



[2021] UKFTT 0048 (TC)

TC08034

INCOME TAX/CORPORATION TAX – Application by HMRC for information/documents in support of reasons that certain arrangement is not ‘notifiable’ under DOTAS – Application allowed in part

**FIRST-TIER TRIBUNAL
TAX CHAMBER**

Appeal number: TC/2020/03983

BETWEEN

**THE COMMISSIONERS FOR
HER MAJESTY’S REVENUE AND CUSTOMS**

Applicant

-and-

CORNHILL P W LIMITED

Respondent

TRIBUNAL: JUDGE BROOKS

The hearing took place on 4 February 2021. The form of the hearing was video on the Tribunal video platform. A face to face hearing was not held because of the restrictions arising as a result of the coronavirus pandemic.

Prior notice of the hearing had been published on the gov.uk website, with information about how representatives of the media or members of the public could apply to join the hearing remotely in order to observe the proceedings. As such, the hearing was held in public.

Georgia Hicks counsel, instructed by the General Counsel and Solicitor to HM Revenue and Customs, for the Applicant

Joseph Howard, counsel, instructed by and for the Respondent

DECISION

INTRODUCTION

1. HM Revenue and Customs (“HMRC”) apply for an order, under s 313B of the Finance Act 2004, requiring Cornhill PW Limited (“Cornhill”) to provide specified information or documents, as set out in a 52 item schedule attached to the application, in support of the reasons it, Cornhill, contends that certain arrangements are not “notifiable arrangements” under the Disclosure of Tax Avoidance Schemes (“DOTAS”) provisions contained in Part 7 of the Finance Act 2004.

2. As Green J (as he then was) observed in *Walupu v HMRC* [2016] STC 1682:

“11. ... Pursuant to these [DOTAS] provisions certain persons, normally the promoters of tax avoidance schemes, were required to provide HMRC with information about “arrangements” and “proposals for arrangements” (ie the tax avoidance schemes): where that arrangement or proposal might be expected to provide a person with a tax advantage in relation to a specified tax; where the tax advantage might be expected to be the main benefit, or one of the main benefits, of using the scheme; and, where the scheme fell within certain descriptions contained within the Regulations. There have been changes to the Regulations since 2004 and the scheme now in force was introduced in 2006.

12. In circumstances where a scheme is notifiable the promoter is required to provide specified information to HMRC. The obligation to notify normally accrues within 5 days of the marketing of the scheme or the making of the scheme available to clients for implementation. HMRC may issue a Scheme Reference Number (“SRN”). If so the promoter is required to pass the SRN on to the scheme users who, in turn, are obliged to notify HMRC of their use of the scheme. They do this normally by including the SRN upon their tax return. This enables HMRC to identify the users of a particular scheme.”

3. Georgia Hicks appeared for HMRC and Joseph Howard for Cornhill. I am grateful to both for their concise and succinct submissions, both written and oral.

BACKGROUND

4. On 24 August 2018 HMRC wrote to Cornhill:

“... because we suspect that you’re a promoter of the scheme described below. This scheme may be notifiable under DOTAS. A ‘promoter’ is a person who is, or has been, promoting a scheme. In this context, the term ‘scheme’ means ‘arrangements’ or ‘a proposal for arrangements’. Promoters are required to notify certain schemes under DOTAS, as set out in section 308 of the Finance Act 2004.

As we suspect you’re a promoter of this scheme, we may give you a notice under section 313A of the Finance Act 2004. This notice requires you to give us a full explanation of your reasons for not notifying us of this scheme. However, before we think about doing this, I’m now giving you the opportunity to give us the information voluntarily.”

The letter, which described the scheme as the “Remuneration Trust”, continued:

“What to do next

If you are a promoter of the scheme shown above and you now think the scheme is notifiable under DOTAS, you should notify us of the scheme straightaway. You can do this by using form AAG1, which you can find online. Go to www.gov.uk and search for ‘AAG1’. Once you’ve notified the

scheme to us, please also write to me at the above address to let me know that you've done so.

