

Code of Practice 9

HM Revenue & Customs investigations
where we suspect tax fraud

HM Revenue & Customs (HMRC) investigation of fraud statement

The Commissioners of HMRC reserve complete discretion to pursue a criminal investigation with a view to prosecution where they consider it necessary and appropriate.

In cases where a criminal investigation is not started, the Commissioners may decide to investigate using the Code of Practice 9 (COP9) investigation of fraud procedure.

Under the investigation of fraud procedure, the recipient of COP9 is given the opportunity to make a complete and accurate disclosure of all their deliberate and non-deliberate conduct that has led to irregularities in their tax affairs. Where HMRC suspects that the recipient has failed to make a full disclosure of all irregularities, the Commissioners reserve the right to start a criminal investigation with a view to prosecution.

The term 'deliberate conduct' means that the recipient knew that an entry or entries included in a tax return and/or accounts were wrong, but the recipient submitted it/them anyway, or that the recipient knew that a liability to tax existed but chose not to tell HMRC at the right time.

In the course of the COP9 investigation, if the recipient makes materially false or misleading statements, or provides materially false documents, the Commissioners reserve the right to start a criminal investigation into that conduct as a separate criminal offence.

Introduction

We issue this Code of Practice in selected cases where we suspect tax fraud. In many cases we carry out criminal investigations of suspected fraud with a view to prosecution. But under this Code, we offer you instead the chance to make a full disclosure under a contractual arrangement called a Contractual Disclosure Facility (CDF). You have 60 days to respond once an offer is made. If you make a full disclosure of your deliberate conduct, we will not pursue a criminal investigation with a view to prosecution.

We expect you to stop any deliberate conduct that has led or may lead to a future tax loss immediately. A specially trained authorised officer will handle the COP9 investigation into your tax affairs and you will be given a named contact.

If you co-operate fully with our investigation, you will achieve a greater reduction in any penalty found to be due. You may also be able to avoid

other civil sanctions such as insolvency and, in some cases, the publication of your name and details.

You must read this Code of Practice carefully and discuss it with your tax adviser, if you have one.

You must keep all existing records, including any computer records, during our investigation whether or not you need to do so by law.

We may ask to see your business and private financial records.

The COP9 applies to all tax losses brought about by your deliberate conduct.

1 The investigation

1.1 Suspicion of fraud

We have information that gives us reason to suspect that you have committed tax fraud.

We will not usually tell you what our suspicions are. It is for you to decide whether to make a disclosure to us.

We will keep an open mind to the possibility that there may be an innocent explanation for the suspected fraud, and we will treat you fairly and politely, and in accordance with the law.

We will investigate our suspicions, with or without your co-operation. If you do not co-operate we may:

- start our own investigation which may ultimately be a criminal investigation
- get information about your financial and business affairs from third parties
- take formal action including raising assessments for the tax and interest we consider is due
- charge significantly higher penalties
- start legal proceedings to secure some or all of your assets
- require a financial security from you against certain unpaid taxes and duties

1.2 Appointing an agent or adviser

You are strongly advised to seek independent professional advice.

If you already have an appointed adviser you should contact them immediately. However, many people find it helpful to appoint a specialist adviser who is familiar with COP9, as well as their regular adviser.

If you want us to deal directly with your adviser on all matters covered by the COP9, you must make sure you have given us full authority to do so. You can use either form 64-8, 'Authorising

your agent' or form Comp1, 'Compliance checks: temporary authorisation to allow HMRC to deal with your tax adviser' to do this, making sure that your authority covers all taxes and duties. Alternatively, you can fill out the agent details box on the Outline Disclosure form.

You are personally responsible for your tax affairs and the accuracy of the information supplied to us, and so you must give your adviser all the facts.

We expect high standards from your appointed adviser. Whilst we will normally deal with them directly, if there are any delays or problems we will contact you.

Any costs that you incur for our enquiries cannot normally be claimed as an expense against tax.

