

Syndicated loans - Provisional Treaty Relief Scheme for interest payments by UK companies - application by a Syndicate Manager of a new syndicate

- Please give the information asked for below and complete and sign page 2. This should be done by an officer or authorised signatory of your firm. Then send the completed form to **CNR DT Caseworkers** at the address below.
- To save time, you may want to fax us the completed and signed form. We will act on a faxed copy, although we may need to contact you if any details need clarifying. But please also **send us the original signed hard copy**.
- If your application is accepted, we will send you a provisional letter of authority which you must produce to UK companies paying interest to your syndicate. This will allow them to make interest payments which include the appropriate amount of treaty relief, although they may prefer to deduct tax from the payments and wait for a formal notice from CNR. A provisional authority is permissive only, with an element of contingent risk, and does not have the same legal effect as a formal notice.
- This form is inappropriate if you are a syndicate with lending members already covered by CNR exemption notices. You will need to complete a form PTR-SM1A. **Please refer to Part 10 of the PTR Guidelines.**
- If you need any further information, please phone or fax us.

Centre for Non-Residents, DT Caseworkers, Fitz Roy House, PO Box 46, Nottingham NG2 1BD

Phone: 0115 974 1904

Fax: 0115 974 1918

<p>1 Your firm's name and address, and the name of the syndicate (if applicable) for which you are acting as Syndicate Manager. (Giving a name to a syndicate will greatly help both sides in identifying and distinguishing it in our dealings.) Please give the name(s) and contact details of the person(s) in your business handling this.</p>		
<p>2 Please provide a copy of the Loan Agreement, and any other loan documentation that would help us to understand things (e.g. Term Sheets or syndicate administration pro-formas). These will be passed on to the tax office(s) for the UK payer(s) as part of the processing of your application. See Part 14 of the Guidelines.</p>		
<p>3 Please list on separate sheets the names and addresses of the lending members of your syndicate, grouped in country-specific "Blocks", detailing the individual percentage shares of the UK interest payments to which they are beneficially entitled. See Part 8 of the Guidelines. If the facility office of a lender is different from its country of residence, both should be given. (A suggested format for this purpose is attached.)</p>		
<p>4 Names and addresses of the UK corporate borrowers who will pay interest, their tax offices and references and the amount of the loan attributable to each. (Attach a separate sheet if necessary.)</p>		
<p>5 Date of the loan</p>	<p>6 Amount borrowed/maximum amount of facility</p>	<p>7 First interest payment date and frequency thereafter</p>

Please turn over

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IMPORTANT

Are you making this application before all the lending members of the syndicate are known? (✓ as appropriate)

Yes

No

If 'Yes', on what date do you expect the syndicate to be complete?

Please insert a date so that we can review as necessary

On behalf of this firm and all the members of the _____ syndicate I declare that we are authorised by all the parties to the syndicate to act in this matter, and that we understand and agree to the terms and conditions of CNR's Provisional Treaty Relief Scheme, as published in CNR's PTR "Guidelines".

We understand that:

- any authority would be **provisional** only and be conditional upon CNR issuing in due course to each UK payer of interest a notice under SI 1970/488 for the syndicate.
- and that should, for any reason, treaty relief not be due to those lenders to the extent covered by this application, **the Inland Revenue will require the UK borrower(s) to pay the tax (and any related liabilities) that may be due in respect of all payments already made.** We undertake to make the UK borrower(s) fully aware of their contingent obligations, and in particular to provide it with a complete copy of any provisional authority issued to us under these provisions. In the event that any contingent liability is realised, we will advise the borrower(s) as soon as possible that any payments should be made to their own Accounts Office and *not* to ourselves.
- we undertake further to co-operate fully with CNR and the Inland Revenue in providing all information reasonably requested of us to help process the syndicate's application, and in pursuit of the Reporting and Review provisions of the Guidelines.
- CNR reserves the right to amend or withdraw any provisional authority issued under the PTR scheme or to remove a loan from the operation of the scheme.

Signed _____ **Date** _____

Position _____

Format for listing by "Blocks" the lending members of a Syndicate

Each list or Block should be preceded by the name of the syndicate and a statement to the effect that:

"The following are lending members of the syndicate who have been represented to the Syndicate Manager as being

resident in(name of country), OR
resident in the UK but being banks within the meaning of Section 840A ICTA 1988, OR
resident in the UK (other than S840A banks)."

This should be followed by a list of the appropriate lending members, detailing their complete names and addresses (together with full details of any relevant facility office, if different).