If you think you're not required to notify the scheme, because you believe either, it's not notifiable or you're not promoting it, please write to me to let me know. You'll need to:

- explain why - with reference to the tests set out in Part 7 of the Finance Act 2004 and the associated regulations
- send documentary evidence to support your view

You can find more information about these tests in our guidance. Go to www.gov.uk and search for 'Disclosure of tax avoidance schemes; guidance'.

Deadline for replying

Please send me your reply by 24 September 2018. If you don't, we may give you a notice requiring you to give us the information the information. We'll do this under section 313A of the Finance Act 2004.

If we give you this notice and you don't give us the information we need on time, you may have to pay a penalty."

5. Cornhill replied to HMRC's letter on 20 September 2018 stating that it was "of the opinion" that it was "not a 'promotor' as that term is defined" and that the "arrangements", ie the Remuneration Trust, "are not notifiable under DOTAS."

6. On 2 October 2018 HMRC issued Cornhill with a "Pre-disclosure enquiry – notice under s 313A of the Finance Act 2004" requiring it to "tell" HMRC if it considered that the Remuneration Trust was "notifiable" and give its reasons if it did not. In the absence of any response from Cornhill, which did not receive the letter, HMRC wrote again to Cornhill, on 20 September 2019, requesting information and documents, as set out in a schedule attached to the letter, for each "reason" HMRC considered the information or document sought supported.

7. Although the letter set a deadline of 21 October 2019 for the provision of the information and documents this was extended by agreement and, on 10 January 2020, Cornhill wrote to HMRC setting out its reasons why it did not consider itself to be a promotor within the definition in s 307 of the Finance Act 2004 (the "Promotor Reason") or consider the Remuneration Trust to be a "notifiable DOTAS arrangement" under s 306 of that Act (the "Notifiable Arrangement Reason").

8. Notwithstanding Cornhill's response, HMRC wrote to Cornhill on 24 February 2020 stating that the information previously sought was still considered to be relevant and reasonably required. The letter explained that as HMRC's suspicion that Cornhill was a promotor had at that stage "not been ruled out" an application would be made to the Tribunal for an order under s 313B of the Finance Act 2004 to require the information and documents to be produced.

9. In a letter to HMRC, dated 9 April 2020, Cornhill declined to provide the information sought by HMRC as it was "clear from" the response to Cornhill's letter of 10 January 2020 that HMRC had "not substantially engaged with the statement of reasons" contained in that letter. The letter continued by declining the offer of a meeting with HMRC. This was due to the restrictions imposed as a result of the coronavirus pandemic, the client being overseas and because HMRC had, "not shown any willingness to engage in any technical analysis through written correspondence."

10. HMRC’s letter in reply, dated 12 May 2020, recognised that the technical analysis in Cornhill’s letter of 10 January 2020 did “go some way” to explain Cornhill’s role in the Remuneration Trust arrangements but considered that the information and documents sought would “greatly assist” them in ascertaining whether Cornhill “meets the criteria of a promotor”. As such, it was still intended to make an application to the Tribunal.

11. The present application was made by HMRC on 29 September 2020.

12. On 8 December 2020 Cornhill wrote to HMRC “to amend the reasons” it had provided under s 313A of the Finance Act 2004 in its letters of 20 September 2018 and 10 January 2020. This was because it had become apparent “[d]uring the course of preparing documentation for partial compliance with the information and documentation sought in HMRC’s correspondence of 20 September 2020” that these reasons “were no longer correct.” Accordingly, the letter explained,

“The following amendments are required;

1. Please disregard the contents of the letter of 20 September 2018 save for the end of the third line on the second paragraph reading “that the arrangements to which you refer are not notifiable under DOTAS”.
2. Please amend our letter of 10 January 2020 to remove paragraphs 1 – 3.

To clarify, following these amendments our remaining reason under 313A Finance Act 2004 is;

“The arrangements” as defined by your letter of 20 September 2019, are not notifiable arrangements within the meaning of section 306(1) Finance Act 2004.