2 The investigation: your options

2.1 The Contractual Disclosure Facility (CDF) – what am I being offered?

The CDF offers you the chance to disclose any loss of tax that has been brought about by your deliberate conduct. **Remember this offer expires 60 days after you receive our letter making the offer.**

2.2 What you have to do

You will make a full disclosure of all your tax irregularities under the terms of the CDF.

To comply with your part of the contract you need to complete the 2 disclosure stages:

- 1 a valid Outline Disclosure of the deliberate conduct that brought about a loss of tax (Outline Disclosure).
- 2 a certified statement that you have made a full, complete and accurate disclosure of all tax irregularities together with certified statements of your assets and liabilities, and of all bank accounts and credit cards you have operated, (Formal Disclosure).

This is the only way that you can be certain that we will not carry out a criminal investigation into the tax frauds we suspect.

The CDF is only suitable for you if you:

- have brought about a loss of tax through your deliberate conduct
- wish to fully disclose the loss of tax that you have brought about through your deliberate conduct
- will work with us to put your tax affairs in order – including paying any tax, interest and penalty that you owe

- stop any continuing deliberate conduct immediately

The CDF is not appropriate for people who want to disclose only careless errors or mistakes.

2.3 What HMRC will do

In exchange for your full disclosure of all irregularities we will not pursue a criminal investigation into the conduct you disclose.

2.4 Making a valid CDF arrangement

In a case that we think is suitable to be dealt with under a CDF we will make a formal offer. Our offer and your acceptance of it, within 60 days, create the contractual arrangement between us. This gives you the assurance that you will not be criminally investigated for the irregularities in your tax affairs that you have disclosed under the terms of the CDF.

A valid CDF arrangement can only be made by you accepting the standard offer we have made. We will not make an offer on any other terms.

The CDF terms are not binding on either party, unless we receive your acceptance. A standard acceptance letter is attached to the CDF offer. You just need to sign, date and return it.

2.5 What is the effect of entering into a contract?

To comply with the terms of the contract, you will be admitting that tax has been lost because of your deliberate conduct. This means we may be able to seek recovery of the tax, interest and associated penalties you may have evaded for as far back as 20 years.

If you enter into a CDF contract we expect you to co-operate fully with us.

Full co-operation will ensure that you achieve the greatest possible reductions for any penalty that may be due. More information on our penalty regimes is available on our website.

Section 7 of these notes gives more detail of when we can publish details of deliberate defaulters and how we may need to monitor your tax affairs more closely under our Managing Serious Defaulters programme.

2.6 What happens after you enter into a Contractual Disclosure Facility (CDF) arrangement?

Outline Disclosure

You must make a valid Outline Disclosure within 60 days of the date you receive our offer (this is the same date as the time given for you to decide whether to accept our offer). Section 4 of these notes describes what we need from you in more detail.

Formal Disclosure

Where the tax loss from your deliberate conduct is self-contained and easily quantified, there may be nothing else for you to do following your Outline Disclosure. You will need to agree what you owe, arrange payment and certify that you have disclosed all irregularities. This is your Formal Disclosure.

In most cases, much more work will be necessary before you will be in a position to make your Formal Disclosure. We will expect you to prepare a Disclosure Report, as this is the best way to ensure that this work is done properly.

More details are given in Section 5 and Section 6 of these notes.

Making your Formal Disclosure does not signify the end of our investigation, but it does mean you have complied with the terms of the Contractual Disclosure Facility (CDF).

2.7 Rejection route

If you do not believe that you have brought about a loss of tax through your deliberate conduct you can sign and return the CDF Rejection Letter, within the same 60-day period.

We are happy to consider any explanations or documents that support your rejection.

You should only choose the rejection route if you genuinely believe that you have not brought about a loss of tax through your deliberate conduct. If you sign the Rejection Letter, HMRC will start its own investigation which can be a criminal investigation.

Your Rejection Letter may also be used in court or tribunal proceedings as evidence.

