

Your rights and safeguards 1: Taxpayer information notice

We outline the rights and safeguards the law gives you when HMRC have given you a formal notice asking you for certain information and documents in order to check your tax position

This aims to expand the information given in HMRC's own [compliance factsheets](#) – specifically [CC/FS2: Compliance checks: information notices](#). It also adds to information given about your rights in [Your Charter](#).

HMRC's request must be reasonable

HMRC can only require you to show them something that they reasonably need in order to check your tax position. If they ask you to produce it by a particular time, or at a particular place, that request too must be reasonable.

To produce a copy

You may produce a copy of any document that HMRC ask you for, unless the notice specifies that you must produce the original, or HMRC make a written request for the original.

What HMRC may not ask you for

The law does not permit HMRC to ask you for:

- Documents that you do not have in your possession and cannot easily get hold of
- Anything to do with a pending appeal about your tax
- Personal records (that is, relating to your physical or mental health, or your spiritual or personal welfare)
- Journalistic material (if you are a professional journalist)
- A document the whole of which is more than six years old, unless authorised by a senior HMRC official
- Information or documents relating to a person who has died if more than four years have elapsed since the death
- Anything that is confidential between you and your legal adviser

However, HMRC may ask for a document that contains personal information about you with the relevant passages blocked out.

HMRC do not normally have the right to ask for information or documents relating to a period for which you have made a tax return, but they may do so if there is an

open [formal enquiry](#) into the return or they have reason to suspect that you have underpaid tax or been given too much tax relief.

They may also ask for such a document if they reasonably need it for checking your VAT or PAYE.

Your right of appeal

You normally have the [right to appeal](#) to the tribunal against a notice to produce information. Or you can appeal against anything the notice requires you to do. You can also ask for HMRC to carry out an [independent internal review](#) (see also HMRC's factsheet [MRC1: HM Revenue & Customs decisions – what to do if you disagree](#)).

If you appeal, you must do so in writing within 30 days of the date of the information notice. You must give your form or letter (the 'notice of appeal') to the HMRC officer who gave you the information notice. In some circumstances you are permitted to make a [late appeal](#) (again, see also HMRC 1 factsheet).

When you do not have a right of appeal

You do not have a right of appeal if:

- You are being asked to produce your statutory records (unfortunately the law does not say what 'statutory records' are, but HMRC provide some further information on [GOV.UK](#).)
- The notice says that it has already been approved by the tribunal (see below)

But if the tribunal has approved the notice, you have the right to check that

- The application to the tribunal was authorised by a senior HMRC official
- You have been asked for the documents/information and given a reasonable opportunity to make representations
- The tribunal has been given a summary of your representations
- The tribunal is satisfied that giving the notice is justified

Your rights and safeguards 2: Third party information notice

We outline the rights and safeguards the law gives you when HMRC have given you a formal notice asking you for certain information and documents in order to check someone else's tax position

This aims to expand the information given in HMRC's own [compliance factsheets](#) – specifically [CC/FS2: Compliance checks – information notices](#) and [CC/FS23: Compliance checks – third party information notices](#). It also adds to information given about your rights in [Your Charter](#).

HMRC's request must be reasonable

HMRC can only require you to show them something that they reasonably need in order to check the tax position of the other person they have identified in the notice they have given you.

In some circumstances, the tribunal may have agreed to HMRC giving you a notice, and may permit HMRC not to name the taxpayer to whom it relates. If HMRC ask you to produce information and/or documents by a particular time, or at a particular place, that request too must be reasonable.

To produce a copy

You may produce a copy of any document HMRC ask you for, unless the notice specifies that you must produce the original, or HMRC make a written request for the original.

What HMRC may not ask you for

The law does not permit HMRC to ask you for:

Documents that you do not have in your possession and cannot easily get hold of

- Anything to do with a pending appeal about tax
- Personal records (that is, relating to the taxpayer's physical or mental health, or spiritual or personal welfare)
- Journalistic material (if you are a professional journalist)
- A document the whole of which is more than six years old, unless authorised by a senior HMRC official
- Information or documents relating to a person who has died if more than four years have elapsed since the death
- Anything that is confidential between the taxpayer and his or her legal adviser

However, HMRC may ask for a document that contains personal information about the taxpayer with the relevant passages blocked out.

