



# Taxes Management Act 1970

## 1970 CHAPTER 9

An Act to consolidate certain of the enactments relating to income tax, capital gains tax and corporation tax, including certain enactments relating also to other taxes. [12th March 1970]

### Editorial Information

- X1** General amendments to Tax Acts, Income Tax Acts, and/or Corporation Tax Acts made by legislation after 1.2.1991 are noted against [Income and Corporation Taxes Act 1988 \(c. 1\)](#) but not against each Act

### Modifications etc. (not altering text)

- C1** Act applied in part (with modifications) by [The Stamp Duty Reserve Tax Regulations 1986 \(S.I. 1986/1711\)](#), [reg. 20](#), [Sch.](#)
- C2** Act applied (19.4.1991) for the year of assessment 1988-1989 by [The Lloyd's Underwriters \(Tax\) \(1988-89\) Regulations 1991 \(S.I. 1991/851\)](#), [regs. 1, 3\(1\)](#)
- C3** Act extended (with modifications) (28.3.1992) for year of assessment 1989-1990 by [The Lloyd's Underwriters \(Tax\) \(1989-90\) Regulations 1992 \(S.I. 1992/511\)](#), [regs. 1, 3](#), [Sch. 1](#)
- C4** Power to modify Act conferred (6.3.1992) by [Taxation of Chargeable Gains Act 1992 \(c. 12\)](#), [ss. 209\(3\), 289](#) (having effect in relation to tax for the year 1992-93 and subsequent years of assessment, and tax for other chargeable periods beginning on or after 6.4.1992 see [s. 289](#)) (with [ss. 60, 101\(1\), 171, 201\(3\)](#))
- C5** Act applied (with modifications) (23.3.1993 with effect for the year of assessment 1990-91 only) by [The Lloyd's Underwriters \(Tax\) \(1990-91\) Regulations 1993 \(S.I. 1993/415\)](#), [regs. 1\(1\), 3\(1\)](#).
- C6** Act applied (27.7.1993) by [Finance Act 1993 \(c. 34\)](#), [s. 80\(7\)](#) (repealed (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), [s. 1034\(1\)](#), [Sch. 1 para. 355](#), [Sch. 3 Pt. 1](#))
- C7** Act applied (with modifications) (with effect for the year of assessment 1991-92 in accordance with [reg. 1\(1\)](#) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) \(1991-92\) Regulations 1994 \(S.I. 1994/728\)](#), [reg. 3\(1\)](#) (with [regs. 3\(2\), 4-7](#))
- C8** Act applied (9.3.1995 with effect in accordance with [reg. 1](#) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 1995 \(S.I. 1995/351\)](#), [reg. 4](#) (with [regs. 5-8](#)) (subject to [S.I. 1995/352](#))
- C9** Act applied (with modifications) (with effect in accordance with [reg. 1\(2\)](#) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) \(1992-93 to 1996-97\) Regulations 1995 \(S.I. 1995/352\)](#), [regs. 4-12, 14, 15](#) (subject to [S.I. 1995/351](#))

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- C10** Act applied by [Income and Corporation Taxes Act 1988 \(c. 1\), s. 374A\(4\)](#) (as inserted (with effect in accordance with s. 103(7) and with application in accordance with s. 112(5) of the amending Act) by [Finance Act 1995 \(c. 4\), s. 112\(1\)\(5\)](#))
- C11** Act applied (1.5.1995) by [Finance Act 1995 \(c. 4\), Sch. 22 para. 12\(5\)](#) (with [Sch. 22 para. 12\(6\)](#))
- C12** Act restricted by [Finance Act 1994 \(c. 9\), s. 12A](#) (as inserted (1.6.1997) by [Finance Act 1997 \(c. 16\), Sch. 6 para. 1\(1\); S.I. 1997/1305, art. 2](#))
- C13** Act applied (31.7.1997) by [Finance \(No. 2\) Act 1997 \(c. 58\), s. 35\(9\)](#); s. 35 repealed (19.7.2011) by [Finance Act 2011 \(c. 11\), Sch. 26 para. 1\(1\)](#))
- C14** Act power to apply or extend conferred (16.7.1998) by [Teaching and Higher Education Act 1998 \(c. 30\), s. 22\(5\)\(g\)](#))
- C15** Act restricted (with effect in accordance with s. 110(10) of the amending Act) by [Finance Act 1998 \(c. 36\), s. 110\(8\)](#))
- C16** Act applied (with modifications) (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 18 para. 62\(5\)](#) (with [Sch. 18 paras. 59\(2\), 61, 62\(6\)](#)); [S.I. 1998/3173, art. 2](#))
- C17** Act restricted by [Income and Corporation Taxes Act 1988 \(c. 1\), s. 754B\(10\)](#) (as inserted (with effect in accordance with [Sch. 17 para. 37](#) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 17 para. 11](#))
- C18** Act extended by [Income and Corporation Taxes Act 1988 \(c. 1\), s. 754\(1A\)](#) (as inserted (with effect in accordance with [Sch. 17 para. 37](#) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 17 para. 9\(3\)](#))
- C19** Act construed as one with [Finance Act 1998 \(c. 36\), Sch. 18](#) by s. 117(2)(4)(5) of that Act; [S.I. 1998/3173, art. 2](#))
- C20** Act: power to modify conferred (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), s. 15\(1\)\(2\)\(b\); S.I. 1999/527, art. 2\(b\), Sch. 2 \(with arts. 3-6\)](#))
- C21** Act: power to modify conferred (24.3.1999 for specified purposes) by [The Social Security Contributions \(Transfer of Functions, etc.\) \(Northern Ireland\) Order 1999 \(S.I. 1999/671\), art. 14\(1\)\(2\)\(b\); S.R. 1999/149, art. 2\(c\), Sch. 2 \(with arts. 3-6\)](#))
- C22** Act applied (6.4.1999) by [The Individual Savings Account Regulations 1998 \(S.I. 1998/1870\), regs. 1, 35\(3\)](#))
- C23** Act: power to apply conferred (with effect in accordance with s. 114(2) of the amending Act) by [Finance Act 1999 \(c. 16\), Sch. 17 para. 16](#))
- C24** Act: power to apply conferred by [Finance Act 1986 \(c. 41\), s. 98\(1\)](#) (as extended (27.7.1999) by [Finance Act 1999 \(c. 16\), s. 121](#))
- C25** Act applied (retrospective and with effect in accordance with s. 58(2) of the amending Act) by [Finance Act 2002 \(c. 23\), Sch. 18 para. 13\(7\)](#))
- C26** Act modified (retrospective and with application in accordance with s. 111(1)(2)(7)-(9) of the amending Act) by [Finance Act 2002 \(c. 23\), Sch. 34 para. 7](#))
- C27** Act modified (retrospective and with application in accordance with s. 113(1)(2)(6)-(8) of the amending Act) by [Finance Act 2002 \(c. 23\), Sch. 35 para. 8](#))
- C28** Act extended by [Income and Corporation Taxes Act 1988 \(c. 1\), s. 501B\(2\)](#) (as inserted (24.7.2002) by [Finance Act 2002 \(c. 23\), s. 92\(1\)](#))
- C29** Act applied in part (N.I.) (8.12.2002) by [The Employment \(Northern Ireland\) Order 2002 \(S.I. 2002/2836\), Sch. I para. 3\(2\); S.R. 2002/356, art. 2\(2\), Sch. 1 Pt. 2](#))
- C30** Act applied in part (E.W.S.) (8.12.2002) by [Employment Act 2002 \(c. 22\), Sch. 1 para. 3\(2\)](#) (with [Sch. 1 para. 3\(2\)](#)); [S.I. 2002/2866, art. 2\(2\), Sch. 1 Pt. 2](#))
- C31** Act applied (6.4.2006) by [The Registered Pension Schemes \(Relief at Source\) Regulations 2005 \(S.I. 2005/3448\), reg. 14\(2\)](#))
- C32** Act modified (with effect in accordance with ss. 156(3), 1034(1)(3) of the amending Act) by [Income Tax Act 2007 \(c. 3\), s. 206](#) (with [Sch. 2](#))
- C33** Act modified (with effect in accordance with ss. 156(3), 1034(1)(3) of the amending Act) by [Income Tax Act 2007 \(c. 3\), s. 236\(1\)](#) (with [Sch. 2](#))

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- C34** Act modified (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\), s. 711\(2\)](#) (with [Sch. 2](#))
- C35** Act modified (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\), s. 964\(3\)](#) (with [Sch. 2](#))
- C36** Act modified (21.2.2009) by [The Banking Act 2009 \(Parts 2 and 3 Consequential Amendments\) Order 2009 \(S.I. 2009/317\)](#), arts. 1, 3, [Sch.](#)

#### Commencement Information

- I1** Act wholly in force at 6.4.1970, see s. 119(1)

## PART I

### ADMINISTRATION

#### Modifications etc. (not altering text)

- C37** Pt. 1 modified (10.7.2003) by [Finance Act 2003 \(c. 14\)](#), [Sch. 17 para. 1](#)

#### [<sup>F1</sup>1] Responsibility for certain taxes

The Commissioners for Her Majesty's Revenue and Customs shall be responsible for the collection and management of—

- (a) income tax,
- (b) corporation tax, and
- (c) capital gains tax.]

#### Textual Amendments

- F1** S. 1 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 12](#); S.I. 2005/1126, art. 2(2)(h)

#### Modifications etc. (not altering text)

- C38** S. 1 applied (E.W.) (1.4.2000) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/944\)](#), regs. 1(1), [10\(1\)](#)
- C39** S. 1 applied (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\)](#), regs. 1(1), [7\(1\)](#)

#### <sup>F2</sup>2 General Commissioners

#### Textual Amendments

- F2** S. 2 repealed (1.4.2009) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 8 para. 1\(2\)](#), [Sch. 23 Pt. 1](#); S.I. 2008/2696, art. 6(b)(c)(i) (with art. 4) (as amended (1.4.2009) by S.I. 2009/56, arts. 1, 6, [Sch. 2 para. 11\(6\)](#))

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### **F<sup>3</sup>2A General Commissioners: costs and expenses in legal proceedings.**

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#### **Textual Amendments**

- F3** S. 2A repealed (1.4.2009) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 23 Pt. 1](#); [S.I. 2008/2696](#), art. 6(c)(i) (with art. 4) (as amended (1.4.2009) by [S.I. 2009/56](#), arts. 1, 6, Sch. 2 para. 11(6))

### **F<sup>4</sup>3 Clerk to General Commissioners.**

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#### **Textual Amendments**

- F4** S. 3 repealed (1.4.2009) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 8 para. 1\(2\)](#), [Sch. 23 Pt. 1](#); [S.I. 2008/2696](#), art. 6(b)(c)(i) (with art. 4) (as amended (1.4.2009) by [S.I. 2009/56](#), arts. 1, 6, Sch. 2 para. 11(6))

### **F<sup>5</sup>3A General Commissioners and clerks: indemnity.**

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#### **Textual Amendments**

- F5** S. 3A repealed (1.4.2009) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, [Sch. 23 Pt. 1](#); [S.I. 2008/2696](#), art. 6(c) (with art. 4) (as amended (1.4.2009) by [S.I. 2009/56](#), arts. 1, 6, Sch. 2 para. 11(6))

### **F<sup>6</sup>4 Special Commissioners.**

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#### **Textual Amendments**

- F6** S. 4 omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), [Sch. 1 para. 6](#)

### **F<sup>7</sup>4A Deputy Special Commissioners.**

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#### **Textual Amendments**

- F7** S. 4A omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), [Sch. 1 para. 6](#)

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**F8 5 General and Special Commissioners.**

**Textual Amendments**

**F8** S. 5 omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 6**

**6 Declarations on taking office.**

- F9** (1) .....
- F10** (2) .....
- F11** (3) .....
- F11** (4) .....
- F12** (5) .....

