



## **Tell us about any undeclared sales**

We have information that suggests you may have misused your till system to reduce your tax bill. This means you may owe tax.

You have a responsibility as a business trading in the UK to declare all your income.

If you are in possession of or have access to electronic sales suppression tools, you may have to pay a financial penalty.

We are giving you the chance to tell us about your undeclared sales by making a disclosure. If you do not make a disclosure by the deadline, we will contact you again.

### **What you need to do now**

You have until [\[SEES to insert 30 days from the date of this letter\]](#) to tell us about any undeclared sales.

To make your disclosure:

1. Go to GOV.UK and search 'make a disclosure about misusing your till system'.
2. Tell us about all the years you have undeclared sales.

We will register you for VAT, Self Assessment and Corporation Tax if you meet the criteria.

If you do not have any undeclared sales, please email us and tell us. Our email address is [isbccpesscompliance@hmrc.gov.uk](mailto:isbccpesscompliance@hmrc.gov.uk) You will need to give us your 'Case Reference' number found at the top of this letter in your e-mail. This is so that we can allocate your response to your case.

### **If we do not hear from you or you do not give us the right information**

We can make an assessment of what we believe the business owes including interest and penalties.

We will open an investigation if we later find that the information you have given us is significantly incorrect.

### **What happens next**

When we receive your disclosure, we will compare it with the information we hold. We will then make a decision based on our comparison. If we decide to accept your disclosure, we will raise an assessment and tell you how to pay.

If we decide that we cannot accept your disclosure, we will write to you to tell you.

## **Penalties and interest**

We can charge penalties. The maximum amount of penalty we can charge for an inaccuracy or Failure to Notify is 100% of the tax due. If non-compliance involves offshore transfers outside the UK, then we can charge you higher penalties.

There is more information about the penalties we can charge in our factsheets:

- CC/FS7a, 'Penalties for inaccuracies in returns or docs'
- CC/FS11, 'Penalties for failure to notify'
- CC/FS17, 'Penalties for offshore non-compliance'

For copies of our factsheets, go to GOV.UK and search 'compliance factsheets'. Or phone us and we will send them to you.

We charge daily interest on late tax payments. Paying any tax you owe sooner will reduce the amount of interest you will have to pay.

Our factsheet CC/FS9, 'The Human Rights Act and penalties' tells you more about your rights when we are considering penalties. Please confirm that you have read and understood factsheet CC/FS9. It contains important information about your rights and we need to be certain that you understand them.

## **If you need extra support**

If you have any health or personal circumstances that may make it difficult for you to deal with us, please tell us. We'll help you in whatever way we can. For more information, go to GOV.UK and search 'get help from HMRC if you need extra support'.

If you have a tax adviser or someone else who helps you with your tax affairs, you should show them this letter.

## **Important information about communicating by email**

If you choose to email us, please be aware that email is not secure. The main risk is that information sent by email could be changed or read by someone else before it reaches us. Please only use email to contact us or send us information if you accept the risks.

If you have any doubt that an email has come from HMRC, then do not click on any links, give any personal details or reply to the email. If you suspect an email is not from us, you should send the email to us at [phishing@hmrc.gov.uk](mailto:phishing@hmrc.gov.uk)

For more information, please go to GOV.UK and search, 'Corresponding with HMRC by email'.

Yours sincerely

## **ESS Compliance Team**

Join the millions of taxpayers already using their Personal Tax Account to access a range of services. It takes just a few minutes to get started, go to [www.gov.uk/personal-tax-account](http://www.gov.uk/personal-tax-account) Or you can use the HMRC app.

To find out what you can expect from us and what we expect from you go to [www.gov.uk](http://www.gov.uk) and search for 'HMRC Charter'.



## The Human Rights Act and penalties

Article 6 of the European Convention on Human Rights, which was incorporated into British law through the Human Rights Act 1998 gives you certain rights when we're considering whether to charge certain types of penalties.

We'll ask you to read this factsheet if we believe these rights may apply to you and we need your help to work out whether to charge you a penalty.

This factsheet is one of a series. For the full list of factsheets in the series, go to [www.gov.uk](http://www.gov.uk) and search for 'Compliance checks factsheets'.

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### If you need help

If you have any health or personal circumstances that may make it difficult for you to deal with us, please tell the officer that's contacted you. We'll help you in whatever way we can. For more details, go to [www.gov.uk/get-help-hmrc-extra-support](http://www.gov.uk/get-help-hmrc-extra-support)

You can also ask someone else to deal with us on your behalf, for example, a professional adviser, friend or relative. We may however still need to talk or write to you directly about some things. If we need to write to you, we'll send a copy to the person you've asked us to deal with. If we need to talk to you, they can be with you when we do, if you prefer.

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### What your rights under Article 6 mean for you when we're considering penalties

We always welcome your co-operation with our compliance check and in establishing the right liabilities. This includes whether any penalties may be due. The extent to which you co-operate with us and provide us with information is entirely your choice.

When we're considering penalties you've the right under Article 6 not to answer our questions. This is sometimes called the right not to self-incriminate or the right to silence. This right does not cover information or documents that already exist. This means that you must give us the information or documents that already exist, if we've a legal right to ask for them.

When making a decision about how much you're going to co-operate with us, you've the right to get help from a professional adviser. If you do not already have an adviser, you may want to consider consulting one.

You've the right to have the matter of penalties dealt with without unreasonable delay. We'll normally tell you whether any penalties are due once we've agreed the tax position with you. If we cannot agree the tax position, we'll send you an amendment or assessment of any additional tax we believe is due. If we consider that a penalty is also due, we'll send you an assessment of the penalty. The assessment will be based on the additional tax.

If we charge you a penalty, you've the right to ask for a review or to appeal. You also have the right to ask for your review or appeal against both the tax and the penalty decisions to be considered together. Our factsheet HMRC1, 'HM Revenue and Customs decisions – what to do if you disagree', explains what to do if you want to ask for a review, or to appeal. You can find more information about tribunals on the tribunal's website. Go to [www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about](http://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about)

You've the right to apply for publicly funded legal assistance or legal aid. In some circumstances, funding may be available to help you bring certain appeals before the tribunal. If you're going to appeal against a penalty assessment, you may want to check whether your case qualifies and what help may be available. We've no involvement in decisions about if your case will qualify. You can find details of where to get information below.

If there's anything you do not understand about these rights or what they mean for you, please tell the officer who is dealing with the compliance check straightaway.

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## **Funded legal assistance**

You can find out more details about funded legal assistance or legal aid in:

- England and Wales by going to the Civil Legal Advice website at [www.gov.uk/civil-legal-advice](http://www.gov.uk/civil-legal-advice) or by phoning 0345 345 4345
- Scotland by going to the Scottish Legal Aid Board website at [www.slabb.org.uk](http://www.slabb.org.uk) or by phoning 0131 226 7061
- Northern Ireland by contacting a solicitor who's a member of the Law Society of Northern Ireland, go to [www.lawsoc-ni.org](http://www.lawsoc-ni.org)

You can also get more details from Citizens Advice or you can apply for funded legal assistance or legal aid through a solicitor anywhere in the UK.

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## **Our privacy notice**

Our privacy notice sets out the standards that you can expect from us when we ask for information or hold information about you. Go to [www.gov.uk](http://www.gov.uk) and search for 'HMRC Privacy Notice'.