If we decide to proceed with a civil investigation in response to your rejection of our offer we reserve the right to escalate the case to a criminal investigation at a later date if we consider it is appropriate.

If we have not heard from you within 60 days after you receive our offer then we will treat this as a conscious decision not to accept our offer. We will begin a criminal or a civil investigation into the tax fraud we suspect you have committed.

If you have brought about a loss of tax through your deliberate conduct but you deny it, this may result in a criminal investigation. This may lead to prosecution, or significantly higher civil financial penalties, and the potential publication of your details.

We may use statutory information powers if necessary, and may approach third parties for information. If you engage and co-operate fully with us we may not need to use our formal powers.

If irregularities are discovered we will take formal action against you including the issue of assessments and will pursue collection of any unpaid taxes and interest. You will also have lost your opportunity to earn the greatest possible reduction of any penalty that you owe.

Where we verify and accept your rejection of the CDF, we will issue confirmation that we no longer suspect you of tax fraud.

Summary

It is important that you consider the implications of what you decide to do once you receive Code of Practice 9 (COP9).

You have the option to:

- accept the offer – the CDF route
- reject the offer

You can only choose one of these options, but if you fail to choose one or fail to make a valid notification as detailed at Section 3.2 on page 5, we will treat this as a conscious decision not to accept our offer and we will not be bound by any CDF terms.

We are unable to enter into any discussion about your tax affairs until either you have notified us of how you wish to proceed, or the 60-day response period has expired.

3 Criminal investigation and COP9

The following section gives a summary of when we could start a criminal investigation with a view to prosecution.

3.1 Rejection

If you choose to reject an offer made under the CDF then we are not bound by any CDF terms. We may start a criminal investigation into any tax fraud we suspect you might have been involved in.

3.2 You send us an acceptance letter but you don't make an Outline Disclosure or make an invalid Outline Disclosure

If you fail to make a valid Outline Disclosure, either by not sending in an Outline Disclosure or failing to complete it correctly, you will not have carried out your responsibilities under the Contractual Disclosure Facility (CDF). We will not then be bound to observe our side of the contract and we may start a criminal investigation into any suspected tax frauds.

3.3 An apparently incomplete Outline Disclosure is made

Where your Outline Disclosure does not disclose all tax losses brought about by your deliberate conduct, then we may start a criminal investigation into any deliberate conduct that you have not disclosed.

In these circumstances, the criminal investigation will be limited to the deliberate conduct you have not disclosed, the deliberate conduct on your Outline Disclosure will not be subject to criminal investigation by us.

3.4 You make a false statement

Where we believe that you make a false statement or you submitted false documents during the investigation, we may start a criminal investigation into the false statement or document itself.

3.5 Any false Formal Disclosure documents are submitted

Where we believe the Disclosure Report, Certificate of Full Disclosure, statement of assets and liabilities or the certificates of bank and credit card accounts operated are incorrect or incomplete, we reserve the right to start a criminal investigation into the submission of those false documents.

4 Outline Disclosure

We will send you an Outline Disclosure form with the CDF offer letter. You must complete all of the form as directed by the guidance in this section to ensure your Outline Disclosure is valid.

Your Outline Disclosure is not expected to contain precise details if you cannot reasonably get them within the 60 days allowed; there will be time for precision later. It needs to be an honest description of the deliberate conduct you are disclosing, made in good faith and to the best of your recollection with the help of any documents which are readily available.

4.1 Description of your deliberate conduct

Merely stating that your deliberate conduct has brought about a loss of tax will not be acceptable. Your description needs to set out sufficient information including, but not limited to:

- what you did
- how you did it
- the involvement of other people and entities
- how you benefited from the deliberate conduct

You must do this for **each** separate tax loss brought about by your deliberate conduct.

4.2 Individuals and entities involved

Where known, please include names, addresses and tax references of any other individuals or entities that were involved. Tax references can include Unique Taxpayer References or VAT registration numbers.