**Textual Amendments**

- F9** S. 6(1) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 6**
- F10** S. 6(2) repealed (1.4.2009) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, **Sch. 23 Pt. 1**; [S.I. 2008/2696](#), art. 6(c)
- F11** S. 6(3)(4) repealed (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), **Sch. 4 para. 13**, **Sch. 5**; [S.I. 2005/1126](#), art. 2(2)(h)(i)
- F12** S. 6(5) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 6**

**PART II**

**RETURNS OF INCOME AND GAINS**

*Income tax*

**[F137 Notice of liability to income tax and capital gains tax.**

- (1) Every person who—
  - (a) is chargeable to income tax or capital gains tax for any year of assessment, and
  - (b) has not received a notice under section 8 of this Act requiring a return for that year of his total income and chargeable gains,shall, subject to subsection (3) below, within six months from the end of that year, give notice to an officer of the Board that he is so chargeable.
- (2) In the case of [F14 persons who are] chargeable as mentioned in subsection (1) above as [F15 the relevant trustees] of a settlement, that subsection shall have effect as if the reference to a notice under section 8 of this Act were a reference to a notice under section 8A of this Act.

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- (3) A person shall not be required to give notice under subsection (1) above in respect of a year of assessment if for that year his total income consists of income from sources falling within subsections (4) to (7) below and he has no chargeable gains.
- (4) A source of income falls within this subsection in relation to a year of assessment if—
- (a) all payments of, or on account of, income from it during that year, and
  - (b) all income from it for that year which does not consist of payments,
- have or has been taken into account in the making of deductions or repayments of tax under [<sup>F16</sup>PAYE regulations].
- (5) A source of income falls within this subsection in relation to any person and any year of assessment if all income from it for that year has been or will be taken into account—
- (a) in determining that person's liability to tax, or
  - (b) in the making of deductions or repayments of tax under [<sup>F16</sup>PAYE regulations].
- (6) A source of income falls within this subsection in relation to any person and any year of assessment if all income from it for that year is—
- (a) income from which income tax has been deducted;
  - (b) income from or on which income tax is treated as having been deducted or paid; or
  - (c) income chargeable under [<sup>F17</sup>Chapter 3 of Part 4 of ITTOIA 2005 (dividends etc. from UK resident companies etc.)],
- and that person is not for that year liable to tax at a rate other than the basic rate [<sup>F18</sup>, the [<sup>F19</sup>dividend] ordinary rate][<sup>F20</sup>or the starting rate for savings].
- (7) A source of income falls within this subsection in relation to any person and any year of assessment if all income from it for that year is [<sup>F21</sup>income on which] he could not become liable to tax under a self-assessment made under section 9 of this Act in respect of that year.
- (8) If any person, for any year of assessment, fails to comply with subsection (1) above, he shall be liable to a penalty not exceeding the amount of the tax—
- (a) in which he is assessed under section 9 or 29 of this Act in respect of that year, and
  - (b) which is not paid on or before the 31st January next following that year.
- [<sup>F22</sup>(9) For the purposes of this Act the relevant trustees of a settlement are—
- (a) in relation to income [<sup>F23</sup>(other than gains treated as arising under [<sup>F24</sup>Chapter 9 of Part 4 of ITTOIA 2005])], the persons who are trustees when the income arises and any persons who subsequently become trustees; and
  - [<sup>F25</sup>(aa) in relation to gains treated as arising under [<sup>F26</sup>Chapter 9 of Part 4 of ITTOIA 2005], the persons who are trustees in the year of assessment in which the gains arise and any persons who subsequently become trustees; and]
  - (b) in relation to chargeable gains, the persons who are trustees in the year of assessment in which the chargeable gains accrue and any persons who subsequently become trustees.]]

#### Textual Amendments

- F13** S. 7 substituted (with effect as respects the year 1995-96 and subsequent years of assessment) by [Finance Act 1994 \(c. 9\)](#), s. 199(2)(3), [Sch. 19 para. 1\(1\)\(2\)](#); [S.I. 1998/3173](#), art. 2

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- F14** Words in s. 7(2) substituted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\), s. 103\(1\)\(a\)](#)
- F15** Words in s. 7(2) substituted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\), s. 103\(1\)\(b\)](#)
- F16** Words in s. 7(4)(5) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 124 \(with Sch. 7\)](#)
- F17** Words in s. 7(6)(c) substituted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\), s. 883\(1\), Sch. 1 para. 358\(2\)\(a\) \(with Sch. 2\)](#)
- F18** Words in s. 7(6) inserted (with effect for the year 1999-00 and subsequent years of assessment) by [Finance \(No. 2\) Act 1997 \(c. 58\), Sch. 4 para. 1\(1\)\(2\)](#)
- F19** Word in s. 7(6) substituted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\), s. 883\(1\), Sch. 1 para. 358\(2\)\(b\) \(with Sch. 2\)](#)
- F20** Words in s. 7(6) substituted (with effect in accordance with Sch. 1 para. 65 of the amending Act) by [Finance Act 2008 \(c. 9\), Sch. 1 para. 38](#)
- F21** Words in s. 7(7) substituted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\), s. 115\(1\)](#)
- F22** S. 7(9) inserted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\), s. 103\(2\)](#)
- F23** Words in s. 7(9)(a) inserted (with effect in accordance with Sch. 14 para. 7(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 14 para. 5\(a\)](#)
- F24** Words in s. 7(9)(a) substituted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\), s. 883\(1\), Sch. 1 para. 358\(3\) \(with Sch. 2\)](#)
- F25** S. 7(9)(aa) inserted (with effect in accordance with Sch. 14 para. 7(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 14 para. 5\(b\)](#)
- F26** Words in s. 7(9)(aa) substituted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\), s. 883\(1\), Sch. 1 para. 358\(3\) \(with Sch. 2\)](#)

**Modifications etc. (not altering text)**

- C40** S. 7 modified (as respects the year 1995-96) by [Finance Act 1995 \(c. 4\), Sch. 21 para. 1](#)
- C41** S. 7 modified (22.7.2004) by [Finance Act 2004 \(c. 12\), s. 108\(3\)](#)
- C42** S. 7 modified (22.7.2004) by [Finance Act 2004 \(c. 12\), s. 109\(4\)](#)

**[<sup>F27</sup>8 Personal return.**

[<sup>F28</sup>(1) For the purpose of establishing the amounts in which a person is chargeable to income tax and capital gains tax for a year of assessment, [<sup>F29</sup>and the amount payable by him by way of income tax for that year,] he may be required by a notice given to him by an officer of the Board—

- (a) to make and deliver to the officer <sup>F30</sup>..., a return containing such information as may reasonably be required in pursuance of the notice, and
- (b) to deliver with the return such accounts, statements and documents, relating to information contained in the return, as may reasonably be so required.

<sup>F31</sup>(1A).....

[<sup>F32</sup>(1AA) For the purposes of subsection (1) above—

- (a) the amounts in which a person is chargeable to income tax and capital gains tax are net amounts, that is to say, amounts which take into account any relief or allowance a claim for which is included in the return; and
- (b) the amount payable by a person by way of income tax is the difference between the amount in which he is chargeable to income tax and the aggregate

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amount of any income tax deducted at source and any tax credits to which [F<sup>33</sup>section 397(1) [F<sup>34</sup>or [F<sup>35</sup>397A(1)]] of ITTOIA 2005] applies.]

(1B) In the case of a person who carries on a trade, profession, or business in partnership with one or more other persons, a return under this section shall include each amount which, in any relevant statement, is stated to be equal to his share of any income, [F<sup>36</sup>loss, tax, credit] or charge for the period in respect of which the statement is made.

(1C) In subsection (1B) above “relevant statement” means a statement which, as respects the partnership, falls to be made under section 12AB of this Act for a period which includes, or includes any part of, the year of assessment or its basis period.]

[ A return under this section for a year of assessment (Year 1) must be delivered—  
 F<sup>37</sup>(1D) (a) in the case of a non-electronic return, on or before 31st October in Year 2, and  
 (b) in the case of an electronic return, on or before 31st January in Year 2.

(1E) But subsection (1D) is subject to the following two exceptions.

(1F) Exception 1 is that if a notice in respect of Year 1 is given after 31st July in Year 2 (but on or before 31st October), a return must be delivered—

- (a) during the period of 3 months beginning with the date of the notice (for a non-electronic return), or
- (b) on or before 31st January (for an electronic return).

(1G) Exception 2 is that if a notice in respect of Year 1 is given after 31st October in Year 2, a return (whether electronic or not) must be delivered during the period of 3 months beginning with the date of the notice.

(1H) The Commissioners—

- (a) shall prescribe what constitutes an electronic return, and
- (b) may make different provision for different cases or circumstances.]

(2) Every return under this section shall include a declaration by the person making the return to the effect that the return is to the best of his knowledge correct and complete.

(3) A notice under this section may require different information, accounts and statements for different periods or in relation to different descriptions of source of income.

(4) Notices under this section may require different information, accounts and statements in relation to different descriptions of person.

[ In this section and sections 8A, 9 and 12AA of this Act, any reference to income tax  
 F<sup>38</sup>(5) deducted at source is a reference to income tax deducted or treated as deducted from any income or treated as paid on any income.]]

#### Textual Amendments

**F27** Ss 8, 8A, 9 substituted for ss, 8, 9 (with effect where a notice to deliver a return was, or falls to be, given after 5.4.1990) by [Finance Act 1990 \(c. 29\), s. 90\(1\)\(5\)](#)

**F28** S. 8(1)-(1C) substituted for s. 8(1) (with effect in accordance with [s. 199\(2\)\(3\)](#) of the amending Act) by [Finance Act 1994 \(c. 9\), s. 178\(1\)](#); [S.I. 1998/3173, art. 2](#)

**F29** Words in s. 8(1) inserted (with effect in accordance with [s. 121\(8\)](#) of the amending Act) by [Finance Act 1996 \(c. 8\), s. 121\(1\)](#)

**F30** Words in s. 8(1)(a) repealed (with effect in accordance with [s. 92](#) of the amending Act) by [Finance Act 2007 \(c. 11\), s. 88\(2\), Sch. 27 Pt. 5\(3\)](#)



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- F31** S. 8(1A) repealed (with effect in accordance with s. 92 of the amending Act) by [Finance Act 2007 \(c. 11\), s. 88\(3\), Sch. 27 Pt. 5\(3\)](#)
- F32** S. 8(1AA) inserted (with effect in accordance with s. 121(8) of the amending Act) by [Finance Act 1996 \(c. 8\), s. 121\(3\)](#)
- F33** Words in s. 8(1AA)(b) substituted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\), s. 883\(1\), Sch. 1 para. 359 \(with Sch. 2\)](#)
- F34** Words in s. 8(1AA)(b) inserted (with effect in accordance with s. 34(2) of the amending Act) by [Finance Act 2008 \(c. 9\), Sch. 12 para. 8](#)
- F35** Word in s. 8(1AA)(b) substituted (with effect in accordance with Sch. 19 para. 14 of the amending Act) by [Finance Act 2009 \(c. 10\), Sch. 19 para. 9\(a\)](#)
- F36** Words in s. 8(1B) substituted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\), s. 104\(2\)](#)
- F37** S. 8(1D)-(1H) inserted (with effect in accordance with s. 92 of the amending Act) by [Finance Act 2007 \(c. 11\), s. 88\(4\)](#)
- F38** S. 8(5) inserted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\), s. 104\(3\)](#)

**Modifications etc. (not altering text)**

- C43** S. 8 modified (6.3.1992 with effect as mentioned in s. 289(1)(2) of the amending Act) by [Taxation of Chargeable Gains Act 1992 \(c. 12\), ss. 3\(6\)\(b\), 289 \(with ss. 60, 101\(1\), 171, 201\(3\)\)](#)
- C44** S. 8 modified by [Finance Act 1974 \(c. 30\), s. 24](#) (repealed (1.4.2010) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\), s. 381\(1\), Sch. 10 Pt. 12 \(with Sch. 9 paras. 1-9, 22\)](#))
- C45** S. 8 extended (with effect in accordance with s. 56(9) of the amending Act) by [Finance Act 1998 \(c. 36\), s. 56\(7\)\(a\)](#)
- C46** S. 8 modified (E.W.) (1.4.2000) by [Education \(Student Loans\) \(Repayment\) Regulations 2000 \(S.I. 2000/944\), regs. 1\(1\), 17\(1\)](#)
- C47** S. 8 modified (N.I.) (1.4.2000) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2000 \(S.R. 2000/121\), regs. 1, 17\(1\)](#)
- C48** S. 8 modified (24.4.2000) by [The Income Tax \(Electronic Communications\) Regulations 2000 \(S.I. 2000/945\), regs. 2\(1\), 3-8 \(with reg. 2\(2\)\)](#)
- C49** S. 8 modified (22.7.2004) by [Finance Act 2004 \(c. 12\), s. 108\(3\)](#)
- C50** S. 8 modified (22.7.2004) by [Finance Act 2004 \(c. 12\), s. 109\(4\)](#)

**[<sup>F27</sup>8A Trustee's return.**

[<sup>F39</sup>(1) For the purpose of establishing the amounts in which [<sup>F40</sup>the relevant trustees] of a settlement, and the settlors and beneficiaries, are chargeable to income tax and capital gains tax for a year of assessment, [<sup>F41</sup>and the amount payable by him by way of income tax for that year,] an officer of the Board may by a notice given to [<sup>F42</sup>any relevant trustee] require the trustee—

- (a) to make and deliver to the officer <sup>F43</sup>... , a return containing such information as may reasonably be required in pursuance of the notice, and
- (b) to deliver with the return such accounts, statements and documents, relating to information contained in the return, as may reasonably be so required;

and a notice may be given to any one trustee or separate notices may be given to each trustee or to such trustees as the officer thinks fit.

