobal | *The Association of Advisory and Accounting Firms*

Part of the **SUMER** Group