

# **CODE OF PRACTICE 9**

HMRC investigations where we suspect tax fraud

## **The HMRC Investigation of Fraud Statement**

- (i) The Commissioners of HMRC reserve complete discretion to pursue a Criminal investigation with a view to prosecution where they consider it necessary and appropriate.
- (ii) In cases where a criminal investigation is not commenced, the Commissioners may decide to investigate using the Code of Practice 9 investigation of fraud procedure.
- (iii) Under the investigation of fraud procedure, the recipient of Code of Practice 9 is given the opportunity to make a complete and accurate disclosure of all irregularities in their tax affairs.
- (iv) Where the recipient fails to make a full disclosure of the tax frauds they have committed, the Commissioners reserve the right to commence a criminal investigation with a view to prosecution.
- (v) In the course of the Code of Practice 9 investigation, if the recipient makes materially false or misleading statements, or provides materially false documents the Commissioners reserve the right to commence a criminal investigation into that conduct as a separate criminal offence.

## Code of Practice 9

### HMRC investigations where we suspect tax fraud

#### Introduction

HMRC issues 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 sixty days to respond. If you make a full disclosure of all tax frauds and irregularities, we will not pursue a criminal investigation with a view to prosecution.

We expect you to stop any fraud immediately. A specially trained authorised officer will handle the Code of Practice 9 ('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, and you may 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 are required to do so by law. We may ask to see your business and private financial records.

**This Code applies to all tax frauds that you have been involved in.**

## Section 1 - The Investigation

### 1.1 Suspicion of fraud

HMRC has 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 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 the suspected tax fraud, with or without your co-operation. If you do not co-operate we may:

- commence our own investigation which may ultimately be a criminal investigation
- obtain 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
- commence legal proceedings to secure some or all of your assets
- require a financial security 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 this Code, in addition to their regular adviser.

If you want HMRC to deal directly with your adviser on all matters covered by this Code, you must make sure you have given us full authority to do so. You can use form 64-8 to do this, making sure that your authority covers all taxes and duties, or you can fill out the agent details box on the Outline Disclosure form.

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

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

Any costs that you incur in connection with HMRC's enquiries cannot be claimed as an expense against tax.

## Section 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 tax fraud you have been involved in.

**Remember this offer expires sixty days after you receive HMRC's letter making the offer.**

### 2.2 HMRC's undertaking

In exchange for your undertaking, we agree that we will not pursue a criminal investigation into the tax frauds you disclose.

### 2.3 Your undertaking

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

To comply with your undertaking, you need to complete the two disclosure stages:

1. a valid outline disclosure of the tax frauds ("**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 HMRC will not carry out a criminal investigation into the tax frauds we suspect.

The CDF is only suitable for you if you:

- have committed tax fraud
- wish to fully disclose the tax frauds that you have committed
- will work with HMRC to put your tax affairs in order (including paying any tax, interest and penalty due), and
- stop any continuing fraud immediately.

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

### 2.4 Making a valid CDF Arrangement

In a case that HMRC think is suitable to be dealt with under a CDF we will make a formal offer. Our offer and your acceptance of it, within sixty days, create the contractual arrangement between us, and give you the assurance that you will not be criminally investigated for what you disclose 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 your undertaking, you will be admitting that tax has been lost due to your deliberate actions. This means we may be able to seek recovery of evaded tax, interest and associated penalties for as far back as 20 years.

Full co-operation with our enquiries will ensure the penalties are closer to the minimum penalty levels. More information on our penalty regime is available on our website.

Section 7 gives more detail of when we can publish details of deliberate defaulters and how your tax affairs may need to be monitored more closely under our managing deliberate defaulters programme.

### 2.6 What happens after I enter into a CDF arrangement?

#### Outline Disclosure

You must make a valid outline disclosure within sixty days of the date you receive our offer (this is the same date as the time given for you to decide whether to accept the offer). The expiry date is set out at the top of your Outline Disclosure form. Section 4 describes what we require in more detail.

## Formal Disclosure

Where the fraud is self-contained and easily quantified, there may be little further work 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 6.

Making your formal disclosure does not signify the end of our investigation, but it does mean you have complied with your CDF undertaking.

