
STATUTORY INSTRUMENTS

2014 No. 1358

TAXES

The International Tax Enforcement (Uruguay) Order 2014

Made - - - - *27th May 2014*

A draft of this Order was laid before the House of Commons in accordance with section 173(7) of the Finance Act 2006⁽¹⁾ and approved by a resolution of that House.

Accordingly, Her Majesty, in exercise of the powers conferred upon Her by section 173(1) to (3) of the Finance Act 2006, by and with the advice of Her Privy Council, orders as follows—

Citation

1. This Order may be cited as the International Tax Enforcement (Uruguay) Order 2014.

Tax information exchange agreement to have effect

2. It is declared that—
 - (a) the agreement set out in the Schedule to this Order has been made with the Government of The Oriental Republic of Uruguay with a view to the exchange of information foreseeably relevant to the administration or enforcement or recovery of the taxes, and debts relating to the taxes, covered by the agreement; and
 - (b) it is expedient that the agreement should have effect.

Ceri King
Deputy Clerk of the Privy Council

SCHEDULE

Article 2

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GOVERNMENT OF THE ORIENTAL REPUBLIC OF URUGUAY CONCERNING THE EXCHANGE OF INFORMATION

The Government of the United Kingdom of Great Britain and Northern Ireland and the Government of The Oriental Republic of Uruguay, desiring to promote the exchange of information with respect to certain taxes have agreed as follows:

Article 1

Object and Scope of the Agreement

The competent authorities of the Contracting Parties shall exchange information that is foreseeably relevant to the administration and enforcement of the laws of the Contracting Parties concerning taxes covered by the Agreement, which shall include information that is foreseeably relevant to the determination of such taxes, the recovery and enforcement of tax claims, and other matters. Information shall be exchanged in accordance with the provisions of the Agreement and shall be treated as confidential in the manner provided in the Agreement. Information shall be secured to persons by the laws or administrative practice of the Contracting Parties to the extent that they do not unduly prevent or delay effective exchange of information.

Article 2

Jurisdiction

- b) the term “Uruguay” means the Oriental Republic of Uruguay, in geographical sense, means the territory of Uruguay, and the areas over which the State exercises sovereign rights, in accordance with international law and national law;
- c) the term “Contracting Party” means the United Kingdom or the United States of America as that Party requires;
- d) the term “competent authority” means:
 - i) in the case of the United Kingdom, the Commissioners of Revenue and Customs or their authorised representative;
 - ii) in the case of Uruguay, the Minister of Economy and Finance or their authorised representative;
- e) the term “person” includes an individual, a company or an individual acting in a company;
- f) the term “company” means any body corporate or an individual acting in a company for tax purposes;
- g) the term “publicly traded company” means any company whose shares are listed on a recognised stock exchange provided that the shares are readily purchased or sold by the public. Shares can be “publicly traded” if the purchase or sale of shares is not implicitly restricted to a limited group of investors;
- h) the term “principal class of shares” means the class of shares which carries the majority of the voting power and value of the company.

association or other entity deriving its status as a
Kingdom; and

- ii) in relation to Uruguay, any individual possessing citizenship and any legal person, association or entity derived from the laws in force in Uruguay;
- q) the term “criminal tax matters” means tax matters which are liable to prosecution under the criminal law of Uruguay;
- r) the term “criminal laws” means all criminal laws of Uruguay, whether contained in the statutes or otherwise.

2. As regards the application of this Agreement at a time when the law is not defined therein shall, unless the context otherwise requires, the meaning under the law of that Party, any meaning under the law of that Party prevailing over a meaning given to the term under other laws.

Article 5

Exchange of Information

1. The competent authority of the requested Party shall, for the purposes referred to in Article 1. Such information shall be provided whether the conduct being investigated would constitute a criminal offence in the requested Party if such conduct occurred in the territory of the requested Party.