<sup>F44</sup>(1A) . . . . . ]

[ For the purposes of subsection (1) above—  
<sup>F45</sup>(1AA)

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- (a) the amounts in which a person is chargeable to income tax and capital gains tax are net amounts, that is to say, amounts which take into account any relief or allowance a claim for which is included in the return; and
- (b) the amount payable by a person by way of income tax is the difference between the amount in which he is chargeable to income tax and the aggregate amount of any income tax deducted at source and any tax credits to which [F46section 397(1) [F47or [F48397A(1)]] of ITTOIA 2005] applies.]

[ A return under this section for a year of assessment (Year 1) must be delivered—

- <sup>F49</sup>(1B) (a) in the case of a non-electronic return, on or before 31st October in Year 2, and  
 (b) in the case of an electronic return, on or before 31st January in Year 2.

(1C) But subsection (1B) is subject to the following two exceptions.

(1D) Exception 1 is that if a notice in respect of Year 1 is given after 31st July in Year 2 (but on or before 31st October), a return must be delivered—

- (a) during the period of 3 months beginning with the date of the notice (for a non-electronic return), or
- (b) on or before 31st January (for an electronic return).

(1E) Exception 2 is that if a notice in respect of Year 1 is given after 31st October in Year 2, a return (whether electronic or not) must be delivered during the period of 3 months beginning with the date of the notice.

(1F) The Commissioners—

- (a) shall prescribe what constitutes an electronic return, and
- (b) may make different provision for different cases or circumstances.]

(2) Every return under this section shall include a declaration by the person making the return to the effect that the return is to the best of his knowledge correct and complete.

(3) A notice under this section may require different information, accounts and statements for different periods or in relation to different descriptions of source of income.

(4) Notices under this section may require different information, accounts and statements in relation to different descriptions of settlement.

[ The following references, namely—

- <sup>F50</sup>(5) (a) references in section 9 or 28C of this Act to a person to whom a notice has been given under this section being chargeable to tax; and  
 (b) references in section 29 of this Act to such a person being assessed to tax, shall be construed as references to the relevant trustees of the settlement being so chargeable or, as the case may be, being so assessed.]]

#### Textual Amendments

**F27** Ss 8, 8A, 9 substituted for ss, 8, 9 (with effect where a notice to deliver a return was, or falls to be, given after 5.4.1990) by [Finance Act 1990 \(c. 29\)](#), s. **90(1)(5)**

**F39** S. 8A(1)(1A) substituted for s. 8A(1) (with effect in accordance with s. 199(2)(3) of the amending Act) by [Finance Act 1994 \(c. 9\)](#), s. **178(2)**; S.I. 1998/3173, art. 2

**F40** Words in s. 8A(1) substituted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\)](#), s. **103(3)(a)**

**F41** Words in s. 8A(1) inserted (with effect in accordance with s. 121(8) of the amending Act) by [Finance Act 1996 \(c. 8\)](#), s. **121(1)**

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- F42** Words in s. 8A(1) substituted (with effect in accordance with s. 103(7) of the amending Act) by Finance Act 1995 (c. 4), s. 103(3)(b)
- F43** Words in s. 8A(1)(a) repealed (with effect in accordance with s. 92 of the amending Act) by Finance Act 2007 (c. 11), s. 89(2), Sch. 27 Pt. 5(3)
- F44** S. 8A(1A) repealed (with effect in accordance with s. 92 of the amending Act) by Finance Act 2007 (c. 11), s. 89(3), Sch. 27 Pt. 5(3)
- F45** S. 8A(1AA) inserted (with effect in accordance with s. 121(8) of the amending Act) by Finance Act 1996 (c. 8), s. 121(3)
- F46** Words in s. 8A(1AA)(b) substituted (with effect in accordance with s. 883(1) of the amending Act) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), Sch. 1 para. 360 (with Sch. 2)
- F47** Words in s. 8A(1AA)(b) inserted (with effect in accordance with s. 34(2) of the amending Act) by Finance Act 2008 (c. 9), Sch. 12 para. 9
- F48** Word in s. 8A(1AA)(b) substituted (with effect in accordance with Sch. 19 para. 14 of the amending Act) by Finance Act 2009 (c. 10), Sch. 19 para. 9(a)
- F49** S. 8A(1B)-(1F) inserted (with effect in accordance with s. 92 of the amending Act) by Finance Act 2007 (c. 11), s. 89(4)
- F50** S. 8A(5) inserted (with effect in accordance with s. 103(7) of the amending Act) by Finance Act 1995 (c. 4), s. 103(4)

**Modifications etc. (not altering text)**

- C51** S. 8A modified (22.7.2004) by Finance Act 2004 (c. 12), s. 108(3)
- C52** S. 8A modified (22.7.2004) by Finance Act 2004 (c. 12), s. 109(4)

**[<sup>F51</sup>9 Returns to include self-assessment.**

[<sup>F52</sup>(1) Subject to [<sup>F53</sup>subsections (1A) and (2)] below, every return under section 8 or 8A of this Act shall include a self-assessment, that is to say—

- (a) an assessment of the amounts in which, on the basis of the information contained in the return and taking into account any relief or allowance a claim for which is included in the return, the person making the return is chargeable to income tax and capital gains tax for the year of assessment; and
- (b) an assessment of the amount payable by him by way of income tax, that is to say, the difference between the amount in which he is assessed to income tax under paragraph (a) above and the aggregate amount of any income tax deducted at source and any tax credits to which [<sup>F54</sup>section 397(1) [<sup>F55</sup>or [<sup>F56</sup>397A(1)]] of ITTOIA 2005] applies

[<sup>F57</sup>but nothing in this subsection shall enable a self-assessment to show as repayable any income tax treated as deducted or paid by virtue of section <sup>F58</sup>... 246D(1) <sup>F58</sup>... [<sup>F59</sup>of the principal Act]<sup>F60</sup>, section 626 of ITEPA 2003 or section 399(2), 400(2), 414(1), 421(1) or 530(1) of ITTOIA 2005]].]

[<sup>F61</sup>(1A) The tax to be assessed on a person by a self-assessment shall not include any tax [<sup>F62</sup>which—

- (a) is chargeable on the scheme administrator of a registered pension scheme under Part 4 of the Finance Act 2004,
- (ab) is chargeable on the sub-scheme administrator of a sub-scheme under Part 4 of the Finance Act 2004 as modified by the Registered Pensions (Splitting of Schemes) Regulations 2006, or
- (b) is chargeable on the person who is (or persons who are) the responsible person in relation to an employer-financed retirement benefits scheme under section 394(2) of ITEPA 2003.]]

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- (2) A person shall not be required to comply with subsection (1) above if he makes and delivers his return for a year of assessment—
  - (a) on or before the [<sup>F63</sup>31st October] next following the year, or
  - (b) where the notice under section 8 or 8A of this Act is given after the [<sup>F64</sup>31st August] next following the year, within the period of two months beginning with the day on which the notice is given.
- (3) Where, in making and delivering a return, a person does not comply with subsection (1) above, an officer of the Board shall if subsection (2) above applies, and may in any other case—
  - (a) make the assessment on his behalf on the basis of the information contained in the return, and
  - (b) send him a copy of the assessment so made;

<sup>F65</sup> .....

[<sup>F66</sup>(3A) An assessment under subsection (3) above is treated for the purposes of this Act as a self-assessment and as included in the return.]

<sup>F67</sup>(4) .....

<sup>F67</sup>(5) .....

<sup>F67</sup>(6) ..... ]

**Textual Amendments**

- F51** S. 9 substituted (with effect in accordance with s. 199(2)(3) of the amending Act) by [Finance Act 1994 \(c. 9\), s. 179](#); [S.I. 1998/3173](#), art. 2
- F52** S. 9(1) substituted (with effect in accordance with s. 121(8) of the amending Act) by [Finance Act 1996 \(c. 8\), s. 121\(4\)](#)
- F53** Words in s. 9(1) substituted (with effect in accordance with s. 98(3) of the amending Act) by [Finance Act 1998 \(c. 36\), s. 98\(2\)](#)
- F54** Words in s. 9(1)(b) substituted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\), s. 883\(1\), Sch. 1 para. 361\(a\)](#) (with [Sch. 2](#))
- F55** Words in s. 9(1)(b) inserted (with effect in accordance with s. 34(2) of the amending Act) by [Finance Act 2008 \(c. 9\), Sch. 12 para. 10](#)
- F56** Word in s. 9(1)(b) substituted (with effect in accordance with [Sch. 19 para. 14](#) of the amending Act) by [Finance Act 2009 \(c. 10\), Sch. 19 para. 9\(b\)](#)
- F57** Words in s. 9(1) inserted (with effect in accordance with s. 121(8) of the amending Act) by [Finance Act 1996 \(c. 8\), s. 122\(1\)](#)
- F58** Words in s. 9(1) repealed (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\), s. 883\(1\), Sch. 1 para. 361\(b\), Sch. 3](#) (with [Sch. 2](#))
- F59** Words in s. 9(1) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 125\(2\)](#) (with [Sch. 7](#))
- F60** Words in s. 9(1) substituted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\), s. 883\(1\), Sch. 1 para. 361\(c\)](#) (with [Sch. 2](#))
- F61** S. 9(1A) inserted (with effect in accordance with s. 98(3) of the amending Act) by [Finance Act 1998 \(c. 36\), s. 98\(2\)](#)
- F62** Words in s. 9(1A) substituted (6.4.2006) by [Finance Act 2004 \(c. 12\), s. 284\(1\), Sch. 35 para. 1](#) (with [Sch. 36](#)) (as amended by [S.I. 2006/569](#), regs. 1(1), 5(3)(b))
- F63** Words in s. 9(2)(a) substituted (with effect in accordance with s. 92 of the amending Act) by [Finance Act 2007 \(c. 11\), s. 91\(1\)\(a\)](#)

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- F64** Words in s. 9(2)(b) substituted (with effect in accordance with s. 92 of the amending Act) by [Finance Act 2007 \(c. 11\)](#), [s. 91\(1\)\(b\)](#)
- F65** Words in s. 9(3) repealed (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), [Sch. 29 para. 1\(1\)](#), [Sch. 33 Pt. 2\(13\)](#)
- F66** S. 9(3A) inserted (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), [Sch. 29 para. 1\(2\)](#)
- F67** S. 9(4)-(6) repealed (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), [Sch. 29 para. 2\(1\)](#), [Sch. 33 Pt. 2\(13\)](#)

**Modifications etc. (not altering text)**

- C53** S. 9 modified (24.4.2000) by [The Income Tax \(Electronic Communications\) Regulations 2000 \(S.I. 2000/945\)](#), [regs. 2\(1\)](#), 3-8 (with [reg. 2\(2\)](#))
- C54** S. 9 modified (22.7.2004) by [Finance Act 2004 \(c. 12\)](#), [s. 108\(3\)](#)
- C55** S. 9 modified (22.7.2004) by [Finance Act 2004 \(c. 12\)](#), [s. 109\(4\)](#)
- C56** S. 9(1A) applied (with modifications) (6.4.2006) by [The Registered Pension Schemes \(Accounting and Assessment\) Regulations 2005 \(S.I. 2005/3454\)](#), [regs. 1, 8](#) (as amended (6.4.2024) by [S.I. 2024/356](#), [regs. 1\(3\)](#), [7\(5\)](#))
- C57** S. 9(2)-(3A) applied (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\)](#), [regs. 1\(1\)](#), [31\(2\)](#) (with [reg. 1\(4\)\(6\)](#))
- C58** S. 9(2)-(3A) applied (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\)](#), [regs. 1\(1\)](#), [26\(2\)](#)

**[<sup>F68</sup>9ZA Amendment of personal or trustee return by taxpayer**

- (1) A person may amend his return under section 8 or 8A of this Act by notice to an officer of the Board.
- (2) An amendment may not be made more than twelve months after the filing date.