Where you have used other entities such as companies, trusts, nominees, or partnerships, you must let us have the names of all the entities concerned and explain how you used these entities. You must also explain your relationship to the entity, and the control you have (or had) over it. You must say in what capacity you acted, for example, as director, shadow director, shareholder, beneficiary or trustee.

You must also describe any tax losses that you have brought about by your deliberate conduct as a representative, for example, as an executor, co-executor or administrator of a deceased person's estate, or as a nominee.

The CDF is a contractual arrangement made between you and us. We are not bound to give the same undertaking for any other individual named or implicated as part of your Outline Disclosure.

4.3 Period of time during which the deliberate conduct took place

You need to indicate the period of time during which you brought about a loss of tax through your deliberate conduct, to the best of your recollection. You may either refer to taxable periods, or calendar years. Please make sure this is clearly identified in your Outline Disclosure.

4.4 Other information

The more information you let us have here the better. We will see this as a sign of your engaging with the investigation. We would take a more serious view when considering any penalties if it later came to light that there was relevant information available that you could have told us about but chose not to do so.

For example, if you are able to let us have an indication of the amounts understated and the tax involved you must do so. Where you have used any estimates you should highlight them, and explain how you arrived at your figures. You should make payment on account to cover any amount(s) you believe may be due.

If you can, you should give a description of what records were created, adapted, modified or destroyed to disguise what you were doing.

You should say what records you hold, or can access, to help support your disclosure, including what books and records you kept and the bank accounts you held. If the records belong to another entity, you should say so. Where the records are available, but you do not physically hold them, then say so.

You should also give details of any non-deliberate tax irregularities. However, you should not use the Outline Disclosure to just give details of non-deliberate tax irregularities.

5 What happens after I make my Outline Disclosure?

Based on the information contained in your Outline Disclosure, we will decide how the investigation will proceed.

5.1 We suspect the Outline Disclosure is incomplete

Where your Outline Disclosure does not disclose everything that we suspect you might have been involved in then we may start a criminal investigation into deliberate conduct that you have not disclosed. Alternatively, we may decide that a civil investigation is the right way to proceed. However, if we do start a civil investigation, it can escalate into a criminal investigation at any point.

5.2 A valid Outline Disclosure is made

We will look to conclude the investigation without unnecessary delay.

There will be 2 options for your Formal Disclosure.

1 In more straightforward cases, provided your Outline Disclosure confirms what we suspected and as long as we think that no additional information is needed, we will proceed as follows:

- with your assistance we will look to agree the additional duties, the interest payable and any penalty that is due
- you will be asked to make your Formal Disclosure - you will need to certify that you have made a full and complete disclosure of all the tax irregularities that you have been involved in by giving us the following
 - a certified statement of worldwide assets and liabilities
 - a certificate of bank accounts operated
 - a certificate of credit cards operated
 - a Certificate of Full Disclosure
- finally, you will be invited to make a financial offer to cover the tax, interest and appropriate penalties to settle the investigation

2 In **complex cases**, more work or additional information will be necessary to complete the investigation. Where this is the case, you will need to arrange for a **Disclosure Report** to be prepared. The Disclosure Report is explained in more detail at Section 6, below.

The nature of your report will depend on the individual circumstances of your case, but we expect you to agree the scope of the report with us prior to the work starting.

Depending on the circumstances of your case, we may ask you to attend a meeting to discuss the scope of the Disclosure Report. In other cases, it may be enough for us to meet your adviser to discuss what needs to be done.

6 The Disclosure Report

6.1 What will the Disclosure Report be expected to include?

We expect your disclosure to include full details of your deliberate conduct, in whatever capacity you have acted. This means whether you acted as an individual (including as a sole trader, an executor, administrator or trustee), or through other entities such as nominee relationships, trusts, partnerships, companies, Limited Liability Partnerships etc. Entities that exist for tax such as consortia and VAT groups should also be included.