2. If the information in the possession of the competent authority of the requested Party is

5. The competent authority of the applicant Party shall provide to the competent authority of the requested Party when making a request under the Agreement to demonstrate the foreseeable relevance of the information to:

- a) the identity of the person under examination;
- b) a statement of the information sought including a statement of why the applicant Party wishes to receive the information;
- c) the tax purpose for which the information is sought;
- d) grounds for believing that the information requested is held by the requested Party or is in the possession or control of a person in the jurisdiction of the requested Party;
- e) to the extent known, the name and address of the person in possession of the requested information;
- f) a statement that the request is in conformity with the laws of the applicant Party, that if the requested information is held by the applicant Party then the competent authority of the applicant Party is unable to obtain the information under the laws of the applicant Party of administrative practice and that it is in compliance with the laws of administrative practice of the applicant Party;
- g) a statement that the applicant Party has pursued all reasonable avenues in its territory to obtain the information, except where this would involve disproportionate difficulties.

6. The competent authority of the requested Party shall provide to the competent authority of the requesting Party such information as is requested, subject to the following conditions:

1. The requested Party shall not be required to obtain information that the applicant Party would not be able to obtain under its own laws or enforcement of its own tax laws.

2. The Competent Authority of the requested Party shall not be required to make a determination not made in conformity with this Agreement.

3. This Agreement shall not impose on a requested Party the obligation to disclose information, which would reveal confidential communications of a tax practitioner, solicitor or other admitted legal representative where such information is:

- a) produced for the purposes of seeking or providing tax advice;
- b) produced for the purposes of use in existing or contemplated litigation.

4. This Agreement shall not impose on a requested Party the obligation to disclose information which would disclose any trade, business, industrial, scientific, technical or artistic secret or trade process. Notwithstanding the foregoing, paragraph 4 of Article 5 shall not be treated as such a secret if the information meets the criteria in that paragraph.

5. The requested Party may decline a request for information if the disclosure of such information would be contrary to public policy.

6. The requested Party may decline a request for information if the request is made by the requesting Party to administer or enforce a provision of law, or any requirement connected therewith, which discriminates against the requesting Party as compared with a national of the requesting Party.

7. A request for information shall not be refused on the basis of the age of the information.

The Contracting Parties shall enact any legislation necessary to give effect to the terms of this Agreement.

Article 11

Mutual Agreement Procedure

1. Where difficulties or doubts arise between the Contracting Parties in the implementation or interpretation of this Agreement, the Contracting Parties shall resolve the matter by mutual agreement.
2. In addition to the agreements referred to in paragraph 1, the Contracting Parties may mutually agree on the procedure to be followed.
3. The competent authorities of the Contracting Parties shall meet directly for purposes of reaching agreement under this Article.

Article 12

Entry into Force

Each of the Contracting Parties shall notify to the other Contracting Parties the completion of the procedures required by its law for the entry into force of this Agreement. This Agreement shall come into force on the date of the notification and shall thereupon have effect

- a) for criminal matters on that date, and
- b) for all other matters covered in Article 1, on the date of the notification or on periods beginning on or after that date, or on the date of the notification or on periods beginning on or after that date.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

The Schedule to this Order contains an agreement (“the Agreement”) dealing with the exchange of information for tax purposes between the Government of the United Kingdom and the Government of the Oriental Republic of Uruguay. This Order brings the Agreement into effect.

Article 1 provides for citation.

Article 2 makes a declaration as to the effect and content of the Agreement.

The Agreement provides for the exchange of information foreseeably relevant to the administration or enforcement of the taxes covered by the Agreement by the revenue authorities of the two countries. Information will be exchanged in accordance with the provisions of the Agreement.

The Agreement will enter into force on the date of the later of the notifications by each country of the completion of its legislative procedures. It will take effect as follows:

- (a) in respect of requests relating to criminal matters, on the date of entry into force; and
- (b) in respect of all other requests, in relation to taxable periods beginning on or after the date of entry into force or, where there is no taxable period, for all charges to tax arising on or after that date.

The date of entry into force will, in due course, be published in the *London, Edinburgh and Belfast Gazettes*.

A Tax Information and Impact Note has not been prepared for this Order as it gives effect to a previously announced policy to enact a tax information exchange agreement.