



Loan Charge Update - Personal Statement
Individual facing the Loan Charge - Form 2(a)

Loan scheme(s) used / operator(s)

Bourse Trust Company Ltd (address Havelet House, South Esplanade, St Peter Port, Guersey GY 3JS)

Approximate liability in £ (nearest £5K)

£120,000

Amount in £ of any money paid to HMRC so far e.g. APNs, Penalties (nearest £5K)

If your loan has been subject to recall demands :

Who is demanding repayment ?

How many months/years using loan arrangements

And for how much in £

16 months

Report of any action to date by and latest communication from HMRC

I have received regulation 80 notices for three Self-Assessment tax years. These assume I was an employee. In fact, I limited my activities with my Consulting company to merely acting as a director and ensuring that I was free to carry out activities on my own account. No APN received.

The personal impact (financially and in other ways) so far

The threat of the Loan Charge, coupled with Covid changes in the marketplace has put a significant strain on my life and on the wellbeing of my family. I have had to take out a Bounce Back loan, sell our family home and relocate to a different part of the United Kingdom to relieve financial pressures. To further compound this, changes to IR35 legislation has forced my clients to take a risk-averse stance to engagements forcing me to operate under "umbrella" or employee arrangements even though I am genuinely delivering a service in an advisory, consultative or self-employed status. This limits my financial freedom and has a further significant impact on my earnings capability. Loan Charge communicaitons with HMRC are disjointed with no consistent point of contact and significant time periods between communications. Last letter from HMRC was dated 21 Oct 2021 - which was a reply to a letter from me dated 30 Sep 2020. I responded 21 Nov 2021 and am still waiting for a reply. Meanwhile interest in accruing on an alleged debt which has resulted from an unfair and retrospective change in tax law. My wife has initiated divorce proceeding due largely to these stresses.

The personal impact (financially and in other ways) if HMRC enforce the Loan Charge as laid down in the legislation

I am working all hours of the week to meet my current client commitments and generate new business. I provide the main source of income for my family - my three children are either all at, or approaching, the time for further education where I will need to provide university and associated fees. Their future is at stake here as well as mine,

I will have to declare bankruptcy, sell our current home and other assets and move into rented accommodation to pay the loan charge yet still support our family. I will need to continue to work longer to pay off the alleged debt. At 53, after working tirelessly and within the law, this is not where I planned to be.

I have done nothing wrong but am unable to satisfy HMRC to this end. I acted in good faith in 2014 on the advice of qualified accountants and financial professionals - advice that I paid for at the time and advice which has never been legally proven to be incorrect. I face an uncertain future with no right of appeal. My life has effectively been wiped out and I will need to find the energy to start over.