

Syndicated loans - Provisional Treaty Relief Scheme for interest payments by UK companies - application by a Syndicate Manager of an existing 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 needs 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 can then 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.
- **Please refer to Part 10 of the PTR Guidelines.** In particular, please note that we will consider accepting an existing syndicated loan into the PTR Scheme with the entry of a new lending member only. In addition, the PTR scheme is inappropriate where one or more of the existing members have already applied for treaty relief and their application(s) are unresolved.
- 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 help both sides in identifying and distinguishing it in our dealings.) Please give the name and contact details of the person(s) in your business handling this.</p>		
<p>2 (a) 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.) Please indicate prominently in each Block those lending members who are new to the syndicate.</p> <p>(b) Important - Please give the references under which CNR dealt with previous applications for treaty relief from the old members of the syndicate. (This should enable us to trace any documentation we have on file, so that we don't need to ask you to supply us with additional copies. See Part 14 of the Guidelines.)</p>		
<p>3 Names and addresses of the UK corporate borrowers who are paying interest, their tax offices and references and the amount of the loan attributable to each. (Attach a separate sheet if necessary.)</p>		
4 Date of the loan	5 Amount borrowed/maximum amount of facility	6 Interest payment dates

Please turn over

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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 so far as it applied to a lending member of the syndicate not already covered by a notice under SI 1970/488, and would be conditional upon CNR issuing in due course to each UK payer of interest a notice under the SI 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(s) 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).

New members of the syndicate should be prominently identified as such, giving the date from which they became beneficially entitled to interest. CNR references should be shown for old members of the syndicate where we have considered that member's treaty relief position for the loan in the past.