Your right of appeal

You normally have the [right to appeal](#) to the tribunal against an information notice if you think it would be unduly onerous to comply with it. Or you can appeal on the same grounds against anything the notice requires you to do.

You can also ask for an [independent internal review](#) (see also [HMRC's factsheet HMRC1: HM Revenue & Customs decisions – what to do if you disagree](#)).

If you appeal, you must do so in writing within 30 days of the date you are given this notice.

You must give your form or letter (the 'notice of appeal') to the officer who gave you the notice. In some circumstances you are permitted to make a [late appeal](#) (again, see also HMRC 1 factsheet).

When you do not have a right of appeal

You do not have a right of appeal if:

- You are being asked to produce statutory records (unfortunately the law does not say what 'statutory records' are, but HMRC have provided some further information on the [GOV.UK website](#)).
- The notice says that it has already been approved by the tribunal (see below)

But if the tribunal has approved the notice, you have the right to check that:

- The application to the tribunal was authorised by a senior HMRC official
- You have been asked for the documents/information and given a reasonable opportunity to make representations
- The tribunal has been given a summary of your representations
- The tribunal is satisfied that giving the notice is justified

Your rights and safeguards 3: Inspections

We outline the rights and safeguards the law gives you when HMRC have asked to visit your business premises so that they may inspect the premises and any business assets or business documents that are there

This aims to expand the information given in HMRC's own [compliance factsheets](#) – specifically CC/FS3, CC/FS4 and CC/FS5 which deal with visits. It also adds to information given about your rights in [Your Charter](#).

HMRC's request must be reasonable

HMRC can only carry out an inspection if it is reasonable for them to do so in order to check your tax position.

HMRC must normally give you at least seven days' notice

HMRC can only carry out their inspection at a time which you agree to, or at any reasonable time if they have given you seven days' notice. (See below if HMRC arrive unannounced.)

You do not have to let HMRC in

However, if the tribunal has authorised the inspection, HMRC can charge you a penalty for refusing them entry, and you can appeal against the penalty (see also our factsheet number 5 on penalties and the various HMRC factsheets in the compliance series concerning penalties).

You do not have to answer HMRC's questions

HMRC cannot normally enter residential premises.

If any part of your premises is used solely as a dwelling, HMRC may not enter or inspect it.

If HMRC arrive unannounced

- You can ask them to show you authorisation by a senior HMRC official.
- They must give you, or the person who appears to be

in charge of the premises, a notice stating the possible consequences of obstructing the inspection. If nobody is at the premises, they must leave the notice somewhere conspicuous.

If HMRC have obtained the approval of the tribunal to their inspection

- Their application to the tribunal must be made by, or with the agreement of, a senior HMRC official.
- The tribunal must be satisfied that, in the circumstances, the inspection is justified.

If HMRC wish to take away documents with them

HMRC can take away documents if it appears to them to be necessary to do so, but the law only allows them to do so at a reasonable time and keep them for a reasonable period.

You are entitled to ask for a receipt for the document and, if you reasonably require the document for any purpose in the meantime, ask for a copy of it. HMRC must provide these free of charge. If HMRC remove a document and it is lost or damaged, they must compensate you accordingly.

Human rights

The Human Rights Act 1998 gives you the fundamental right to respect for your private and family life, your home and your correspondence.

However, it allows a public authority such as HMRC to interfere with your exercise of this right if such interference is in accordance with the law and is necessary in a democratic society – for example for the economic well-being of the country, for the prevention of crime, or for the protection of the rights and freedoms of others.

This means that any request by HMRC must be reasonable and proportionate for the purpose of checking your tax position. If for example you can give them the information they need by some other means, and are prepared to do so, HMRC should normally accept that and not carry on with their inspection.

If you believe HMRC's actions infringe your human rights, you are entitled to bring court proceedings against them, or cite their alleged infringement in any appeal to the tribunal.



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Your rights and safeguards 4: Notice of enquiry into return

We outline the rights and safeguards the law gives you when HMRC have given you a formal notice to enquire into your Self Assessment tax return

This aims to expand the information given in HMRC's own compliance factsheets. It also adds to information given about your rights in 'Your Charter'.

Time limits for giving a notice of enquiry

This aims to expand the information given in HMRC's own compliance factsheets. It also adds to information given about your rights in Your Charter.

Time limits for giving a notice of enquiry

There are strict time limits which HMRC must observe. The law does not permit them to enquire into your return outside these time limits.