[<sup>F69</sup>(3) In this section “the filing date”, in respect of a return for a year of assessment (Year 1), means—

- (a) 31st January of Year 2, or
- (b) if the notice under section 8 or 8A is given after 31st October of Year 2, the last day of the period of three months beginning with the date of the notice.]

**Textual Amendments**

- F68** Ss. 9ZA, 9ZB inserted (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), [Sch. 29 para. 2\(2\)](#)
- F69** S. 9ZA(3) substituted (with effect in accordance with s. 92 of the amending Act) by [Finance Act 2007 \(c. 11\)](#), [s. 91\(2\)](#)

**Modifications etc. (not altering text)**

- C59** S. 9ZA applied (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), [Sch. 13 para. 44\(2\)\(3\)](#)

**9ZB Correction of personal or trustee return by Revenue**

- (1) An officer of the Board may amend a return under section 8 or 8A of this Act so as to correct obvious errors or omissions in the return (whether errors of principle, arithmetical mistakes or otherwise).
- (2) A correction under this section is made by notice to the person whose return it is.

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- (3) No such correction may be made more than nine months after—
  - (a) the day on which the return was delivered, or
  - (b) if the correction is required in consequence of an amendment of the return under section 9ZA of this Act, the day on which that amendment was made.
- (4) A correction under this section is of no effect if the person whose return it is gives notice rejecting the correction.
- (5) Notice of rejection under subsection (4) above must be given—
  - (a) to the officer of the Board by whom the notice of correction was given,
  - (b) before the end of the period of 30 days beginning with the date of issue of the notice of correction.]

#### Textual Amendments

**F68** Ss. 9ZA, 9ZB inserted (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), [Sch. 29 para. 2\(2\)](#)

#### [<sup>F70</sup>9A Notice of enquiry

- (1) An officer of the Board may enquire into a return under section 8 or 8A of this Act if he gives notice of his intention to do so (“notice of enquiry”)—
  - (a) to the person whose return it is (“the taxpayer”),
  - (b) within the time allowed.
- (2) The time allowed is—
  - (a) if the return was delivered on or before the filing date, up to the end of the period of twelve months [<sup>F71</sup>after the day on which the return was delivered;]
  - (b) if the return was delivered after the filing date, up to and including the quarter day next following the first anniversary of the day on which the return was delivered;
  - (c) if the return is amended under section 9ZA of this Act, up to and including the quarter day next following the first anniversary of the day on which the amendment was made.

For this purpose the quarter days are 31st January, 30th April, 31st July and 31st October.

- (3) A return which has been the subject of one notice of enquiry may not be the subject of another, except one given in consequence of an amendment (or another amendment) of the return under section 9ZA of this Act.

[<sup>F72</sup>(4) An enquiry extends to—

- (a) anything contained in the return, or required to be contained in the return, including any claim or election included in the return,
- (b) consideration of whether to give the taxpayer a transfer pricing notice under paragraph 5C of Schedule 28AA to the principal Act (provision not at arm’s length: medium-sized enterprise),
- [<sup>F73</sup>(c) consideration of whether to give the taxpayer a notice under section 804ZA of the principal Act (schemes and arrangements designed to increase relief),] but this is subject to the following limitation.]

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- (5) If the notice of enquiry is given as a result of an amendment of the return under section 9ZA of this Act—
- (a) at a time when it is no longer possible to give notice of enquiry under subsection (2)(a) or (b) above, or
  - (b) after an enquiry into the return has been completed,
- the enquiry into the return is limited to matters to which the amendment relates or which are affected by the amendment.
- (6) In this section “the filing date” <sup>[F74]</sup> means, in relation to a return, the last day for delivering it in accordance with section 8 or 8A.]]

#### Textual Amendments

- F70** Ss. 9A-9D substituted for s. 9A (with effect and application in accordance with s. 88(3), Sch. 29 para. 4(2) of the amending Act) by [Finance Act 2001 \(c. 9\), Sch. 29 para. 4\(1\)](#)
- F71** Words in s. 9A(2)(a) substituted (19.7.2007) by [Finance Act 2007 \(c. 11\), s. 96\(1\)](#) (with s. 96(5))
- F72** S. 9A(4) substituted (with effect in accordance with s. 37 of the amending Act) by [Finance Act 2004 \(c. 12\), Sch. 5 para. 1\(2\)](#)
- F73** S. 9A(4)(c) inserted (with effect in accordance with s. 88(5) of the amending Act) by [Finance Act 2005 \(c. 7\), s. 88\(1\)](#)
- F74** Words in s. 9A(6) substituted (with effect in accordance with s. 92 of the amending Act) by [Finance Act 2007 \(c. 11\), s. 91\(3\)](#)

#### Modifications etc. (not altering text)

- C60** S. 9A modified (24.4.2000) by [The Income Tax \(Electronic Communications\) Regulations 2000 \(S.I. 2000/945\), regs. 2\(1\), 3-8](#) (with [reg. 2\(2\)](#))
- C61** S. 9A applied (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\), regs. 1\(1\), 31\(2\)](#) (with [reg. 1\(4\)\(6\)](#))
- C62** S. 9A applied (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\), regs. 1\(1\), 26\(2\)](#)

#### [F70]9B Amendment of return by taxpayer during enquiry

- (1) This section applies if a return is amended under section 9ZA of this Act (amendment of personal or trustee return by taxpayer) at a time when an enquiry is in progress into the return.
- (2) The amendment does not restrict the scope of the enquiry but may be taken into account (together with any matters arising) in the enquiry.
- (3) So far as the amendment affects the amount stated in the self-assessment included in the return as the amount of tax payable, it does not take effect while the enquiry is in progress and—
  - (a) if the officer states in the closure notice that he has taken the amendment into account and that—
    - (i) the amendment has been taken into account in formulating the amendments contained in the notice, or
    - (ii) his conclusion is that the amendment is incorrect,the amendment shall not take effect;
  - (b) otherwise, the amendment takes effect when the closure notice is issued.

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- (4) For the purposes of this section the period during which an enquiry is in progress is the whole of the period—
  - (a) beginning with the day on which notice of enquiry is given, and
  - (b) ending with the day on which the enquiry is completed.]

**Textual Amendments**

**F70** Ss. 9A-9D substituted for s. 9A (with effect and application in accordance with s. 88(3), Sch. 29 para. 4(2) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), **Sch. 29 para. 4(1)**

**[<sup>F70</sup>9C Amendment of self-assessment during enquiry to prevent loss of tax**

- (1) This section applies where an enquiry is in progress into a return as a result of notice of enquiry by an officer of the Board under section 9A(1) of this Act.
- (2) If the officer forms the opinion—
  - (a) that the amount stated in the self-assessment contained in the return as the amount of tax payable is insufficient, and
  - (b) that unless the assessment is immediately amended there is likely to be a loss of tax to the Crown,
 he may by notice to the taxpayer amend the assessment to make good the deficiency.
- (3) In the case of an enquiry which under section 9A(5) of this Act is limited to matters arising from an amendment of the return, subsection (2) above only applies so far as the deficiency is attributable to the amendment.
- (4) For the purposes of this section the period during which an enquiry is in progress is the whole of the period—
  - (a) beginning with the day on which notice of enquiry is given, and
  - (b) ending with the day on which the enquiry is completed.]

**Textual Amendments**

**F70** Ss. 9A-9D substituted for s. 9A (with effect and application in accordance with s. 88(3), Sch. 29 para. 4(2) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), **Sch. 29 para. 4(1)**

**<sup>F75</sup>[<sup>F70</sup>9D Choice between different Cases of Schedule D**

.....]

**Textual Amendments**

**F70** Ss. 9A-9D substituted for s. 9A (with effect and application in accordance with s. 88(3), Sch. 29 para. 4(2) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), **Sch. 29 para. 4(1)**

**F75** S. 9D repealed (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#), s. 883(1), Sch. 1 para. 362, **Sch. 3** (with Sch. 2)



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## Corporation tax

### **F76 10 Notice of liability to corporation tax.**

.....

#### **Textual Amendments**

**F76** Ss. 10, 11 repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 19 para. 1](#), [Sch. 27 Pt. 3\(28\)](#); S.I. 1998/3173, art. 2

### **F76 11 Return of profits.**

.....

#### **Textual Amendments**

**F76** Ss. 10, 11 repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 19 para. 1](#), [Sch. 27 Pt. 3\(28\)](#); S.I. 1998/3173, art. 2

### **F77 11A Notice of liability to capital gains tax.**

.....

#### **Textual Amendments**

**F77** S. 11A repealed (with effect as respects the year 1995-96 and subsequent years of assessment) by [Finance Act 1995 \(c. 4\)](#), s. 115(3)(13), [Sch. 29 Pt. 8\(14\)](#) (previously repealed by [Finance Act 1994 \(c. 9\)](#), s. 199(2)(3), [Sch. 26 Pt. 5\(23\)](#)); S.I. 1998/3173, art. 2

### **F78 11AA Return of profits to include self-assessment.**

.....

#### **Textual Amendments**

**F78** Ss. 11AA-11AE repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 19 para. 1](#), [Sch. 27 Pt. 3\(28\)](#); S.I. 1998/3173, art. 2

### **F78 11AB Power to enquire into return of profits.**

.....

#### **Textual Amendments**

**F78** Ss. 11AA-11AE repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 19 para. 1](#), [Sch. 27 Pt. 3\(28\)](#); S.I. 1998/3173, art. 2

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**F78 11AC Modifications of sections 11AA and 11AB in relation to non-annual accounting of general insurance business.**

.....

**Textual Amendments**

**F78** Ss. 11AA-11AE repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), Sch. 19 para. 1, [Sch. 27 Pt. 3\(28\)](#); S.I. 1998/3173, art. 2

**F78 11AD Modifications of sections 11AA and 11AB for insurance companies with non-annual actuarial investigations.**

.....

**Textual Amendments**

**F78** Ss. 11AA-11AE repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), Sch. 19 para. 1, [Sch. 27 Pt. 3\(28\)](#); S.I. 1998/3173, art. 2

**F78 11AE Modifications of sections 11AA and 11AB for friendly societies with non-annual actuarial investigations.**

.....

**Textual Amendments**

**F78** Ss. 11AA-11AE repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), Sch. 19 para. 1, [Sch. 27 Pt. 3\(28\)](#); S.I. 1998/3173, art. 2

**F79 12 Information about chargeable gains.**

.....

**Textual Amendments**

**F79** S. 12 omitted (13.8.2009) by virtue of [The Finance Act 2009, Schedule 47 \(Consequential Amendments\) Order 2009 \(S.I. 2009/2035\)](#), art. 1, [Sch. para. 2](#)

*F80 Partnerships*

**Textual Amendments**

**F80** S. 12AA and cross-heading inserted (with effect in accordance with s. 199(2)(3) of the amending Act) by [Finance Act 1994 \(c. 9\)](#), [s. 184](#); S.I. 1998/3173, art. 2

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## 12AA Partnership return.

[<sup>F81</sup>(1) Where a trade, profession or business is carried on by two or more persons in partnership, for the purpose of facilitating the establishment of the following amounts, namely—

- (a) the amount in which each partner chargeable to income tax for any year of assessment is so chargeable [<sup>F82</sup>and the amount payable by way of income tax by each such partner], and
- (b) the amount in which each partner chargeable to corporation tax for any period is so chargeable,

an officer of the Board may act under subsection (2) or (3) below (or both).