A typical Disclosure Report will normally contain:

- a brief business history

- a description of all tax irregularities (including any that were brought about by non-deliberate conduct) and how they arose
- quantification of all the irregularities
- information to show how you quantified the irregularities and make sure that nothing has been missed
- summaries of tax and/or duties, interest and penalties due
- a reconciliation of your irregularities figure with the summary of tax and/or duties
- a certified statement of worldwide assets and liabilities
- certificates of bank accounts and credit cards you operated

You will also be expected to certify that you have adopted the report as correct and complete.

6.2 How long will I have to prepare my report?

We will discuss this with you and your adviser at the meeting and we will look to agree a timetable. The time needed will depend on the circumstances of the case and this will vary according to, for example, the complexity of the work needed, the amount that needs to be done and how easy it is to access the details needed.

6.3 What happens whilst the report is being prepared?

You are responsible for keeping us informed of progress with the report at regular intervals. You should attend regular progress meetings if we ask for them. If we consider that adequate progress is not being made, we may decide to take over the investigation. If we do that, we may decide to use formal information powers, approaches to third parties and other protective sanctions described in Section 7 of these notes. However we will not begin a criminal investigation into the deliberate conduct that you disclosed in your Outline Disclosure.

You and your agent should give us any documents relevant to the report which we ask for so that we can check that the report is progressing to the agreed timescale, and that all relevant issues are being considered and addressed.

Where assumptions are necessary in drawing up the final report these should be highlighted and discussed with us at the earliest possible time.

Where the report is likely to vary from our known view on the treatment of an issue, this should be raised with us for discussion as soon as possible.

6.4 Calculating penalties

Penalties are chargeable in accordance with the provisions contained in legislation (in some cases up to 200% of the tax lost but subject to reduction for positive behaviour).

More information on our penalties under the old and new regimes is available on our website and in the following factsheets:

- CC/FS15, 'Self Assessment and old penalty rules', go to www.hmrc.gov.uk/compliance/cc-fs15.pdf
- CC/FS20, 'VAT dishonest conduct penalties', go to www.hmrc.gov.uk/compliance/cc-fs20.pdf
- CC/FS7a, 'Penalties for inaccuracies in returns and documents', go to www.hmrc.gov.uk/compliance/cc-fs7a.pdf

6.5 Certificate of Full Disclosure

This document is one of the 4 mandatory requirements for the Formal Disclosure stage of the CDF. The HMRC template must be used and cannot be amended. You are required to provide a witnessed and dated signature when submitting your Final Disclosure.

By signing the Certificate of Full Disclosure you acknowledge that you have made a full, accurate and complete disclosure of all irregularities, to the best of your knowledge and belief.

A false Certificate of Full Disclosure made as part of a CDF disclosure may result in criminal investigation with a view to prosecution for submitting a false document. We may also consider separate criminal investigation of any deliberate conduct not disclosed in your certified CDF disclosure.

Your Certificate of Full Disclosure may be used in subsequent criminal proceedings on the false disclosure or submission of false documents.

6.6 Other certified documents

We provide templates for the statement of assets and liabilities, the certificate of bank accounts operated and certificate of credit cards operated. We will agree the relevant dates or periods that these should be completed for. These are also mandatory to complete the Formal Disclosure stage of the CDF.

These 3 documents are expected to accompany the Disclosure Report where one is to be made. Otherwise, in straightforward cases they will be expected at the same time as your Certificate of Full Disclosure.

Submitting false or incomplete versions of any forms could result in a criminal investigation with a view to prosecution in relation to the submission of a false document.

6.7 Other errors (non-deliberate, etc)

Your Formal Disclosure should cover all irregularities in your tax affairs.

Where you have non-deliberate irregularities to disclose, you should distinguish these from the deliberate irregularities.

Your report should cover how these irregularities occurred, and your view of the penalty level these irregularities should attract.