- If you filed your return on time, HMRC have 12 months from the date on which you filed it to begin their enquiry.

So if you filed your 2018/19 return electronically on, say, 30 November 2019, HMRC may not enquire into it after 30 November 2020.

- If you filed your return late, HMRC have 12 months from the date on which you filed it, plus some extra time up to the next quarter day, to begin their enquiry. Quarter days are 31 January, 30 April, 31 July and 31 October.

So, for example, if you filed your 2018/19 return electronically on 28 February 2020, HMRC can enquire into it at any time up to 30 April 2021.

- If either you or HMRC amended your return after it was filed, HMRC can enquire into it for 12 months after the amendment was made, plus some extra time up to the next quarter day, but HMRC may only enquire up to that later date into the subject matter of the amendment.

For example, if you filed your 2018/19 return electronically on 30 November 2019, HMRC can enquire into the whole return until 30 November 2020. If you amend your return on 1 May 2020, HMRC have an extra 8 months to enquire into it until 31 July 2021, but during that extra time they can only enquire into the subject matter of the amendment.

Your rights of appeal

You have certain rights of appeal to the First-tier Tribunal, or to ask HMRC for an independent internal review, at various stages during their enquiry. For more details of how to exercise these rights, see factsheet HMRC1.

- If HMRC decide during their enquiry to amend your return, you can appeal against their decision within 30 days of them making the amendment – although your appeal will not be referred to internal review, or heard by the First-tier Tribunal, until the enquiry is completed.
- You can also appeal against any decision HMRC make on conclusion of their enquiry, or any assessment to tax that they make, again within 30 days of their decision.
- At any time during HMRC's enquiry, you can apply to the First-tier Tribunal for a direction that they must close down their enquiry by a certain time. Then the tribunal must give that direction unless HMRC can prove to their satisfaction that they need to keep the enquiry open for longer.



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Your rights and safeguards 5: Penalties

We outline the rights and safeguards the law gives you when HMRC charge you a penalty.

This aims to expand the information given in HMRC's own [compliance factsheets](#). It also adds to information given about your rights in [Your Charter](#).

What to do if you disagree

You can [appeal](#) if you think that:

- HMRC should not have charged you a penalty at all, or
- they have charged you too much.

For example, HMRC may have charged you a penalty on the basis that an error in a document or tax return was deliberate. You may think that it was only careless, in which case your penalty should be lower. Or you may think that you made the error despite having taken reasonable care to get things right, in which case no penalty would be due.

Alternatively, you may think that you deserve more credit for having told HMRC about the error, and helping them to correct it, than they have given you.

See factsheets [CC/FS7a](#) and [CC/FS7b](#) for details on how HMRC calculate penalties for errors in returns or documents.

Suspension of penalties

Where HMRC charge you a penalty for a careless mistake in a return or document, the law allows them to suspend payment of the penalty. HMRC's factsheet [CC/FS10](#) covers suspension.

If HMRC refuse to suspend a penalty or set suspension conditions that you wish to challenge, you can appeal.

Failure to notify

HMRC can charge a penalty if you do not tell them about certain changes which affect your liability to tax – for example, if you start receiving a new source of income which triggers the need to complete a Self Assessment tax return. HMRC's factsheet [CC/FS11](#) covers these penalties in more detail.

This penalty regime is subtly different from that for penalties for inaccurate returns in that there are only three categories of failure:

- deliberate non-notification
- deliberate non-notification with concealment, and
- any other kind (that is, non-deliberate)

However, no penalty arises if there is a [reasonable excuse](#) for the failure.

Unfortunately, the law does not allow HMRC to suspend this type of penalty, but there are provisions for 'special reduction'. These allow HMRC, in special circumstances, to reduce or stay a penalty, or otherwise agree a compromise. In deciding whether to apply these provisions, HMRC may not take account of ability to pay or the fact that tax might have been overpaid elsewhere which could balance out the underpayment giving rise to the penalty.

How to appeal

If you decide to appeal against a penalty or suspension decision, you must usually do so within 30 days by sending HMRC a written notice that you wish to appeal. You can then decide whether you wish your appeal to be heard by the First-tier Tribunal, or reviewed by a different team within HMRC.

If the latter, you still have the right to appeal to the First-tier Tribunal against the decision of the review team. For more detail see factsheet [HMRC1](#).



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