We have provided more detail on this point in our letter of 10 January 2020 that remains unaffected by this change”

13. Although invited by Cornhill in its letter of 8 December 2020 to withdraw or amend the application, by email, dated 16 December 2020, HMRC confirmed its intention to proceed on the basis of the application as it stood.

RELEVANT STATUTORY PROVISIONS

14. All subsequent statutory references are, unless otherwise stated, to the provisions of the Finance Act 2004.

15. Section 306 provides:

Meaning of “notifiable arrangements” and “notifiable proposal”

(1) In this Part “*notifiable arrangements*” means any arrangements which—

- (a) fall within any description prescribed by the Treasury by regulations,
- (b) enable, or might be expected to enable, any person to obtain an advantage in relation to any tax that is so prescribed in relation to arrangements of that description, and
- (c) are such that the main benefit, or one of the main benefits, that might be expected to arise from the arrangements is the obtaining of that advantage.

(2) In this Part “*notifiable proposal*” means a proposal for arrangements which, if entered into, would be notifiable arrangements (whether the

proposal relates to a particular person or to any person who may seek to take advantage of it).

16. Section 307 provides:

Meaning of “promoter”

(1) For the purposes of this Part a person is a promoter—

(a) in relation to a notifiable proposal, if, in the course of a relevant business, the person (“P”)

(i) is to any extent responsible for the design of the proposed arrangements,

(ii) makes a firm approach to another person (“C”) in relation to the notifiable proposal with a view to P making the notifiable proposal available for implementation by C or any other person, or

(iii) makes the notifiable proposal available for implementation by other persons, and

(b) in relation to notifiable arrangements, if he is by virtue of paragraph (a)(ii) or (iii) a promoter in relation to a notifiable proposal which is implemented by those arrangements or if, in the course of a relevant business, he is to any extent responsible for—

(i) the design of the arrangements, or

(ii) the organisation or management of the arrangements.

(1A) For the purposes of this Part a person is an introducer in relation to a notifiable proposal if the person makes a marketing contact with another person in relation to the notifiable proposal.

(2) In this section “relevant business” means any trade, profession or business which—

(a) involves the provision to other persons of services relating to taxation, or

(b) is carried on by a bank, as defined by section 1120 of the Corporation Tax Act 2010, or by a securities house, as defined by section 1009(3) of that Act.

(3) For the purposes of this section anything done by a company is to be taken to be done in the course of a relevant business if it is done for the purposes of a relevant business falling within subsection (2)(b) carried on by another company which is a member of the same group.

(4) Section 170 of the Taxation of Chargeable Gains Act 1992 has effect for determining for the purposes of subsection (3) whether two companies are members of the same group, but as if in that section—

(a) for each of the references to a 75 per cent subsidiary there were substituted a reference to a 51 per cent subsidiary, and

(b) subsection (3)(b) and subsections (6) to (8) were omitted.

(4A) For the purposes of this Part a person makes a firm approach to another person in relation to a notifiable proposal if the person makes a marketing contact with the other person in relation to the notifiable proposal at a time when the proposed arrangements have been substantially designed.

(4B) For the purposes of this Part a person makes a marketing contact with another person in relation to a notifiable proposal if—

- (a) the person communicates information about the notifiable proposal to the other person,
- (b) the communication is made with a view to that other person, or any other person, entering into transactions forming part of the proposed arrangements, and
- (c) the information communicated includes an explanation of the advantage in relation to any tax that might be expected to be obtained from the proposed arrangements.

(4C) For the purposes of subsection (4A) proposed arrangements have been substantially designed at any time if by that time the nature of the transactions to form part of them has been sufficiently developed for it to be reasonable to believe that a person who wished to obtain the advantage mentioned in subsection (4B)(c) might enter into—

- (a) transactions of the nature developed, or
- (b) transactions not substantially different from transactions of that nature.

(5) A person is not to be treated as a promoter or introducer for the purposes of this Part by reason of anything done in prescribed circumstances.

