

Annex A – Checklist for non-statutory clearance applications in relation to Inheritance Tax business property relief

Please use this checklist when deciding which documents to attach to your e-mail application or print and include it as a cover sheet where you do not send it electronically.

Check that you have included information that is relevant and available for your clearance application and indicate with a tick items that are included. It helps us if you follow the order set out below in your clearance application letter and in the way that you group any supporting documents.

Information about	tick
1. The applicant and the application:	
1.1 Name and address of the individual or trustee applicant and any existing IHT reference number	
1.2 Name and address of the business and relevant business identification e.g. Unique Taxpayer Reference, Company Registration Number	
1.3 Details of the interest held by the individual or trustee in the business e.g. number and nature of shares held	
1.4 Your contact details (if you are acting on behalf of a client) and authority to act for the client	
1.5 A brief indication of the subject of the application. Fuller details should be provided under the appropriate headings below.	
2. The transaction:	
2.1 The reason why the business is undertaking the transaction	
2.2 The relevant facts about the transaction, set out chronologically as transaction steps, so that we have enough information to provide the clearance response	
2.3 The answer sought – set out your view of the tax consequences of the transaction and the issues you want us to consider	
2.4 The proposed date of the transaction if it has not yet happened, and supporting information, such as draft contracts where available	
2.5 Any details that are contingent, e.g. on future events or the consent of others	
3. The commercial background:	
3.1 Explain the significance of the tax result in achieving the desired outcome	
3.2 Explain why you chose this form of transaction over another that could achieve the same commercial result, where you have considered alternatives	
3.3 Details of any related clearances (both statutory and non-statutory) including the relevant clearance references where known	
3.4 Details of the commercial significance to the business of the issue	
3.5 Accounts for the business for two full accounting years prior to the transaction or proposed transaction including a detailed profit and loss account and any other relevant financial information	
4. Legal points:	
4.1 Outline the specific legislation at issue	
4.2 Details of why you believe the application of the legislation is open to possible different interpretations, summary of those possible interpretations, and why the tax consequences are uncertain, including reference to our published guidance or to case law	
4.3 Any legal advice you have received and you are content to disclose	
4.4 Details of any previous advice you have received from HMRC	