[<sup>F83</sup>(1A) For the purposes of subsection (1) above—

- (a) the amount in which a partner is chargeable to income tax or corporation tax is a net amount, that is to say, an amount which takes into account any relief or allowance for which a claim is made; and
- (b) the amount payable by a partner by way of income tax is the difference between the amount in which he is chargeable to income tax and the aggregate amount of any income tax deducted at source and any tax credits to which [<sup>F84</sup>section 397(1) [<sup>F85</sup>or [<sup>F86</sup>397A(1)]] of ITTOIA 2005] applies.]]

(2) An officer of the Board may by a notice given to the partners require such person as is identified in accordance with rules given with the notice [<sup>F87</sup>or a successor of his]—

- (a) to make and deliver to the officer in respect of such period as may be specified in the notice, on or before such day as may be so specified, a return containing such information as may reasonably be required in pursuance of the notice, and
- (b) to deliver with the return [<sup>F88</sup>such accounts, statements and documents, relating to information contained in the return,] as may reasonably be so required.

(3) An officer of the Board may by notice given to any partner require the partner [<sup>F89</sup>or a successor of his]—

- (a) to make and deliver to the officer in respect of such period as may be specified in the notice, on or before such day as may be so specified, a return containing such information as may reasonably be required in pursuance of the notice, and
- (b) to deliver with the return such accounts and statements as may reasonably be so required;

and a notice may be given to any one partner or separate notices may be given to each partner or to such partners as the officer thinks fit.

[<sup>F90</sup>(4) In the case of a partnership which includes one or more individuals, a notice under subsection (2) or (3) above may specify different days depending on whether a return in respect of a year of assessment (Year 1) is electronic or non-electronic.

(4A) The day specified for a non-electronic return must not be earlier than 31st October of Year 2.

(4B) The day specified for an electronic return must not be earlier than 31st January of Year 2.

(4C) But subsections (4A) and (4B) are subject to the following two exceptions.

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- (4D) Exception 1 is that if the notice is given after 31st July in Year 2 (but on or before 31st October)—
- (a) the day specified for a non-electronic return must be after the end of the period of three months beginning with the date of the notice, and
  - (b) the day specified for an electronic return must not be earlier than 31st January.
- (4E) Exception 2 is that if the notice is given after 31st October in Year 2, the day specified for a return (whether or not electronic) must be after the end of the period of three months beginning with the date of the notice.]
- [<sup>F91</sup>(5) In the case of a partnership which includes one or more companies, a notice may specify different dates depending on whether a notice in respect of a relevant period is electronic or non-electronic.
- (5A) The day specified for a non-electronic return must not be earlier than the end of the period of nine months beginning at the end of the relevant period.
- (5B) The day specified for an electronic return must not be earlier than the first anniversary of the end of the relevant period.
- (5C) But where the notice is given more than nine months after the end of the relevant period, the day specified for a return (whether or not electronic) must be after the end of the period of three months beginning with the date of the notice.
- (5D) For the purposes of this section “relevant period” means the period in respect of which the return is required.
- (5E) The Commissioners—
- (a) shall prescribe what constitutes an electronic return for the purposes of this section, and
  - (b) may make different provision for different cases or circumstances.]
- (6) Every return under this section shall include—
- (a) a declaration of the name, residence and tax reference of each of the persons who have been partners—
    - (i) for the whole of the relevant period, or
    - (ii) for any part of that period,
 and, in the case of a person falling within sub-paragraph (ii) above, of the part concerned; and
  - (b) a declaration by the person making the return to the effect that it is to the best of his knowledge correct and complete.
- (7) Every return under this section shall also include, if the notice under subsection (2) or (3) above so requires—
- (a) with respect to any disposal of partnership property during a period to which <sup>F92</sup>... the return relates, the like particulars as if the partnership were liable to tax on any chargeable gain accruing on the disposal, <sup>F93</sup>...
  - <sup>F93</sup>(b) .....
- (8) A notice under this section may require different information, accounts and statements for different periods or in relation to different descriptions of source of income.
- (9) Notices under this section may require different information, accounts and statements in relation to different descriptions of partnership.

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(10) In this section “residence”, in relation to a company, means its registered office.

[ In this Act a “partnership return” means a return in pursuance of a notice under <sup>F94</sup>(10A) subsection (2) or (3) above.]

[ In this Act “successor”, in relation to a person who is required to make and deliver, or <sup>F95</sup>(11) has made and delivered, [<sup>F96</sup>a partnership return], but is no longer available, means—

- (a) where a partner is for the time being nominated for the purposes of this subsection by a majority of the relevant partners, that partner; and
- (b) where no partner is for the time being so nominated, such partner as—
  - (i) in the case of a notice under subsection (2) above, is identified in accordance with rules given with that notice; or
  - (ii) in the case of a notice under subsection (3) above, is nominated for the purposes of this subsection by an officer of the Board;

and “predecessor” and “successor”, in relation to a person so nominated or identified, shall be construed accordingly.

(12) For the purposes of subsection (11) above a nomination under paragraph (a) of that subsection, and a revocation of such a nomination, shall not have effect in relation to any time before notice of the nomination or revocation is given to an officer of the Board.

(13) In this section “relevant partner” means a person who was a partner at any time during the period for which the return was made or is required, or the personal representatives of such a person.]]

#### Textual Amendments

- F81** S. 12AA(1)(1A) substituted for s. 12AA(1) (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\), s. 104\(6\)](#)
- F82** Words in s. 12AA(1)(a) inserted (with effect in accordance with s. 121(8) of the amending Act) by [Finance Act 1996 \(c. 8\), s. 121\(6\)](#)
- F83** S. 12AA(1A) substituted (with effect in accordance with s. 121(8) of the amending Act) by [Finance Act 1996 \(c. 8\), s. 121\(7\)](#)
- F84** Words in s. 12AA(1A)(b) substituted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\), s. 883\(1\), Sch. 1 para. 363 \(with Sch. 2\)](#)
- F85** Words in s. 12AA(1A)(b) inserted (with effect in accordance with s. 34(2) of the amending Act) by [Finance Act 2008 \(c. 9\), Sch. 12 para. 11](#)
- F86** Word in s. 12AA(1A)(b) substituted (with effect in accordance with Sch. 19 para. 14 of the amending Act) by [Finance Act 2009 \(c. 10\), Sch. 19 para. 9\(c\)](#)
- F87** Words in s. 12AA(2) inserted (with effect in accordance with s. 121(8) of the amending Act) by [Finance Act 1996 \(c. 8\), s. 123\(1\)](#)
- F88** Words in s. 12AA(2) substituted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\), s. 115\(4\)](#)
- F89** Words in s. 12AA(3) inserted (with effect in accordance with s. 121(8) of the amending Act) by [Finance Act 1996 \(c. 8\), s. 123\(2\)](#)
- F90** S. 12AA(4)-(4E) substituted for s. 12AA(4) (with effect in accordance with s. 92 of the amending Act) by [Finance Act 2007 \(c. 11\), s. 90\(1\)](#)
- F91** S. 12AA(5)-(5E) substituted for s. 12AA(5) (with effect in accordance with s. 92 of the amending Act) by [Finance Act 2007 \(c. 11\), s. 90\(2\)](#)
- F92** Words in s. 12AA(7)(a) repealed (with effect in accordance with s. 121(8) of the amending Act) by [Finance Act 1996 \(c. 8\), s. 123\(3\), Sch. 41 Pt. 5\(6\)](#)

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- F93** S. 12AA(7)(b) and preceding word omitted (13.8.2009) by virtue of [The Finance Act 2009, Schedule 47 \(Consequential Amendments\) Order 2009 \(S.I. 2009/2035\), art. 1, Sch. para. 3](#)
  - F94** S. 12AA(10A) inserted (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\), Sch. 29 para. 18\(2\)](#)
  - F95** S. 12AA(11)-(13) inserted (with effect in accordance with s. 121(8) of the amending Act) by [Finance Act 1996 \(c. 8\), s. 123\(4\)](#)
  - F96** Words in s. 12AA(11) substituted (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\), Sch. 29 para. 18\(3\)](#)
- 
- Modifications etc. (not altering text)**
- C63** S. 12AA extended (with effect in accordance with s. 56(9) of the amending Act) by [Finance Act 1998 \(c. 36\), s. 56\(7\)\(b\)](#)

**[<sup>F97</sup>12AB Partnership return to include partnership statement.**

[<sup>F98</sup>(1) Every [<sup>F99</sup>partnership return] shall include a statement (a partnership statement) of the following amounts, namely—

- (a) in the case of [<sup>F100</sup>the period in respect of which the return is made and each period of account ending within that period]—
  - (i) the amount of income or loss from each source which, on the basis of the information contained in the return and taking into account any relief or allowance a section 42(7) claim for which is included in the return, has accrued to or has been sustained by the partnership for [<sup>F101</sup>the period in question],
  - [<sup>F102</sup>(ia) the amount of the consideration which, on that basis, has accrued to the partnership in respect of each disposal of partnership property during that period,]
  - (ii) each amount of income tax which, on that basis, has been deducted or treated as deducted from any income of the partnership, or treated as paid on any such income, for that period, [<sup>F103</sup>and]
  - (iii) the amount of each tax credit which, on that basis, has accrued to the partnership for that period, <sup>F104</sup>...
  - <sup>F104</sup>(iv) .....
- (b) in the case of each such period [<sup>F105</sup>as is mentioned in paragraph (a) above] and each of the partners, the amount which, on that basis and (where applicable) taking into account any such relief or allowance, is equal to his share of that income, loss, [<sup>F106</sup>consideration,][<sup>F107</sup>tax or credit].]

<sup>F108</sup>(2) .....

<sup>F108</sup>(3) .....

<sup>F108</sup>(4) .....

(5) In this section—

<sup>F109</sup> .....

<sup>F110</sup> .....

[<sup>F111</sup>“section 42(7) claim” means a claim under any of the provisions mentioned in section 42(7) of this Act;]

[<sup>F111</sup>“tax credit” means a tax credit to which section 231 of the principal Act applies [<sup>F112</sup>in the case of corporation tax and section 397(1) [<sup>F113</sup>or [<sup>F114</sup>397A(1)]] of ITTOIA 2005 applies in the case of income tax]].]

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### Textual Amendments

- F97** S. 12AB inserted (with effect in accordance with s. 199(2)(3) of the amending Act) by [Finance Act 1994 \(c. 9\), s. 185](#); S.I. 1998/3173, art. 2
- F98** S. 12AB(1) substituted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\), s. 104\(7\)](#)
- F99** Words in s. 12AB(1) substituted (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\), Sch. 29 para. 19](#)
- F100** Words in s. 12AB(1)(a) substituted (with effect in accordance with s. 121(8) of the amending Act) by [Finance Act 1996 \(c. 8\), s. 123\(5\)\(a\)](#)
- F101** Words in s. 12AB(1)(a)(i) substituted (with effect in accordance with s. 121(8) of the amending Act) by [Finance Act 1996 \(c. 8\), s. 123\(5\)\(b\)](#)
- F102** S. 12AB(1)(ia) inserted (with effect in accordance with s. 121(8) of the amending Act) by [Finance Act 1996 \(c. 8\), s. 123\(5\)\(c\)](#)
- F103** Word in s. 12AB(1)(a)(ii) inserted (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\), s. 1034\(1\), Sch. 1 para. 245\(2\)\(a\)](#) (with [Sch. 2](#))
- F104** S. 12AB(1)(a)(iv) and preceding word repealed (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\), s. 1034\(1\), Sch. 1 para. 245\(2\)\(b\), Sch. 3 Pt. 1](#) (with [Sch. 2](#))
- F105** Words in s. 12AB(1)(b) inserted (with effect in accordance with s. 121(8) of the amending Act) by [Finance Act 1996 \(c. 8\), s. 123\(5\)\(d\)](#)
- F106** Word in s. 12AB(1)(b) inserted (with effect in accordance with s. 121(8) of the amending Act) by [Finance Act 1996 \(c. 8\), s. 123\(5\)\(d\)](#)
- F107** Words in s. 12AB(1)(b) substituted (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\), s. 1034\(1\), Sch. 1 para. 245\(3\)](#) (with [Sch. 2](#))
- F108** S. 12AB(2)-(4) repealed (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\), Sch. 29 para. 3\(1\), Sch. 33 Pt. 2\(13\)](#) Note
- F109** Words in s. 12AB(5) repealed (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\), Sch. 29 para. 3\(1\), Sch. 33 Pt. 2\(13\)](#) Note
- F110** Words in s. 12AB(5) repealed (24.7.2002) by [Finance Act 2002 \(c. 23\), Sch. 40 Pt. 3\(16\)](#)
- F111** Words in s. 12AB(5) inserted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\), s. 104\(8\)](#)
- F112** Words in s. 12AB(5) inserted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\), s. 883\(1\), Sch. 1 para. 364](#) (with [Sch. 2](#))
- F113** Words in s. 12AB(5) inserted (with effect in accordance with s. 34(2) of the amending Act) by [Finance Act 2008 \(c. 9\), Sch. 12 para. 12](#)
- F114** Word in s. 12AB(5) substituted (with effect in accordance with Sch. 19 para. 14 of the amending Act) by [Finance Act 2009 \(c. 10\), Sch. 19 para. 9\(c\)](#)