(6) In the application of this Part to a proposal or arrangements which are not notifiable, a reference to a promoter or introducer is a reference to a person who would be a promoter or introducer under subsections (1) to (5) if the proposal or arrangements were notifiable.

17. Section 308 requires a “promotor” to provide HMRC with “prescribed information” relating to the notifiable proposal. Under Regulation 4(1) of the Tax Avoidance Schemes (Information) Regulations 2012, that prescribed information includes:

... sufficient information as might reasonably be expected to enable an officer of HMRC to comprehend the manner in which the proposal or arrangements are intended to operate, including—

- (a) the promoter's name and address;
- (b) details of the provision of the Arrangements Regulations, the ATED Arrangements Regulations, the IHT Arrangements Regulations or the SDLT Arrangements Regulations by virtue of which the arrangements or the proposed arrangements are notifiable;
- (c) a summary of the arrangements or proposed arrangements and the name (if any) by which they are known;
- (d) information explaining each element of the arrangements or proposed arrangements (including the way in which they are structured) from which the tax advantage expected to be obtained under those arrangements arises; and
- (e) the statutory provisions, relating to any of the prescribed taxes, on which that tax advantage is based.

18. Where a promotor has provided prescribed information to HMRC under s 308, if it is believed that the person has not provided all of the prescribed information, HMRC may, by virtue of s 310A, require that person to provide further specified information and documents relating to the notifiable proposals or arrangements in addition to the prescribed information already provided. If the information and documents are not provided, HMRC may apply to

the Tribunal, under s 310B for an order requiring the person to provide the information or documents required.

19. Section 311 which concerns the allocation of a DOTAS scheme reference number provides:

Arrangements to be given reference number

(1) Where a person complies or purports to comply with section 308(1) or (3), 309(1) or 310 in relation to any notifiable proposal or notifiable arrangements, the Board—

(a) may within 90 days allocate a reference number to the notifiable arrangements or, in the case of a notifiable proposal, to the proposed notifiable arrangements, and

(b) if it does so, must notify that number to the person and (where the person is one who has complied or purported to comply with section 308(1) or (3)) to any other person—

(i) who is a promoter in relation to the notifiable proposal (or arrangements implementing the notifiable proposal) or the notifiable arrangements (or proposal implemented by the notifiable arrangements), and

(ii) whose identity and address has been notified to HMRC by the person.

(2) The allocation of a reference number to any notifiable arrangements (or proposed notifiable arrangements) is not to be regarded as constituting any indication by the Board that the arrangements could as a matter of law result in the obtaining by any person of a tax advantage.

(3) In this part “reference number”, in relation to any notifiable arrangements, means the reference number allocated under this section.

20. Section 313A provides:

Pre-disclosure enquiry

(1) Where HMRC suspect that a person (P) is the promoter or introducer of a proposal, or the promoter of arrangements, which may be notifiable, they may by written notice require P to state—

(a) whether in P's opinion the proposal or arrangements are notifiable by P, and

(b) if not, the reasons for P's opinion.

(2) A notice must specify the proposal or arrangements to which it relates.

(3) For the purpose of subsection (1)(b)—

(a) it is not sufficient to refer to the fact that a lawyer or other professional has given an opinion,

(b) the reasons must show, by reference to this Part and regulations under it, why P thinks the proposal or arrangements are not notifiable by P, and

(c) in particular, if P asserts that the arrangements do not fall within any description prescribed under section 306(1)(a), the reasons must provide sufficient information to enable HMRC to confirm the assertion.

(4) P must comply with a requirement under or by virtue of subsection (1) within—

(a) the prescribed period, or

(b) such longer period as HMRC may direct.

21. Section 313B, under which the present application was made, provides:

Reasons for non-disclosure: supporting information

(1) Where HMRC receive from a person (P) a statement of reasons why a proposal or arrangements are not notifiable by P, HMRC may apply to the tribunal for an order requiring P to provide specified information or documents in support of the reasons.

(2) P must comply with a requirement under or by virtue of subsection (1) within—

(a) the prescribed period, or

(b) such longer period as HMRC may direct.