7 Interaction with HMRC

The extent to which you co-operate with us and give us information is entirely a matter for you. In making this decision you may want to get help from your professional adviser. You may need to pay a penalty which will be a percentage of the tax lost as a result of your conduct. The penalty percentage depends on your behaviour and the extent to which you help us arrive at the correct liability.

You are entitled to have the matter of penalties dealt with without unreasonable delay.

7.1 Meetings

Once you have sent us your Outline Disclosure or Rejection Letter or you have done nothing and the 60-day period has passed, we may ask you to attend a meeting. We will explain the purpose of the meeting.

We view attendance and your full co-operation at these meetings as a strong indication of your engagement with the process. This will help to reduce the level of any penalty that may be due. We may use what you say or any information you give at a meeting to assess your liability to tax or to a penalty. We may also seek to give this evidence in any appeal proceedings, or disclose the information to other organisations where appropriate and lawful.

7.2 Your ongoing compliance obligations

You must stop any deliberate conduct immediately.

We may carry out a compliance check to make sure that you have done so. Your Formal Disclosure and subsequent returns must reflect your correct tax position. If we discover that the irregularities have continued during the course of

the investigation, this may result in a higher level of penalty or a criminal investigation into what you have done since being given this Code of Practice.

You still need to meet all your ongoing tax compliance obligations during the COP9 process, regardless of whether you have accepted our offer of a Contractual Disclosure Facility (CDF) arrangement or not.

You should continue to submit all your returns by the statutory filing dates. Do not delay sending your returns or any payments. Your ongoing compliance behaviour may be used as an indicator of your willingness to engage with us.

7.3 Assurances on change of behaviour

In addition to expecting you to stop any irregularities, we expect you to change your behaviour and comply with all your future tax obligations and not to revert to any deliberate conduct. It is likely that we will carry out a compliance check at some time after this investigation has ended, to make sure that you are complying with your obligations. To check that you continue to comply with your tax obligations, you are likely to have your affairs dealt with under the programme for Managing Serious Defaulters.

7.4 How to pay

Whilst preparing your Outline Disclosure you should make a payment on account of any tax arrears as this will reduce the amount of interest due.

If at any stage during the investigation you become aware that you might not be able to pay all of the tax, interest and penalties that you may owe, you must let us know immediately.

7.5 Protective sanctions we may take

Where you reject the CDF and we carry out a civil investigation, we can use various sanctions and powers to obtain information from you. These are backed by financial penalties, up to an unlimited tax-related penalty. We may also approach third parties for information, either informally or using statutory powers.

We may also escalate your case to a criminal investigation.

If we discover irregularities we will take formal action, including the issue of assessments and we will pursue early collection of any unpaid tax plus interest. If you do not co-operate fully you

will also have lost your opportunity to gain the maximum reduction of any penalty that might be due. Therefore, any penalty would be significantly higher.

If you try to avoid paying your liabilities or if you attempt to dissipate your assets we will consider using insolvency action to make sure that we are able to collect the money that we believe you owe.

These actions could include:

- personal bankruptcy
- compulsory liquidation
- appointment of interim receivers or provisional liquidators
- getting civil freezing orders over your bank accounts
- getting legal caution over your property

We may also seek to impose or increase an amount of security which you will have to pay before we make any VAT repayment to you.

If you or your company are an employer then we may require a financial security if there is a serious risk to PAYE and/or National Insurance contributions.

If you have brought about a loss of tax through deliberate conduct for a tax period beginning after 31 March 2010, then we may be able to publish your details. However, you may be able to earn exemption from publication by fully co-operating with our investigation.

7.6 Interaction with other HMRC interventions

During the course of the investigation we will not stop any other interventions that we feel are necessary. For example, routine compliance checks and visits to VAT traders who have claimed repayments.

You can find more information in factsheet CC/FS1a, 'General information about compliance checks', go to www.hmrc.gov.uk/compliance/cc-fs1a.pdf

7.7 Publishing details of deliberate defaulters

In certain circumstances, we can publish information about a person (or a company) who deliberately evades tax.