### [<sup>F115</sup>12ABZA] **Amendments relating to LLP not carrying on business etc with view to profit**

- (1) This section applies where—
- (a) a person delivers a purported partnership return (“the relevant return”) in respect of a period (“the relevant period”),
  - (b) the relevant return—
    - (i) is made on the basis that the activities of a limited liability partnership (“the LLP”) are treated, under section 863 of ITTOIA 2005 or section 1273 of CTA 2009, as carried on in partnership by its members (“the purported partnership”), and
    - (ii) relates to the purported partnership, but

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- (c) the LLP does not carry on a business with a view to profit in the relevant period (and, accordingly, its activities are not treated as mentioned in paragraph (b) (i)).
- (2) For the purposes of the relevant enactments, treat the relevant return as a partnership return (and, accordingly, anything done under a relevant enactment in connection with the relevant return has the same effect as it would have if done in connection with a partnership return in a corresponding partnership case).
- (3) “Relevant enactment” means—
  - (a) any of the following—
    - (i) sections 12AC and 28B (enquiries into partnership returns),
    - (ii) Part 4 of FA 2014 (follower notices and accelerated payment notices), and
  - (b) any enactment relating to, or applying for the purposes of, an enactment within paragraph (a).
- (4) In relation to the relevant return, the relevant enactments apply with the necessary modifications, including in particular the following—
  - (a) “partner” includes purported partner, and
  - (b) “partnership” includes the purported partnership.
- (5) In this section—
  - “business” includes trade or profession;
  - “corresponding partnership case” means a corresponding case in which the limited liability partnership in question carries on a business with a view to profit in the relevant period;
  - “purported partner” means any person who was a member of the LLP in the relevant period;
  - “purported partnership return” means anything that—
    - (a) purports to be a partnership return, and
    - (b) is in a form, and is delivered in a way, that a partnership return could have been made and delivered in a corresponding partnership case.]

#### Textual Amendments

**F115** S. 12ABZAA inserted (retrospective) by [Finance Act 2020 \(c. 14\)](#), [s. 104\(1\)\(2\)](#) (with [s. 104\(3\)](#))

#### <sup>F116</sup> **12AB Amendment of partnership return by taxpayer**

- (1) A partnership return may be amended by the partner who made and delivered the return, or his successor, by notice to an officer of the Board.
- (2) An amendment may not be made more than twelve months after the filing date.
- (3) Where a partnership return is amended under this section, the officer shall by notice to each of the partners amend—
  - (a) the partner’s return under section 8 or 8A of this Act, or
  - (b) the partner’s company tax return,
 so as to give effect to the amendment of the partnership return.



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- [<sup>F117</sup>(4) In this section “the filing date” means—
- (a) in the case of a partnership which includes one or more individuals, in respect of a return for a year of assessment (Year 1)—
    - (i) 31st January of Year 2, or
    - (ii) if the notice under section 12AA is given after 31st October of Year 2, the last day of the period of three months beginning with the date of the notice, and
  - (b) in the case of a partnership which includes one or more companies, the end of the period specified in section 12AA(5B) or (5C).]

#### Textual Amendments

**F116** Ss. 12ABA, 12ABB inserted (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\), Sch. 29 para. 3\(2\)](#)

**F117** S. 12ABA(4) substituted (with effect in accordance with s. 92 of the amending Act) by [Finance Act 2007 \(c. 11\), s. 91\(4\)](#)

#### Modifications etc. (not altering text)

**C64** S. 12ABA applied (with modifications) (22.7.2008) by [Crossrail Act 2008 \(c. 18\), Sch. 13 para. 44\(2\)-\(4\)](#)

### 12ABB Correction of partnership return by Revenue

- (1) An officer of the Board may amend a partnership return so as to correct obvious errors or omissions in the return (whether errors of principle, arithmetical mistakes or otherwise).
- (2) A correction under this section is made by notice to the partner who made and delivered the return, or his successor.
- (3) No such correction may be made more than nine months after—
  - (a) the day on which the return was delivered, or
  - (b) if the correction is required in consequence of an amendment of the return under section 12ABA of this Act, the day on which that amendment was made.
- (4) A correction under this section is of no effect if the person to whom the notice of correction was given, or his successor, gives notice rejecting the correction.
- (5) Notice of rejection under subsection (4) above must be given—
  - (a) to the officer of the Board by whom the notice of correction was given,
  - (b) before the end of the period of 30 days beginning with the date of issue of the notice of correction.
- (6) Where a partnership return is corrected under this section, the officer shall by notice to each of the partners amend—
  - (a) the partner’s return under section 8 or 8A of this Act, or
  - (b) the partner’s company tax return,so as to give effect to the correction of the partnership return.

Any such amendment shall cease to have effect if the correction is rejected.]

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### Textual Amendments

**F116** Ss. 12ABA, 12ABB inserted (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\), Sch. 29 para. 3\(2\)](#)

### <sup>F118</sup>12A Notice of enquiry

- (1) An officer of the Board may enquire into a partnership return if he gives notice of his intention to do so (“notice of enquiry”)—
  - (a) to the partner who made and delivered the return, or his successor,
  - (b) within the time allowed.
- (2) The time allowed is—
  - (a) if the return was delivered on or before the filing date, up to the end of the period of twelve months [<sup>F119</sup>after the day on which the return was delivered;]
  - (b) if the return was delivered after the filing date, up to and including the quarter day next following the first anniversary of the day on which the return was delivered;
  - (c) if the return is amended under section 12ABA of this Act, up to and including the quarter day next following the first anniversary of the day on which the amendment was made.

For this purpose the quarter days are 31st January, 30th April, 31st July and 31st October.
- (3) A return which has been the subject of one notice of enquiry may not be the subject of another, except one given in consequence of an amendment (or another amendment) of the return under section 12ABA of this Act.
- (4) An enquiry extends to anything contained in the return, or required to be contained in the return, including any claim or election included in the return, subject to the following limitation.
- (5) If the notice of enquiry is given as a result of an amendment of the return under section 12ABA of this Act—
  - (a) at a time when it is no longer possible to give notice of enquiry under subsection (2)(a) or (b) above, or
  - (b) after an enquiry into the return has been completed,

the enquiry into the return is limited to matters to which the amendment relates or which are affected by the amendment.
- (6) The giving of notice of enquiry under subsection (1) above at any time shall be deemed to include the giving of notice of enquiry—
  - (a) under section 9A(1) of this Act to each partner who at that time has made a return under section 8 or 8A of this Act or at any subsequent time makes such a return, or
  - (b) under paragraph 24 of Schedule 18 to the Finance Act 1998 to each partner who at that time has made a company tax return or at any subsequent time makes such a return.
- (7) In this section “the filing date” means the day specified in the notice under section 12AA(2) of this Act or, as the case may be, subsection (3) of that section.]

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### Textual Amendments

**F118** Ss. 12AC-12AE substituted for s. 12AC (with effect and application in accordance with s. 88(3), Sch. 29 para. 5(2) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), [Sch. 29 para. 5\(1\)](#)

**F119** Words in s. 12AC(2)(a) substituted (19.7.2007) by [Finance Act 2007 \(c. 11\)](#), [s. 96\(2\)](#) (with [s. 96\(5\)](#))

## [<sup>F118</sup>12AD] **Amendment of partnership return by taxpayer during enquiry**

- (1) This section applies if a partnership return is amended under section 12ABA of this Act (amendment of partnership return by taxpayer) at a time when an enquiry is in progress into the return.
- (2) The amendment does not restrict the scope of the enquiry but may be taken into account (together with any matters arising) in the enquiry.
- (3) So far as the amendment affects any amount stated in the partnership statement included in the return, it does not take effect while the enquiry is in progress and—
  - (a) if the officer states in the closure notice that he has taken the amendment into account and that—
    - (i) the amendment has been taken into account in formulating the amendments contained in the notice, or
    - (ii) his conclusion is that the amendment is incorrect,the amendment shall not take effect;
  - (b) otherwise, the amendment takes effect when the closure notice is issued.
- (4) Where the effect of an amendment is deferred under subsection (3) above—
  - (a) no amendment to give effect to that amendment (“the deferred amendment”) shall be made under section 12ABA(3) of this Act (consequential amendment of partners’ returns) while the enquiry is in progress;
  - (b) if the deferred amendment does not take effect but is taken into account as mentioned in subsection (3)(a)(i) above, section 28B(4) of this Act (amendment of partners’ returns consequential on amendment of partnership return by closure notice) applies accordingly; and
  - (c) if the deferred amendment takes effect under subsection (3)(b) above, any necessary amendment under section 12ABA(3) of this Act may then be made.
- (5) For the purposes of this section the period during which an enquiry is in progress is the whole of the period—
  - (a) beginning with the day on which notice of enquiry is given, and
  - (b) ending with the day on which the enquiry is completed.]

### Textual Amendments

**F118** Ss. 12AC-12AE substituted for s. 12AC (with effect and application in accordance with s. 88(3), Sch. 29 para. 5(2) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), [Sch. 29 para. 5\(1\)](#)

## [<sup>F120</sup>12AIC] **Choice between different Cases of Schedule D**

.....

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### Textual Amendments

**F120** S. 12AE repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), Sch. 1 para. 297, **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

## [<sup>F121</sup>European Economic Interest Groupings

### Textual Amendments

**F121** S. 12A and cross-heading inserted (1.7.1989) by [Finance Act 1990 \(c. 29\)](#), s. 69, Sch. 11 paras. 2, 5

## 12A European Economic Interest Groupings.

- (1) In this section “grouping” means a European Economic Interest Grouping formed in pursuance of Council Regulation ([EEC](#)) No. 2137/85 of 25th July 1985 (“the Council Regulation”), whether registered in Great Britain, in Northern Ireland, or elsewhere.
- (2) For the purposes of [<sup>F122</sup>securing that members of a grouping are assessed to income tax and capital gains tax or (as the case may be) corporation tax], an inspector may act under subsection (3) or (4) below.
  - (3) In the case of a grouping which is registered in Great Britain or Northern Ireland or has an establishment registered in Great Britain or Northern Ireland, and inspector may by a notice given to the grouping require the grouping—
    - (a) to make and deliver to the inspector within the time limited by the notice a return containing such information as may be required in pursuance of the notice, and
    - (b) to deliver with the return such accounts and statements as may be required in pursuance of the notice.
  - (4) In the case of any other grouping, an inspector may by a notice given to any member of the grouping resident in the United Kingdom, or if none is to any member of the grouping, require the member—
    - (a) to make and deliver to the inspector within the time limited by the notice a return containing such information as may be required in pursuance of the notice, and
    - (b) to deliver with the return such accounts and statements as may be required in pursuance of the notice,
 and a notice may be given to any one of the members concerned or separate notices may be given to each of them or to such of them as the inspector thinks fit.
- (5) Every return under this section shall include a declaration by the grouping or member making the return to the effect that the return is to the best of the maker’s knowledge correct and complete.
- (6) A notice under this section may require different information, accounts and statements for different periods, in relation to different descriptions of income or gains or in relation to different descriptions of member.
- (7) Notices under this section may require different information, accounts and statements in relation to different descriptions of grouping.

