



TC02550a

Appeal number: TC/2011/06612

**FIRST-TIER TRIBUNAL
TAX CHAMBER**

CUCO

Appellant

- and -

**THE COMMISSIONERS FOR HER MAJESTY'S Respondents
REVENUE & CUSTOMS**

TRIBUNAL: SIR STEPHEN OLIVER QC

IT IS DIRECTED THAT the Decision in this matter be published in anonymised form.

REASONS FOR DIRECTION

1. This appeal was heard in public. The appeal was allowed on the grounds that an unforeseen and uncontrollable change in the financing arrangements for the Appellant's business at the material time provided the Appellant with a reasonable excuse. The Appellant has applied for the decision to be anonymised and I understand that the Respondents do not object to this.

2. Anonymisation is, in my view, in the interests of justice and, in the particular circumstances of this case, no wider public interest requires that the identity of the Appellant and the details of its financing arrangements be disclosed to the public.

3. Specifically, my attention has been drawn to the fact that, were the Appellant's creditors to get to know of its financial position (then and now), there is a risk that they might reduce or refuse their own credit facilities. The same goes for the Appellant's banks and providers of discounting facilities and, in particular, others whom the Appellant might approach in the future. Moreover, were the Appellant's financial position (then and now) to become known to existing and potential customers, they might reduce the amounts of work offered to the Appellant. I accept that those are real concerns in the present circumstances.

4. This is not a case where the amount of tax payable or the amounts of reliefs claimed is at issue. The outcome of the appeal turns on whether the non-payment of the agreed amount of tax by the due dates can be excused for good reasons. The circumstances are sufficiently described in the Decision as anonymised to enable readers to obtain a full picture of the grounds for the conclusion. Nothing turns on the details of the Appellant or of its precise financial arrangements

5. For those reasons, and taking account of the principles in *Mr A*. [2012] UKFTT 541 and in *Bannerjee* (No.2) [2009] STC 1930, I have decided that anonymisation is a proper course in the present case.

**SIR STEPHEN OLIVER QC
TRIBUNAL JUDGE**

RELEASE DATE: 19 February 2013

© CROWN COPYRIGHT 2013