You may be able to prevent publication by giving us full co-operation from the start of our investigation. However, if we are already investigating your tax affairs when we decide to issue an offer under this Code of Practice, your co-operation in the existing investigation is also taken into account.

You can find more information in factsheet CC/FS13, 'Publishing details of deliberate defaulters', go to www.hmrc.gov.uk/compliance/cc-fs13.pdf

7.8 Managing Serious Defaulters

If we charge you a penalty for a deliberate error then we may decide to monitor your tax affairs more closely. We have an enhanced monitoring programme called Managing Serious Defaulters. You can find more information about this in factsheet CC/FS14, 'Managing Serious Defaulters', go to www.hmrc.gov.uk/compliance/new/cc-fs14.pdf

8 Terminology and definitions

8.1 Tax fraud

In this document 'fraud' means the dishonest behaviour that led to or was intended to lead to the loss of tax.

This covers all matters for which we have administrative responsibility and could commence a criminal investigation into as part of our functions.

A person commits an offence if they are knowingly concerned in the fraudulent evasion of tax or duty, by themselves or another person.

This includes, deliberately:

- concealing or withholding relevant facts
- failing to disclose a liability to tax or duty
- misrepresenting your tax affairs

It is not relevant that you might not have actually gained from your deliberate conduct.

8.2 Specialist tax areas and related benefits

Code of Practice 9 includes tax losses brought about through Missing Trader Intra-Community (MTIC) fraud and the loss of excise duties through your deliberate conduct. If you wish to make such a disclosure we will make sure that a specially trained officer is allocated to your case.

Your deliberate conduct may impact on your tax credits claim, Child Benefit claims, and Student Loan repayments. We have an obligation to pass the information we get to the relevant teams or organisations that deal with these benefits and credits.

If you accept our offer and make a full and complete Outline Disclosure which includes a disclosure with consequences for your tax credits and Child Benefit claims, or your Student

Loan repayments, you will not be criminally investigated by us for those consequences.

9 Your rights

9.1 Your rights under HMRC's charter

To find out what you can expect from us and what we expect from you, go to www.gov.uk/hmrc/your-charter and have a look at 'Your Charter'.

9.2 Code of Practice 9 (COP9) and the Human Right Act (HRA)

The protection of the HRA will continue to apply to you, regardless of whether any investigation into your tax affairs under COP9 is a civil one or becomes a criminal one.

9.3 What if you are unhappy with our service

If you are unhappy with our service, please contact the person or office you have been dealing with. They will try to put things right. If you are still unhappy, they will tell you how to complain. There is more information on our website. Go to www.hmrc.gov.uk/complaints-appeals/how-to-complain/make-complaint.htm

9.4 What if you think that we should end our investigation

If you think that we should stop the investigation, please tell us why. If we do not agree with you, we will explain why. In some limited circumstances, you may be able to ask the independent tribunal that deals with tax matters to decide whether we should stop.

In addition, if you feel that there really is no more information that you can give us, then at any stage you have the option of making your formal disclosure by completing:

- a certified statement of worldwide assets and liabilities
- a certificate of bank accounts operated
- a certificate of credit cards operated
- a Certificate of Full Disclosure

We suggest that you get advice before you complete these certificates, as providing certificates that are later shown to be false or misleading may result in a criminal investigation for submitting false documents.

We may also consider a separate criminal investigation of any tax frauds that you have not disclosed to us.

Taking this course will not stop us from making further enquiries if we believe that we do need more information before we can conclude our investigation.

9.5 Customers with particular needs

We have a range of services for people with disabilities, including guidance in Braille, audio and large print. Most of our forms are also available in large print. Please contact us on any of our helplines for more information.

9.6 Privacy and confidentiality policy

We have a strict policy regarding the privacy and confidentiality of our customers' personal information. To read our policy, go to www.hmrc.gov.uk/about/privacy.htm

These notes are for guidance only and reflect the position at the time of writing. They do not affect any right of appeal.

HMRC Digital Service

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