STATUTORY INSTRUMENTS

2026 No. 552 (C. 45)

TAXES

The Finance Act 2009, Sections 101 and 102 (Penalties for Non-disclosure and Promotion of Tax Avoidance Schemes) (Appointed Day) Order 2026

Made - - - - 20th May 2026

The Treasury make this Order in exercise of the powers conferred by section 104(3) and (4)(a) and (b) of the Finance Act 2009(**1**).

Citation

1. This Order may be cited as the Finance Act 2009, Sections 101 and 102 (Penalties for Non-disclosure and Promotion of Tax Avoidance Schemes) (Appointed Day) Order 2026.

Appointed Day

2. 21st May 2026 is appointed as the day on which sections 101 (late payment interest on sums due to HMRC) and 102 of the Finance Act 2009 (repayment interest on sums to be paid by HMRC)(**2**) come into force for the purposes of penalties under—

(a) sections 315 (penalties) and 315A (further penalties) of the Finance Act 2004(**3**);

(b) sections 162 (civil penalties), 171 (civil penalties) 194 (penalty for failure to comply with a notice), 195 (penalty for concealing information), 196 (penalty for inaccurate information), 197 (penalty for disclosing a notice), 198 (penalty based on monies received) and 210 (penalties for an incorrect declaration) of the Finance Act 2026(**4**).

(**1**) 2009 c. 10.

(**2**) Subsections (10) and (11) of section 101 were repealed by paragraph 116 of Schedule 8 to the Taxation (Cross-border Trade) Act 2018 (c. 22). Section 102 has been amended by paragraph 2 of Schedule 29 to the Finance Act 2021 (c. 26).

(**3**) 2004 c. 12. Section 315 was substituted and section 315A was inserted by section 216(2)(b) of the Finance Act 2026 (c. 11).

(**4**) 2026 c. 11.

Gen Kitchen
Stephen Morgan
Two of the Lords Commissioners of His Majesty's Treasury

20th May 2026

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 21st May 2026 as the day on which the provisions concerning late payment and repayment interest set out at sections 101 and 102 of the Finance Act 2009 come into force for the purposes of penalties issued under—

— sections 315 (penalties) and 315A (further penalties) of the Finance Act 2004; and

— sections 162 (civil penalties), 171 (civil penalties), 194 (penalty for failure to comply with a notice), 195 (penalty for concealing information), 196 (penalty for inaccurate information), 197 (penalty for disclosing a notice), 198 (penalty based on monies received) and 210 (penalties for incorrect declaration) of the Finance Act 2026.

Section 101 of the Finance Act 2009 applies late payment interest to any sum due by virtue of an enactment to His Majesty's Revenue and Customs (HMRC) but paid late. Section 102 applies repayment interest on amounts payable or repaid by HMRC.

The current applicable rate in respect of late payment interest and repayment interest is set out in the Taxes and Duties, etc (Interest Rate) Regulations 2011 (S.I. 2011/2446) in exercise of the powers conferred by section 103 of the Finance Act 2009.

A Tax Information and Impact Note has not been prepared for the instrument as it gives effect to previously announced policy and is an appointed day order.