(3) The power under subsection (1) —

(a) may be exercised more than once, and

(b) applies whether or not the statement of reasons was received under section 313A(1)(b).

22. Under Regulation 14(2) of the Tax Avoidance Schemes (Information) Regulations 2012 the “prescribed period” for compliance with a requirement under s 313A and also an order by the Tribunal under s 313B is 14 days.

DISCUSSION AND CONCLUSION

23. It is common ground that at the time the application was made Cornhill was relying on both the Promoter Reason and the Notifiable Arrangements Reason. As such, Ms Hicks contends that HMRC’s application should be allowed in full and Cornhill ordered to produce the information and documents sought in respect of both the Notifiable Arrangements Reason and the Promoter Reason, as set out in the schedule to the application, notwithstanding that, by the time of the hearing, Cornhill was no longer relying on the Promoter Reason.

24. Ms Hicks submits that, as there is no provision in the legislation that permits a respondent to retrospectively withdraw, revise or amend a reason given in response to a pre-disclosure enquiry notice under s 313A, Cornhill should not be permitted to change its position. It is, she says necessary for HMRC to be able to understand Cornhill’s role in the arrangements concerned and the purported withdrawal of the Promoter Reason in its letter of 10 December 2020 was, she says, no more than an attempt by Cornhill to obfuscate and cause further delay to a straightforward information gathering exercise that was not only first raised by HMRC in 2018 but also contrary to the DOTAS regime which was designed to give HMRC access to such information early on in proceedings.

25. While Ms Hicks is correct to say that there is nothing in the legislation to permit a respondent to retrospectively revise, amend or withdraw a reason that had been relied upon, there is also nothing in the legislation to prohibit this either.

26. In my judgment it would be inconsistent with the purpose of s 313B, which is to require the production of specified information and/or documents in support of reasons on which a respondent relies, to require a respondent to provide information which is, by the date of the hearing, no longer relied upon. Such an approach would be consistent with litigation generally, in which a party may, even as late as the hearing, make a concession or abandon a particular argument on which it had previously relied.

27. As such, I consider that Cornhill was entitled to make the amendment it did in the 10 December 2020 letter and withdraw the Promotor Reason and rely solely on the Notifiable Arrangements Reason. Accordingly the information and documents which it should be ordered to provide to HMRC under s 313B should be limited to those in support of that reason only.

28. With regard to the withdrawal of the Promotor Reason, Mr Howard explained that this was withdrawn by Cornhill following a re-consideration having concluded that it was “fair to say” that it was responsible for the management of the arrangements. However, he said that this was not a concession by Cornhill but was based on the definition of a “promotor” in s 307(1) being dependent on the presence of a “notifiable arrangement”. As such, although accepting that if the arrangement is notifiable it is “likely” that Cornhill would be a promotor, Mr Howard contends that in the absence of a notifiable arrangement Cornhill cannot be a promotor.

29. Were it not for s 307(6) I would agree with Mr Howard but, as it provides that a reference to a promoter, “is a reference” to a person “who would be a promoter ... if the proposal or arrangements were notifiable”, it is clear from s 307(6) that is not necessary for the arrangements concerned to be “notifiable” for Cornhill to be a promoter.

30. As such, and in the light of the reason for the withdrawal of the Promotor Reason, I find Cornhill to be a promotor and, as such, must provide the information required in accordance with s 308 to HMRC which may, if necessary, seek further specified information and documents under s 310A notwithstanding my conclusion that any order under s 313B for Cornhill to provide HMRC with specified information and documents must be restricted to that which supports the Notifiable Arrangements Reason and not the Promotor Reason.