### 2.7 Denial Route

If you do not believe that you have been involved in tax fraud you can sign and return the CDF denial letter, within **the same sixty day period**.

By engaging and cooperating fully with us from the start you will increase the possibility that we can resolve our enquiry quickly and we may not need to use our formal powers and procedures.

Where HMRC verifies and accepts your denial, we will issue confirmation that we no longer suspect you of tax fraud.

You should only choose the denial route if you genuinely believe that you have not committed any tax fraud. If you sign the denial letter, HMRC can commence a criminal investigation into the tax frauds we suspect at any time. When we receive a denial letter in response to our offer, your case may be referred to a Criminal Investigation team. We are not obliged to tell you if we start a criminal investigation.

Your denial letter may also be used in court or tribunal proceedings as evidence.

We are happy to consider any explanations or documents that support your denial, but the denial letter is still required if you wish HMRC to consider your case to be a denial route investigation.

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

Denying tax fraud that you are later found to have been involved in may result in a criminal investigation with a view to prosecution, or significantly higher civil financial penalties, and the potential publication of your details.

### 2.8 Non co-operation Route

If HMRC has not heard from you **sixty days** after you receive our offer then you are deemed to have chosen not to co-operate. We will begin a criminal or a civil investigation into the tax fraud we suspect you have committed.

If we begin a civil investigation and uncover further evidence of tax fraud, the civil investigator may pass the new evidence to the criminal investigation team for review, and your affairs may end up being the subject of a criminal investigation.

We may use statutory information powers if necessary, and may approach third parties for information. If irregularities are discovered we will take formal action including the issue of assessments and will pursue collection of any unpaid taxes and interest. You will also have lost your opportunity to earn maximum reduction of any penalty that is due.

### Summary

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

You have the following options:

- (1) CDF Route
- (2) Denial Route
- (3) Non co-operation Route

You can only choose one of these options, but if you fail to choose one or fail to make a valid notification, you will be deemed to have chosen the non-cooperation route. A decision tree is provided at Appendix 1 to assist you in deciding which option you want to take.

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 sixty day response period has expired.

## Section 3 - Criminal Investigation and COP9

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

### 3.1 Non co-operation or Denial

If you choose either not to accept an offer under the CDF or to deny that you have been involved in any tax fraud, then HMRC is not bound by any CDF terms, and we may commence a criminal investigation into any tax fraud we suspect you might have been involved in.

### 3.2 Acceptance letter sent but no outline disclosure made

If you fail to make a valid outline disclosure, you will not have carried out your undertaking. We will not then be bound to observe our side of the contract and we may commence 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 the tax frauds that we suspect you might have been involved in then we may commence a criminal investigation into those tax frauds that you have not disclosed.

The tax frauds disclosed on your outline disclosure will not be subject to criminal investigation by HMRC.

### 3.4 A false statement is made

Where we believe that a false statement is made or a false document is submitted during the investigation, we may commence 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 Cards accounts operated are incorrect or incomplete we reserve the right to commence a criminal investigation into the submission of those false documents.

## Section 4 - Outline Disclosure

An Outline Disclosure form will be sent 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 obtain them within the sixty days allowed: there will be time for precision later. It needs to be an honest description of the tax fraud 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 fraud

The description must give enough information to identify the fraudulent conduct. Merely stating that you have committed tax fraud will not be acceptable. The description needs to set out sufficient information including:

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

You must do this for **EACH** separate tax fraud committed at any time.

### 4.2 Entities Involved

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

You must also describe any frauds that you have been involved in 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 HMRC. We are not bound to provide the same undertaking for any other

individual named or implicated as part of your outline disclosure.

#### 4.3 Period of Fraud

You need to indicate the period of time during which you carried out the fraud, to the best of your recollection. You may either refer to taxable periods, or calendar years. Please make sure you differentiate between these in the box.

#### 4.4 Other Information

The more relevant information you can provide here the better. HMRC will see this as a sign of your engaging with the investigation and 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 included but chose not to do so.

For example, if you are able to provide 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.

If you can you should provide 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.

