

Finance Act, 2008

Section 114 - Computer records etc

1) This section ` applies to any enactment that, in connection with an HMRC matter- (a) requires a person to produce a document or cause a document to be produced, (b) requires a person to permit the Commissioners or an officer of Revenue and Customs- (i) to inspect a document, or (ii) to make or take copies of or extracts from or remove a document, (c) makes provision about penalties or offences in connection with the production or inspection of documents, including in connection with the falsification of or failure to produce or permit the inspection of documents, or (d) makes any other provision in connection with a requirement mentioned in paragraph (a) or (b). (2) An enactment to which this section applies has effect as if- (a) any reference in the enactment to a document were a reference to anything in which information of any description is recorded, and (b) any reference in the enactment to a copy of a document were a reference to anything onto which information recorded in the document has been copied, by whatever means and whether directly or indirectly. (3) An authorised person may, at any reasonable time, obtain access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been used in connection with a relevant document. (4) In subsection (3) "relevant document" means a document that a person has been, or may be, required pursuant to an enactment to which this section applies- (a) to produce or cause to be produced, or Finance Act 2008 (c. 9) (b) to permit the Commissioners or an officer of Revenue and Customs to inspect, to make or take copies of or extracts from or to remove. (5) An authorised person may require- (a) the person by whom or on whose behalf the computer is or has been so used, or (b) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material, to provide the authorised person with such reasonable assistance as may be required for the purposes of subsection (3). (6) Any person who- (a) obstructs the exercise of a power conferred by this section, or (b) fails to comply within a reasonable time with a requirement under subsection (5), is liable to a penalty of 300. (7) Paragraphs 45 to 49 and 52 of Schedule 36 (assessment of and appeals against penalties) apply in relation to a penalty under this section as they apply in relation to a penalty under paragraph 39 of that Schedule. (8) Omit the following- (a) section 10 of FA 1985 (production of computer records etc in connection with assigned matters), (b) section 127 of FA 1988 (production of computer records etc in connection with the Taxes Acts), and (c) paragraphs 11(2) to (4) and 13(2) and (3) of Schedule 1 to the Civil Evidence Act 1995 (c. 38). (9) In this section- "authorised person" means a person who is, or is a member of a class of persons who are, authorised by the Commissioners to exercise the powers under subsection (3), "the Commissioners" means the Commissioners for Her Majesty's Revenue and Customs, "enactment" includes an enactment contained in subordinate legislation (within the meaning of the Interpretation Act 1978 (c. 30)), "HMRC matter" means a matter in relation to which the Commissioners, or officers of Revenue and Customs, have a power or duty, and "produce", in relation to a document, includes furnish, deliver and any other equivalent expression.