31. In relation to the Notifiable Arrangements Issue, Mr Howard contends, relying on the overriding objective in Rule 2 of the Tribunal Procedure (First-tier Tribunal) (Tax Chamber) Rules 2009 to deal with cases “fairly and justly”, particularly the need to deal with the case in a “proportionate” way avoiding “unnecessary formality”, that HMRC’s application should be dismissed. He submits that HMRC’s schedule of information and documents sought, which remains essentially as stated in their letter of 20 September 2019, does not take account of Cornhill’s revised position and that, given the arrangements concern a Remuneration Trust promoted by Baxendale Walker which has been the subject of appeals (eg *Always Sheet Metal Limited and Others v HMRC* [2017] SFTD 719 and *RFC 2012 Plc (formerly The Rangers Football Club Plc) v Advocate General for Scotland (Scotland)* [2017] STC 1556) HMRC have sufficient information to allocate a DOTAS scheme reference number.

32. However, it is clear from s 311 that HMRC may only allocate a reference number “where a person complies or purports to comply” with s 308(1) or (3), s 309(1) or s 310 in relation to any notifiable arrangements. As Cornhill, which until 10 December 2020 maintained it was not a promotor, has not complied or purported to comply with these provisions it has not been possible for HMRC to issue a scheme registration number even if, which cannot be confirmed until the information has been received, the arrangements are, in essence, not materially different from those known to HMRC.

33. Therefore, having regard, as I must, to the overriding objective of Procedure Rules, which also includes “avoiding delay”, I consider it appropriate, in all the circumstances, to order Cornhill to provide HMRC with the specified information and documents sought in support of the Notifiable Arrangements Reason in accordance with the amended schedule provided by HMRC.

34. Accordingly,

- (1) HMRC’s application is allowed in part; and

(2) Cornhill is ordered to provide the information and documents as set out in the appendix to this decision (ie those items from the schedule that HMRC contend relate to “notifiable arrangements”).

**JOHN BROOKS
TRIBUNAL JUDGE**

RELEASE DATE: 17 FEBRUARY 2021

APPENDIX

Appendix to the application, dated 29 September 2020, Information and Documentation Sought by HMRC from Cornhill amended to include only those items relating to “notifiable arrangements”:

“In this schedule of information and documents request “the Arrangements” means the arrangements which exist when a company adheres to the Cornhill Wealth Ltd Remuneration Trust. That Trust was created on 14 June 2011 by a Trust Deed, the parties to which were Cornhill Wealth Ltd (the Founder) and Bay Trust International Limited (the Original Trustees). When companies subsequently adhere to that Trust, the Deed of Adherence is titled “The Cornhill Club Remuneration Trust Deed of Adherence”.

Key - Caraneil Consulting Limited (C), Euro Data Centre Services Ltd (E) and Toni Allan Consulting Ltd (T). (If any of the documents requested for these 3 clients have already been supplied in respect of the same Arrangement, further copies are not required but please provide the date the documents were sent to HMRC together with the case reference.)

| | Information and Documentation Sought | Reasons the information / documentation supports |
|--------------------|--|---|
| Information | | |
| 7 | Details of any fees charged to the client, by the trust or other party and the role Cornhill PW Ltd (“Cornhill”) played in administering such costs. | Supports the reason as to “premium fee” (one of the hallmarks). |
| 8 | A description of the role of Cornhill on or after 24 February 2016 to 30 April 2019 in administering the CPW Client RT Contributions made by T. | Supports the reason as to “premium fee” (one of the hallmarks). |
| 10 | A description of services provided by other parties in respect of this Arrangement, to include:- 10.1 their full name; 10.2 address; 10.3 amounts paid; 10.4 the services provided; 10.5 If known, whether they carried out the services themselves or used third parties or fiduciaries to do so and, if known, their full name and address. | Supports the reason as to “premium fee” (one of the hallmarks). |
| 18 | Give a breakdown of the gross fees charged in the period 17 April 2015 to 30 April 2019 in connection with the contributions mentioned in | Supports the reason as to “premium fee” |