## Section 5 - What happens after I make my Outline Disclosure?

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

#### 5.1 We suspect the outline disclosure is incomplete

Where your outline disclosure does not disclose all the tax frauds that HMRC suspects you might have been involved in then we may commence a criminal investigation into the tax frauds that you have failed to disclose. Alternatively, HMRC may decide that a civil investigation is the right way to proceed.

#### 5.2 A valid outline disclosure is made

HMRC will look to conclude the investigation without unnecessary delay.

There will be two 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 providing the following:

- a) A certified statement of your worldwide assets and liabilities
- b) A certificate of bank accounts operated
- c) A certificate of credit cards operated
- d) 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 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.

## Section 6 - The Disclosure Report

### 6.1 What will the disclosure report be expected to include?

A typical disclosure report will normally contain:

- A brief business history
- A description of all tax irregularities [including any innocent or careless errors] and how any fraud was carried out
- Quantification of all the irregularities
- Information to show how you quantified the irregularities and ensured that nothing had 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 your worldwide assets and liabilities
- Certificates of bank accounts and credit cards 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 required, the amount that needs to be done and how easy it is to access the details required.

### 6.3 What happens whilst the report is being prepared?

You are responsible for keeping HMRC informed of progress with the report at regular intervals. You should attend regular progress meetings if we request them. If we consider that adequate progress is not being made, we may decide to take over the investigation. If so, we may decide to use formal information powers, approaches to third parties and other

protective sanctions described in section 7 below. (However we will not begin a criminal investigation into the frauds which 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 HMRC 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).

Further information on our penalties under the old and new regimes is available on our website:

<http://www.hmrc.gov.uk/compliance/cc-fs15.pdf>

<http://www.hmrc.gov.uk/compliance/cc-fs7.pdf>

### 6.5 Certificate of Full Disclosure

This document is one of the four 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 disclosure made as part of a CDF disclosure is likely to result in criminal investigation with a view to prosecution in respect of submitting a false document. We



may also consider separate criminal investigation of the tax frauds 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 three 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 criminal investigation with a view to prosecution in relation to the submission of a false document.

## **6.7 Other errors (non fraudulent etc)**

Your formal disclosure should cover all irregularities in your tax affairs. Where you have non-fraudulent irregularities to disclose, you should distinguish these from the fraudulent errors. Your report should cover how these irregularities occurred, and your view of the penalty level these irregularities should attract.

## **Section 7 - Interaction with HMRC**

The extent to which you co-operate with us and provide us with 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 provided your Outline Disclosure, Denial letter or you have done nothing and the sixty day period has passed HMRC may ask you to attend a meeting. We will explain the purpose of the meeting provided we are proceeding with a civil investigation..

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 provide at a meeting in assessing your liability to tax or to a penalty. We may also seek to give evidence of this 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 fraudulent activity or other tax irregularities immediately.**

HMRC may carry out a compliance inspection to check that you have done so. Your formal disclosure and subsequent returns must reflect the correct 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 in relation to what you have done since being given this Code of Practice.

You are still required to meet all your ongoing tax compliance obligations during the Code of Practice 9 process, regardless of which option you have chosen.

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 HMRC.

### **7.3 Assurances on change of behaviour**

In addition to expecting you to have stopped any irregularities, HMRC expects you to change your behaviour and comply with all

your future tax obligations and not to revert to any fraudulent conduct. It is likely that HMRC will carry out a check at some time after the enquiry has ended, to make sure that this is so. To ensure that you continue to comply with your tax obligations you are likely to have your affairs dealt with under the programme for managing deliberate 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 likely to be due, you must let HMRC know immediately.

#### **7.5 Protective sanctions we may take**

Where we decide to carry out our own civil investigation, we can use various sanctions and powers.

We may use statutory 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.

If we discover irregularities we will take formal action, including the issue of assessments and will pursue early collection of any unpaid tax with 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.

(Note that where penalties for inaccuracies are charged on a company for periods starting on or after 1 April 2008, where the return is due on or after 1 April 2009, we may be able to pursue individual company officers for part or all the penalty.)

If you try to avoid paying your liabilities or if you attempt to dissipate your assets we will consider using insolvency action to ensure that we are able to collect the money that we believe to be due. These actions could include:

- personal bankruptcy

- compulsory liquidation
- appointment of interim receivers or provisional liquidators
- obtaining civil freezing orders over your bank accounts
- obtaining legal caution over 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 NICs.

