

VALUE ADDED

Now you have read this issue of *Taxation*, be sure that you and your staff make the most of it!

Assign any action points to members of staff by entering the staff member's initials in the box alongside it, then filling in the circulation list. You and your staff can then convert your reading into a more structured form of CPD by taking the online quiz, which will give you a record of your score by email – the notes below will help you check before starting that you remember the key points!

If you do not have staff, then use this page as a reminder for yourself to plan any action that you need to take, and to complete the online CPD quiz to verify what you have learned.

CIRCULATION

NAME

READ X

.....
.....
.....
.....

CPD ONLINE

The online CPD quizzes can be accessed at www.lexisurl.com/taxcpd. Before taking this week's, check that you have read the items referred to below.

- [1] The CPD question on this week's news comes from our special page announcing HMRC's change to dealing with P35 penalties. The new system should highlight potential penalties earlier, but do you remember how it works?
- [2] Ewa Plesnar's article 'Protecting our rights' looks at the implications of the European Court of Human Rights' approach to public law. You need to remember the findings in one of the key cases.
- [3] Mike Down and James Milton explain their experience of the penalty regime in 'Best behaviour', but do you remember the triggers for penalties?
- [4] David Gardner and Shawn Healy's article, 'Looks like a phone', also considered other provisions such as the difference between a van and a car. So does our CPD question.
- [5] Setting a CPD question on the contents of the Budget when this page goes to press before the speech is a bit tricky! So the question is about the process of Budgets and Finance Bills since the new government came into power.
- [6] The Readers' Forum CPD question relates to the answer published this week to 'Equity release'. You will need to know your Taxes Acts section numbers to get this one right.

ACTION POINTS

- [1] Yet another time-limited disclosure opportunity (this time for e-market traders) has been announced by HMRC. As there are several of these, make sure that everyone in your practice is aware of the deadlines for notification and disclosure for each facility to ensure that appropriate disclosures are made (page 2). INITIALS
- [2] The decision against the taxpayer in *R (oao Bampton Property Group and others) v King* demonstrates the importance of ensuring that claims are made correctly and on time. Consider setting up a system so that all claims sent to HMRC are double-checked for accuracy and that they meet any deadlines (page 5). INITIALS
- [3] If HMRC are taking enforcement action against a client, but not charging a penalty, the rationale of the *Maftah* case – that it is the substance rather than the purpose of state action that is relevant – may be important if legal action against HMRC is being considered by the client (page 8). INITIALS
- [4] If a penalty is sought by HMRC with regards to a mistake, consider whether the penalty might be suspended if the 'SMART' conditions can be met (page 12). INITIALS
- [5] How are you going to communicate the announcements in the Budget to your clients? While many still rely on a Budget newsletter, can you make better use of modern media, and should you pay more attention to December's draft Finance Bill (page 17)? INITIALS
- [6] Do you have employer clients who have provided smartphones for the personal use of their employees and, if so, have these been declared under HMRC's previous policy as taxable benefits in kind? If so, you can now put in for a reclaim (page 22). INITIALS
- [7] If a client business is considering the purchase of some land, intending to construct residential properties on it, has the business structure been properly considered and implemented to ensure that VAT input tax will be recovered in full (page 28)? INITIALS

What's on offer..?

Valuable coverage through reprints

Reprints available of any article or issue. Please contact Daniel Wild at daniel.wild@lexisnexis.co.uk or tel: 020 8212 1995

