

What's ahead

Dates for your diary

One minute with...

What are you working on at the moment?

A great variety of client cases, including many concerning the statutory residence test. My wife and I wrote *McKie on Statutory Residence*, earlier this year. The complexities of the SRT are legion, which is why our book runs to over 1,100 pages.

What advice would you give to someone new to the profession?

Don't be satisfied with the text book answer – what everybody 'knows' is often wrong. Don't confuse HMRC's guidance with the law. Be proud of protecting taxpayers from the rapacious state.

If you could make a change to UK tax law or practice, what would it be?

If I could be permitted two changes: first, I'd cease publication of HMRC's manuals and restrict its guidance to simple summaries for those who are not expert in tax law. Publishing the manuals seemed a good idea at the time, but has only multiplied the cost of tax advice, provided a temptation to HMRC to substitute guidance for properly drafted legislation and given it a de facto power to determine the law.

Secondly, I'd take the oversight of consultations away from HMRC and place it under the control of an independent body. Real consultation is important – but, for all the myriad consultation documents which HMRC publishes, it rarely takes place.

You have a wealth of experience on private client taxation.

Comment on a key challenge you've encountered in practice. Everybody is aware of tax risk now. When we started our practice in 1998, our insistence on explaining the risks and uncertainties of proposed tax planning steps, as well as their advantages, appeared quixotic and led to some difficult moments with more sanguine advisers. It is still a pleasure, and a challenge, to enable clients to make an informed judgement in considering tax planning steps, by



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explaining how the uncertainties of construction affect the balance of advantage in a proposed course of action.

What are you hoping to see in the Autumn Statement?

Nothing. It would be nice if the government would refrain from tinkering – but I am sure that it won't.

How adequate has been the tax profession's response to the public clamour over tax avoidance?

The clamour has been marked by widespread ignorance and misinformation. Over the period during which it has developed, I have sat on many different tax committees of the professional bodies. In retrospect, one can see that we failed in our duty to inform the debate, which has proceeded on assumptions about the tax system and tax practice which are simple fantasies. Even HMRC is now concerned to dampen the hysteria and combat the wild overestimates of tax 'lost' through avoidance, which have been peddled by some less than scrupulous commentators. A robust campaign of public information by the main professional bodies concerned with tax might just have injected some realism into the discussion. It is going to be a long road back now.

You might not know this about me but...

I have written many tax books over the years but my largest selling book is *Making Craft Cider: A Ciderist's Guide* which has sold on every continent except Antarctica. For a longer version of this interview, see www.taxjournal.com.

November

- 21** **Consultations:** Comments due on *Anti-money laundering supervision: HMRC fees review*.
- 24** **UT hearings:** *N&M Walkingshaw Ltd v HMRC* [2013] UKFTT 269 (TC): VAT on sale of cars; *Tower Radio Ltd & others v HMRC* [2013] UKFTT 387 (TC): avoidance scheme involving restricted securities, rule 18 lead cases.
- 25** **Draft regulations:** Comments due on the Income Tax (PAYE) (Amendment No. X) Regulations, SI 2015/Draft.
- 27** **Consultation:** Comments due on *Extra-statutory concessions: seventh technical consultation on draft legislation*. **Draft regulations:** Comments due on The Finance Act 2014 (Schedule 34 Prescribed Matters) Regulations, SI 2015/Draft.
- 30** **Consultation:** Comments due on proposed changes to HMRC's *Tonnage Tax Manual*.

December

- 1** **UT hearing:** *HMRC v John Kerr Roofing Contractors* [2013] UKFTT 135 (TC): CIS case involving cancellation of registration. **Gambling taxes:** Gambling tax reforms take effect. **Regulations:** The General Betting, Pool Betting and Remote Gaming Duties (Returns, Payments, Information and Records) Regulations, SI 2014/2912, come into force.
- 3** **Autumn Statement:** Scheduled date for the chancellor to deliver the Autumn Statement to Parliament. **Court of Appeal:** *Leeds City Council v HMRC* [2013] UKUT 596 (TC): hearing scheduled to begin for council's appeal on VAT decision on three-year time limit.
- 8** **UT hearing:** *HMRC v Royal College of Paediatricians & Child Health* [2013] UKFTT 202 (TC): VAT case on property sale and transfer of going concern.
- 9** **Consultations:** Comments due on *Company ownership and control: discussion paper on a public central register*.
- 10** **'L-day':** Publication of draft FB 2015 provisions (consultation closes 4 February 2015).

For a 'what's ahead' which looks further ahead, see taxjournal.com (under the 'trackers' tab).

Coming soon in Tax Journal:

- Hybrids: what can we expect in the condoc?
- Tax and bilateral investment treaties.