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- (8) Subject to subsection (9) below, where a notice is given under subsection (3) above, everything required to be done shall be done by the grouping acting through its manager or, where there is more than one, any of them; but where the manager of a grouping (or each of them) is a person other than an individual, the grouping shall act through the individual, or any of the individuals, designated in accordance with the Council Regulation as the representative of the manager (or any of them).
- (9) Where the contract for the formation of a grouping provides that the grouping shall be validly bound only by two or more managers acting jointly, any declaration required by subsection (5) above to be included in a return made by a grouping shall be given by the appropriate number of managers.]

#### Textual Amendments

**F122** Words in s. 12A(2) substituted (with effect in accordance with s. 199(2)(3) of the amending Act) by Finance Act 1994 (c. 9), **Sch. 19 para. 2**; S.I. 1998/3173, art. 2

#### *[<sup>F123</sup>Records*

#### Textual Amendments

**F123** S. 12B and cross-heading inserted (with effect in accordance with s. 199(2)(3) of the amending Act) by Finance Act 1994 (c. 9), **Sch. 19 para. 3**; S.I. 1998/3173, art. 2

### **12B Records to be kept for purposes of returns.**

- (1) Any person who may be required by a notice under section 8, 8A <sup>F124</sup>... or 12AA of this Act <sup>F125</sup>... to make and deliver a return for a year of assessment or other period shall—
- (a) keep all such records as may be requisite for the purpose of enabling him to make and deliver a correct and complete return for the year or period; and
- [<sup>F126</sup>(b) preserve those records until the end of the relevant day, that is to say, the day mentioned in subsection (2) below or, where a return is required by a notice given on or before that day, whichever of that day and the following is the latest, namely—
- (i) where enquiries into the return <sup>F127</sup>... are made by an officer of the Board, the day on which, by virtue of section [<sup>F128</sup>28A(1) or 28B(1)] of this Act, those enquiries are <sup>F129</sup>... completed; and
- (ii) where no enquiries into the return <sup>F130</sup>... are so made, the day on which such an officer no longer has power to make such enquiries.]
- (2) The day referred to in subsection (1) above is—
- (a) in the case of a person carrying on a trade, profession or business alone or in partnership or a company, the fifth anniversary of the 31st January next following the year of assessment or (as the case may be) the sixth anniversary of the end of the period;
- (b) [<sup>F131</sup>otherwise], the first anniversary of the 31st January next following the year of assessment <sup>F132</sup>...

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[<sup>F133</sup>or (in either case) such earlier day as may be specified in writing by the Commissioners for Her Majesty's Revenue and Customs (and different days may be specified for different cases).]

- [ Any person who—
- <sup>F134</sup>(2A) (a) is required, by such a notice as is mentioned in subsection (1) above given at any time after the end of the day mentioned in subsection (2) above, to make and deliver a return for a year of assessment or other period; and
- (b) has in his possession at that time any records which may be requisite for the purpose of enabling him to make and deliver a correct and complete return for the year or period,

shall preserve those records until the end of the relevant day, that is to say, the day which, if the notice had been given on or before the day mentioned in subsection (2) above, would have been the relevant day for the purposes of subsection (1) above.]

- (3) In the case of a person carrying on a trade, profession or business alone or in partnership—

- (a) the records required to be kept and preserved under subsection (1) [<sup>F135</sup>or (2A)] above shall include records of the following, namely—
- (i) all amounts received and expended in the course of the trade, profession or business and the matters in respect of which the receipts and expenditure take place, and
- (ii) in the case of a trade involving dealing in goods, all sales and purchases of goods made in the course of the trade; <sup>F136</sup>...

<sup>F136</sup>(b) .....

[ The Commissioners for Her Majesty's Revenue and Customs may by regulations—

- <sup>F137</sup>(3A) (a) provide that the records required to be kept and preserved under this section include, or do not include, records specified in the regulations, and
- (b) provide that those records include supporting documents so specified.]

[<sup>F138</sup>(4) The duty under subsection (1) or (2A) to preserve records may be discharged—

- (a) by preserving them in any form and by any means, or
- (b) by preserving the information contained in them in any form and by any means,

subject to subsection (4A) and any conditions or further exceptions specified in writing by the Commissioners for Her Majesty's Revenue and Customs.]

[ [<sup>F140</sup>Subsection (4)(b) does not apply in the case of the following kinds of records]—

- <sup>F139</sup>(4A) (a) any statement in writing such as is mentioned in—
- (i) subsection (1) of section 234 of the principal Act (amount of qualifying distribution and tax credit), or
- [<sup>F141</sup>(ii) section 495(1) or 975(2) or (4) of ITA 2007 (statements about deduction of income tax),]
- which is furnished by the company or person there mentioned, whether after the making of a request or otherwise;
- [<sup>F142</sup>(b) any record (however described) which is required by regulations under section 70(1)(c) of the Finance Act 2004 to be given to a sub-contractor (within the meaning of section 58 of that Act) on the making of a payment to which section 61 of that Act (deductions on account of tax) applies;]

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- (c) any such record as may be requisite for making a correct and complete claim in respect of, or otherwise requisite for making a correct and complete return so far as relating to, an amount of tax—
- (i) which has been paid under the laws of a territory outside the United Kingdom, or
  - (ii) which would have been payable under the law of such a territory but for a relief to which section 788(5) of the principal Act (relief for promoting development and relief contemplated by double taxation arrangements) applies.]
- (5) [<sup>F143</sup>[<sup>F144</sup>Subject to subsections (5A) and (5B)] below,] any person who fails to comply with subsection (1) [<sup>F145</sup>or (2A)] above in relation to a year of assessment or accounting period shall be liable to a penalty not exceeding £3,000.
- [ Subsection (5) above does not apply where the records which the person fails to keep or
- <sup>F146</sup>(5A) preserve are records which might have been requisite only for the purposes of claims, elections or notices which are not included in the return.]
- [ Subsection (5) above also does not apply where—
- <sup>F147</sup>(5B) (a) the records which the person fails to keep or preserve are records falling within paragraph (a) of subsection (4A) above; and
- (b) an officer of the Board is satisfied that any facts which he reasonably requires to be proved, and which would have been proved by the records, are proved by other documentary evidence furnished to him.]
- [ Regulations under this section may—
- <sup>F148</sup>(5C) (a) make different provision for different cases, and
- (b) make provision by reference to things specified in a notice published by the Commissioners for Her Majesty's Revenue and Customs in accordance with the regulations (and not withdrawn by a subsequent notice).]
- (6) For the purposes of this section—
- (a) a person engaged in the letting of property shall be treated as carrying on a trade; and
  - (b) “supporting documents” includes accounts, books, deeds, contracts, vouchers and receipts.]

#### Textual Amendments

- F124** Word in s. 12B(1) repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 19 para. 6, Sch. 27 Pt. 3\(28\)](#); S.I. 1998/3173, art. 2
- F125** Words in s. 12B(1) omitted (13.8.2009) by virtue of [The Finance Act 2009, Schedule 47 \(Consequential Amendments\) Order 2009 \(S.I. 2009/2035\), art. 1, Sch. para. 4](#)
- F126** S. 12B(1)(b) substituted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\), s. 105\(1\)](#)
- F127** Words in s. 12B(1)(b)(i) repealed (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\), Sch. 29 para. 20\(2\)\(a\), Sch. 33 Pt. 2\(13\)](#) Note
- F128** Words in s. 12B(1)(b)(i) substituted (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\), Sch. 29 para. 20\(2\)\(b\)](#)
- F129** Words in s. 12B(1)(b)(i) repealed (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\), Sch. 29 para. 20\(2\)\(c\), Sch. 33 Pt. 2\(13\)](#) Note
- F130** Words in s. 12B(1)(b)(ii) repealed (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\), Sch. 29 para. 20\(3\), Sch. 33 Pt. 2\(13\)](#) Note

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- F131** Word in s. 12B(2)(b) substituted (1.4.2009) by Finance Act 2008 (c. 9), s. 115(2), **Sch. 37 para. 2(2)(a)**; S.I. 2009/402, art. 2
- F132** Words in s. 12B(2) repealed (with effect in accordance with s. 103(7) of the amending Act) by Finance Act 1995 (c. 4), s. 105(2), **Sch. 29 Pt. 8(14)**
- F133** Words in s. 12B(2) inserted (1.4.2009) by Finance Act 2008 (c. 9), s. 115(2), **Sch. 37 para. 2(2)(b)**; S.I. 2009/402, art. 2
- F134** S. 12B(2A) inserted (with effect in accordance with s. 103(7) of the amending Act) by Finance Act 1995 (c. 4), **s. 105(3)**
- F135** Words in s. 12B(3)(a) inserted (with effect in accordance with s. 103(7) of the amending Act) by Finance Act 1995 (c. 4), **s. 105(4)(a)**
- F136** S. 12B(3)(b) and preceding word omitted (1.4.2009) by virtue of Finance Act 2008 (c. 9), s. 115(2), **Sch. 37 para. 2(3)**; S.I. 2009/402, art. 2
- F137** S. 12B(3A) inserted (1.4.2009) by Finance Act 2008 (c. 9), s. 115(2), **Sch. 37 para. 2(4)**; S.I. 2009/402, art. 2
- F138** S. 12B(4) substituted (1.4.2009) by Finance Act 2008 (c. 9), s. 115(2), **Sch. 37 para. 2(5)**; S.I. 2009/402, art. 2
- F139** S. 12B(4A) inserted (with effect in accordance with s. 124(1) of the amending Act) by Finance Act 1996 (c. 8), **s. 124(3)** (with s. 124(9))
- F140** Words in s. 12B(4A) substituted (1.4.2009) by Finance Act 2008 (c. 9), s. 115(2), **Sch. 37 para. 2(6)**; S.I. 2009/402, art. 2
- F141** S. 12B(4A)(a)(ii) substituted (with effect in accordance with s. 1034(1) of the amending Act) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 246** (with Sch. 2)
- F142** S. 12B(4A)(b) substituted (with effect in accordance with s. 77 of the amending Act) by Finance Act 2004 (c. 12), **Sch. 12 para. 1(2)**
- F143** Words in s. 12B(5) inserted (with effect in accordance with s. 103(7) of the amending Act) by Finance Act 1995 (c. 4), **s. 105(6)(a)**
- F144** Words in s. 12B(5) substituted (with effect in accordance with s. 124(1) of the amending Act) by Finance Act 1996 (c. 8), **s. 124(4)** (with s. 124(9))
- F145** Words in s. 12B(5) inserted (with effect in accordance with s. 103(7) of the amending Act) by Finance Act 1995 (c. 4), **s. 105(6)(b)**
- F146** S. 12B(5A) inserted (with effect in accordance with s. 103(7) of the amending Act) by Finance Act 1995 (c. 4), **s. 105(7)**
- F147** S. 12B(5B) inserted (with effect in accordance with s. 124(1) of the amending Act) by Finance Act 1996 (c. 8), **s. 124(5)** (with s. 124(9))
- F148** S. 12B(5C) inserted (1.4.2009) by Finance Act 2008 (c. 9), s. 115(2), **Sch. 37 para. 2(7)**; S.I. 2009/402, art. 2

#### **Modifications etc. (not altering text)**

- C65** S. 12B applied (with modifications) (E.W.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470), regs. 1(1), **32** (with reg. 1(4)(6))
- C66** S. 12B applied (with modifications) (N.I.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 (S.R. 2009/128), regs. 1(1), **27**
- C67** S. 12B(5) excluded (with effect in accordance with s. 33(1) of the amending Act) by Finance Act 2004 (c. 12), **s. 33(3)(a)**

#### *F<sup>149</sup> Voluntary returns*

#### **Textual Amendments**

- F149** S. 12D and cross-heading inserted (retrospective) by Finance Act 2019 (c. 1), **s. 87(1)(3)** (with s. 87(4))



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## 12D Returns made otherwise than pursuant to a notice

- (1) This section applies where—
  - (a) a person delivers a purported return (“the relevant return”) under section 8, 8A or 12AA (“the relevant section”) for a year of assessment or other period (“the relevant period”),
  - (b) no notice under the relevant section has been given to the person in respect of the relevant period, and
  - (c) HMRC treats the relevant return as a return made and delivered in pursuance of such a notice.
- (2) For the purposes of the Taxes Acts—
  - (a) treat a relevant notice as having been given to the person on the day the relevant return was delivered, and
  - (b) treat the relevant return as having been made and delivered in pursuance of that notice (and, accordingly, treat it as if it were a return under the relevant section).
- (3) “Relevant notice” means—
  - (a) in relation to section 8 or 8A, a notice under that section in respect of the relevant period;
  - (b) in relation to section 12AA, a notice under section 12AA(3) requiring the person to deliver a return in respect of the relevant period, on or before the day the relevant return was delivered (or, if later, the earliest day that could be specified under section 12AA).
- (4) In subsection (1)(a) “purported return” means anything that—
  - (a) is in a form, and is delivered in a way, that a corresponding return could have been made and delivered had a relevant notice been given, and
  - (b) purports to be a return under the relevant section.
- (5) Nothing in this section affects sections 34 to 36 or any other provisions of the Taxes Acts specifying a period for the making or delivering of any assessment (including self-assessment) to income tax or capital gains tax.]

