

is that only Swiss bankable assets are regularised. Further assets in other jurisdictions cannot be submitted, while assets in a safe or real estate cannot be regularised.

3.4.3.3 Voluntary Disclosure

As well as the one-off payment, relevant persons have the option of making a voluntary disclosure in writing. The Swiss paying agent must then send the following information to the Swiss tax authority: identity (name, date of birth, address); UK tax reference number; address of the paying agent; account number and annual statement of assets since 31 December 2002.³⁹³ The Swiss tax authority forwards this information to HMRC and the UK individual is no longer anonymous.³⁹⁴ For HMRC, this is treated as an ordinary voluntary disclosure.³⁹⁵ According to general international principle, a voluntary disclosure is not possible if the tax evader has already been detected or convicted by his competent tax authority.³⁹⁶

Voluntary disclosure is a necessary option for identified persons who are tax compliant or who are currently making use of the LDF. This solution exempts such persons from the one-off deduction. However, such tax compliant persons have to relinquish their anonymity, whereas tax evaders are able to retain it. This could be seen as a punishment.³⁹⁷

Furthermore, voluntary disclosure may be cheaper for persons with a low personal tax rate, a buy and hold investment strategy, high withholding tax or the ability to offset the loss. However, anonymity is lost in this case.³⁹⁸ The tax burden under voluntary disclosure is expected to be between 11% and 17%.³⁹⁹ Ultimately, to conclude which of the two options is more advantageous for a UK individual, the tax burden must be calculated for both the one-off payment and voluntary disclosure.⁴⁰⁰

3.4.3.4 Miscellaneous

Swiss paying agents have to pay CHF 500m as an upfront payment by 25th January 2012.⁴⁰¹ Once the total from the transferred payments reaches CHF 1,300m further payments are offset against the CHF

³⁹³ CH-UK Tax Agreement, 2011, art. 10, para. 1.

³⁹⁴ Fellner, 2012, p. 301 & 302.

³⁹⁵ Urtz, 2012 (1), p. 63.

³⁹⁶ Hosp & Langer, 2011 (2), p. 910.

³⁹⁷ Kubaile & Nelsen, 2011, p. 1050.

³⁹⁸ Tormöhlen, 2012, p. 223.

³⁹⁹ Kubaile & Nelsen, 2011, p. 1052.

⁴⁰⁰ Urtz, 2012 (1), p. 62 & 63.

⁴⁰¹ CH-UK Tax Agreement, 2011, art. 16, para. 2.