| | | |
|------------------|---|--|
| | C's Written Resolutions to include:- 18.1 how these fees were allocated between parties; 18.2 the name(s) and address(es) of each party. | (one of the hallmarks). |
| 19 | Give a breakdown of the gross fees charged in the period 17 April 2015 to 30 April 2019 in connection with the contributions mentioned in E's Written Resolutions to include: 19.1 how these fees were allocated between parties; 19.2 the name(s) and address(es) of each party. | Supports the reason as to "premium fee" (one of the hallmarks). |
| 20 | Give a breakdown of the gross fees charged in the period 17 April 2015 to 30 April 2019 in connection with the contributions mentioned in T's Written Resolutions to include: 20.1 how these fees were allocated between parties; 20.2 the name(s) and address(es) of each party. | Supports the reason as to "premium fee" (one of the hallmarks). |
| 24 | The Minerva fees in T were "10% of the Directors Resolution". Please state the exact nature of the services they provided for these fees. | Supports the reason as to "premium fee" (one of the hallmarks). |
| 25 | What was Cornhill PW's fee within this "Minerva fee"? | Supports the reason as to "premium fee" (one of the hallmarks). |
| 26 | The Administration fees in T were approximately 6.66% of the "Contribution Transfer". Please state the exact nature of the services provided and state who provided them. | Supports the reason as to "premium fee" (one of the hallmarks). |
| Documents | | |
| 27 | Please let me have copies of any internal or external checklists used for ensuring that a client has completed each of the required documents and steps to join the Arrangements. For example, adherence to the anti-money laundering regulations, the setup of the trust, signing the trust deed, payment of fees including ongoing costs, signing the deed of adherence and any other regulatory checks, if in point, the narrative to include in Tax Returns and accounts submitted to HMRC. | Supports the "standardised tax product" reason (one of the hallmarks). |
| 28 | Please let me have copies of completed checklists referred in paragraph 27 above for the 3 clients C, E and T. | Supports the "standardised tax product" reason (one of the hallmarks). |
| 40 | Please provide a copy of each agreement entered into and held by Cornhill in respect of: 40.1 C's adherence to the Trust; 40.2 all agreements subsequent to the adherence; 40.3 all loans sought by C or other parties. | Supports the "standardised tax product" reason (one of the hallmarks). |

| | | |
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| | | |
| 41 | Please provide a copy of each agreement entered into and held by Cornhill PW Ltd in respect of: 41.1 E's adherence to the Trust; 41.2 all agreements subsequent to the adherence; 41.3 all loans sought by E or other parties. | Supports the "standardised tax product" reason (one of the hallmarks). |
| 42 | Please provide a copy of each agreement entered into and held by Cornhill PW Ltd in respect of: 42.1 T's adherence to the Trust; 42.2 all agreements subsequent to the adherence; 42.3 all loans sought by T or other parties. | Supports the "standardised tax product" reason (one of the hallmarks). |
| 43 | Please provide a copy of each agreement, document, correspondence (by letter or email) and note of meetings or telephone discussions held between Minerva Services Ltd, Buckingham Wealth or third parties, fiduciaries or others working on their behalf and Cornhill in respect of the Arrangement entered into by C. | Supports the "standardised tax product" reason (one of the hallmarks). |
| 44 | Please provide a copy of each agreement, document, correspondence (by letter or email) and note of meetings or telephone discussions held between Minerva Services Ltd, Buckingham Wealth or third parties, fiduciaries or others working on their behalf and Cornhill PW Ltd in respect of the Arrangement entered into by E. | Supports the "standardised tax product" reason (one of the hallmarks). |
| 45 | Please provide a copy of each agreement, document, correspondence (by letter or email) and note of meetings or telephone discussions held between Minerva Services Ltd, Buckingham Wealth or third parties, fiduciaries or others working on their behalf and Cornhill PW Ltd in respect of the Arrangement entered into by T | Supports the "standardised tax product" reason (one of the hallmarks). |
| 50 | Has Cornhill ever prevented or restricted the disclosure by users or their tax agents of information and documents in connection with the specified Arrangements? | Supports the confidentiality from HMRC hallmark [14] |
| 51 | Has Cornhill ever discouraged either users or their agents from replying directly to HMRC enquiries or from complying with information notices received by HMRC or asked or told users to obtain Cornhill's consent before providing information and documents to HMRC in response to enquiries or information notices? | Supports the confidentiality from HMRC hallmark [14] |