If you have committed a fraud in relation to 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 cease any other interventions that we feel are necessary. For example, routine Compliance Checks and visits to VAT traders who have claimed repayments.

More information is available from:

**[www.hmrc.gov.uk/compliance/cc-fs1.pdf](http://www.hmrc.gov.uk/compliance/cc-fs1.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, your co-operation in the existing investigation is also taken into account.

You can find out more information in factsheet CC/FS13 Publishing Details of Deliberate Defaulters.

**[www.hmrc.gov.uk/compliance/cc-fs13.pdf](http://www.hmrc.gov.uk/compliance/cc-fs13.pdf)**

## 7.8 Managing deliberate defaulters

If HMRC charges you a penalty for a deliberate error then your tax affairs may need to be monitored more closely. HMRC has an enhanced monitoring programme called Managing Deliberate Defaulters. You can find more information about this in factsheet CC/FS14 [Managing Deliberate Defaulters].

[www.hmrc.gov.uk/compliance/new/cc-fs14.pdf](http://www.hmrc.gov.uk/compliance/new/cc-fs14.pdf)

## SECTION 8 - Terminology and definitions

### 8.1 Tax fraud

We expect your disclosure to cover all tax frauds you have committed. By tax fraud we mean any offence for which HMRC has administrative responsibility and could commence a criminal investigation as part of our functions.

A person commits an offence if he is knowingly concerned in the fraudulent evasion of tax or duty, by him or another person.

There are various tax fraud offences, but all involve intent. You cannot commit tax fraud accidentally. Tax fraud includes, deliberately:

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

We expect your disclosure to include any tax frauds you have been involved in, whether as an individual (in any capacity including as executor, administrator or trustee), or through other entities such as nominee relationships, trusts, partnerships, companies, LLPs. Entities that exist for tax such as consortia and VAT groups should also be included.

### 8.2 Specialist tax areas and related benefits

This Code applies to carousel (or MTIC) fraud and excise fraud. These frauds can be disclosed on the outline disclosure form, and we will ensure a specially trained officer is allocated to your case.

The tax frauds disclosed or uncovered as part of our investigation may impact on your tax

credit claim, child benefit claims, and student loan repayments. We have an obligation to pass the information obtained to the relevant teams or organisations.

If you accept our offer and make an outline disclosure of tax frauds which includes a disclosure with consequences for your tax credit and child benefit claims, or your student loan repayments, you will not be criminally investigated by HMRC in respect of those consequences.

## SECTION 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.hmrc.gov.uk/charter](http://www.hmrc.gov.uk/charter) and have a look at Your Charter.

### 9.2 Code of Practice 9 and the HRA

The protection of the Human Rights Act will continue to apply to you, regardless of whether any investigation into you under COP9 is a civil one or becomes a criminal one.

### 9.3 Putting things right

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. If you want to know more about making a complaint go to [www.hmrc.gov.uk](http://www.hmrc.gov.uk) and under quick links, select Complaints

### 9.4 What if you think that we should end our enquiry

If you think that we should stop the investigation, please tell us why. If we do not agree, 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 nothing more that you can provide then at any stage you have the option of making your formal disclosure by completing the following:

- a) A certified statement of your worldwide assets and liabilities
- b) A certificate of bank accounts operated

- c) A certificate of credit cards operated
- c) A Certificate of Full Disclosure

We suggest that you get advice before you do so, as providing certificates that are later shown to be false or misleading may result in a criminal investigation in respect of submitting a false document. We may also consider 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 the investigation.

### **9.5 Customers with particular needs**

We have a range of services for people with disabilities, including guidance in Braille and audio. Most of our forms and guidance are

also available in large print. For more help go to:

<http://www.hmrc.gov.uk/contactus/particular-needs.htm>

### **9.6 Privacy and confidentiality policy**

We have a strict policy regarding the privacy and confidentiality of our customers' personal information. To see our policy, go to:

[www.hmrc.gov.uk/about/privacy.htm](http://www.hmrc.gov.uk/about/privacy.htm)

## Appendix 1 –CDF Decision Tree