### Modifications etc. (not altering text)

C68 S. 12D power to amend conferred (retrospective) by [Finance Act 2019 \(c. 1\), s. 87\(3\)\(5\)\(b\)](#) (with s. 87(4))

## PART III

### OTHER RETURNS AND INFORMATION

## 13 Persons in receipt of taxable income belonging to others.

- (1) Every person who, in whatever capacity, is in receipt of any money or value, or of any profits or gains from any of the sources mentioned in the Income Tax Acts, of or belonging to another person who is chargeable to income tax in respect thereof, or who would be so chargeable if he were resident in the United Kingdom and not an incapacitated person, shall, whenever required to do so by a notice given to him by an

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inspector, prepare and deliver, within the time mentioned in the notice, a return <sup>F150</sup>... , signed by him, containing—

- (a) a statement of all such money, value, profits or gains, and
- (b) the name and address of every person to whom the same belong, and
- (c) a declaration whether every such person is of full age, <sup>F151</sup>... , or is resident in the United Kingdom or is an incapacitated person.

(2) If any person described above is acting jointly with any other person, he shall, in like manner, deliver a return of the names and addresses of all persons joined with him at the time of delivery of the return mentioned in subsection (1) above.

<sup>F152</sup>(3) A notice under this section shall not require information as to any money, value, profits or gains received in a year of assessment ending more than three years before the date of the giving of the notice.]

#### Textual Amendments

**F150** Words omitted repealed by Finance Act 1970 (c. 24, SIF 63:1,2) s.36 and Sch.8 Part VII.

**F151** Words repealed by Finance Act 1988 (c. 39, SIF 63:1,2) s. 148 and Sch. 14 Part VIII for 1990-91 and subsequent years.

**F152** Finance Act 1988 (c. 39) s. 123(1) with respect to notices given on or after 29 July 1988.

#### Modifications etc. (not altering text)

**C69** S. 13 applied (E.W.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470), regs. 1(1), **33(1)** (with reg. 1(4)(6))

**C70** S. 13 applied (N.I.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 (S.R. 2009/128), regs. 1(1), **28(1)**

## 14 Return of lodgers and inmates.

Every person, when required to do so by a notice served on him by an inspector, shall, within the time limited by the notice, prepare and deliver to the inspector a return, in writing, containing to the best of his belief—

- (a) the name of every lodger or inmate resident in his dwelling-house, and
- (b) the name and ordinary place of residence of any such lodger or inmate who has any ordinary place of residence elsewhere at which he can be assessed and who desires to be assessed at such ordinary place of residence.

### <sup>F154</sup>15 [<sup>F153</sup>Return of employees' earnings etc.]

(1) Every employer, when required to do so by notice from an officer of the Board, shall, within the time limited by the notice, prepare and deliver to the officer a return relating to persons who are or have been employees of his, containing the information required under the following provisions of this section.

(2) An employer shall not be required to include in his return information relating to any year of assessment if the notice is given more than five years after the 31st January next following that year.

(3) A notice under subsection (1) above—

- (a) shall specify the employees for whom a return is to be made and may, in particular, specify individuals (by name or otherwise) or all employees of an

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- employer or all his employees who are or have been in [<sup>F155</sup>employment which, for the purposes of the benefits code in ITEPA 2003, is a taxable employment under Part 2 of that Act (see section 66) but is not an excluded employment (see section 63 of that Act)]; and
- (b) shall specify the years of assessment or other periods with respect to which the information is to be provided.
- (4) A notice under subsection (1) above may require the return to state the name and place of residence of an employee to whom it relates.
- (5) A notice under subsection (1) above may require the return to contain, in respect of an employee to whom it relates, the following particulars—
- (a) in the case of relevant payments made by the employer, particulars of the payments;
- (b) in the case of relevant payments not falling within paragraph (a) above the making of which by another person has been arranged by the employer—
- (i) particulars of the payments; and
- (ii) the name and business address of the other person; and
- (c) in the case of relevant payments not falling within either of the preceding paragraphs, the name and business address of any person who has, to the employer's knowledge, made the payments.
- (6) Any payments made to an employee in respect of his employment are relevant payments for the purposes of this section, including—
- (a) payments to him in respect of expenses (including sums put at his disposal and paid away by him);
- (b) payments made on his behalf and not repaid; and
- (c) payments to him for services rendered in connection with a trade or business, whether the services were rendered in the course of his employment or not.
- (7) Where, for the purposes of his return, an employer apportions expenses incurred partly in or in connection with a particular matter and partly in or in connection with other matters—
- (a) the return shall contain a statement that the sum included in the return is the result of such an apportionment; and
- (b) if required to do so by notice from an officer of the Board, the employer shall prepare and deliver to the officer, within the time limited by the notice, a return containing full particulars as to the amount apportioned and the manner in which, and the grounds on which, the apportionment has been made.
- (8) A notice under subsection (1) above may require the return—
- (a) to state in respect of an employee to whom it relates whether any benefits are or have been provided for him (or for any other person) by reason of his employment, such as may give rise to charges to tax under [<sup>F156</sup>the relevant provisions, that is to say, Chapters 4 to 10 of Part 3 and sections 222 and 223 of ITEPA 2003] (miscellaneous benefits in cash or in kind); and
- (b) if such benefits are or have been provided, to contain such particulars of those benefits as may be specified in the notice.
- (9) Where such benefits are provided the notice may, without prejudice to subsection (8) (b) above, require the return to contain the following particulars—

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- (a) in the case of benefits which are or have been provided by the employer, particulars of the amounts which may be chargeable to tax by virtue of [<sup>F157</sup>the relevant provisions];
  - (b) in the case of benefits not falling within paragraph (a) above the provision of which by another person is or has been arranged by the employer—
    - (i) particulars of the amounts which may be so chargeable; and
    - (ii) the name and business address of the other person; and
  - (c) in the case of benefits not falling within either of the preceding paragraphs, the name and business address of any person who has, to the employer's knowledge, provided the benefits.
- (10) Where it appears to an officer of the Board that a person has, in any year of assessment, been concerned in making relevant payments to, or providing benefits to or in respect of, employees of another, the officer may at any time up to five years after the 31st January next following that year by notice require that person—
- (a) to deliver to the officer, within the time limited by the notice, such particulars of those payments or benefits, or of the amounts which may be chargeable to tax in respect of the benefits, as may be specified in the notice (so far as known to him); and
  - (b) to include with those particulars the names and addresses (so far as known to him) of the employees concerned.
- (11) In determining, in pursuance of a notice under subsection (1) or (10) above, amounts which may be chargeable to tax by virtue of [<sup>F158</sup>the relevant provisions], a person—
- (a) shall not make—
    - (i) any deduction or other adjustment which he is unable to show, by reference to information in his possession or otherwise available to him, is authorised or required by [<sup>F158</sup>the relevant provisions]; or
    - (ii) any deduction authorised by [<sup>F159</sup>section 328(1), 362, 363, 364 or 365 of ITEPA 2003]; but
  - (b) subject to that, shall make all such deductions and other adjustments as may be authorised or required by [<sup>F158</sup>the relevant provisions].
- (12) Where the employer is a body of persons, the secretary of the body or other officer (by whatever name called) performing the duties of secretary shall be treated as the employer for the purposes of this section.

Where the employer is a body corporate, that body corporate, as well as the secretary or other officer, shall be liable to a penalty for failure to comply with this section.

- (13) In this section—
- “arranged” includes guaranteed and in any way facilitated;
  - “employee” means an office holder or employee [<sup>F160</sup>whose earnings are within the charge to tax under ITEPA 2003], and related expressions are to be construed accordingly;
  - “relevant payments” has the meaning given by subsection (6) above; and
  - [<sup>F161</sup>“the relevant provisions” has the meaning given by section (8)(a) above.]]

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### Textual Amendments

- F153** S. 15 heading substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), [Sch. 6 para. 126\(2\)](#) (with [Sch. 7](#))
- F154** S. 15 substituted (with effect in accordance with s. 106(2) of the amending Act) by [Finance Act 1995 \(c. 4\)](#), [s. 106\(1\)](#)
- F155** Words in s. 15(3)(a) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), [Sch. 6 para. 126\(3\)](#) (with [Sch. 7](#))
- F156** Words in s. 15(8)(a) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), [Sch. 6 para. 126\(4\)](#) (with [Sch. 7](#))
- F157** Words in s. 15(9)(a) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), [Sch. 6 para. 126\(5\)](#) (with [Sch. 7](#))
- F158** Words in s. 15(11) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), [Sch. 6 para. 126\(6\)\(a\)](#) (with [Sch. 7](#))
- F159** Words in s. 15(11)(a)(ii) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), [Sch. 6 para. 126\(6\)\(b\)](#) (with [Sch. 7](#))
- F160** Words in s. 15(13) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), [Sch. 6 para. 126\(7\)\(a\)](#) (with [Sch. 7](#))
- F161** Words in s. 15(13) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), [Sch. 6 para. 126\(7\)\(b\)](#) (with [Sch. 7](#))

### Modifications etc. (not altering text)

- C71** S. 15 applied (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\)](#), [regs. 1\(1\)](#), [33\(1\)](#) (with [reg. 1\(4\)\(6\)](#))
- C72** S. 15 applied (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\)](#), [regs. 1\(1\)](#), [28\(1\)](#)

## 16 Fees, commissions, etc.

- (1) Every person carrying on a trade or business shall, if required to do so by notice from an inspector, make and deliver to the inspector a return of all payments of any kind specified in the notice made during a period so specified, being—
- payments made in the course of the trade or business, or of such part of the trade or business as may be specified in the notice, for services rendered by persons not employed in the trade or business, or
  - payments for services rendered in connection with the formation, acquisition, development or disposal of the trade or business, or any part of it, by persons not employed in the trade or business, or
  - periodical or lump sum payments made in respect of any copyright [<sup>F162</sup>public lending right, right in a registered design or design right].
- (2) Every body of persons carrying on any activity which does not constitute a trade or business shall, if required to do so by notice from an inspector, make and deliver to the inspector a return of all payments of a kind specified in the notice made during a period so specified, being—
- payments made in the course of carrying on the activity, or such part of the activity as may be specified in the notice, for services rendered by persons not employed by the said body of persons, or
  - periodical or lump sum payments made in respect of any copyright [<sup>F162</sup>public lending right, right in a registered design or design right].

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- (3) A return required under either of the preceding subsections shall, if the trade or business or other activity is carried on by an unincorporated body of persons (other than a company), be made and delivered by the person who is or performs the duties of secretary of the body, and the notice shall be framed accordingly.
- (4) A return under the preceding provisions of this section shall give the name of the person to whom each payment was made, the amount of the payment and such other particulars (including particulars as to the services or rights in respect of which the payment was made, the period over which any services were rendered and any business name and any business or home address of the person to whom payment was made) as may be specified in the notice.
- (5) No person shall be required under the preceding provisions of this section to include in a return—
- (a) particulars of any payment from which income tax is deductible, or
  - (b) particulars of payments made to any one person where the total of the payments to that person which would otherwise fall to be included in the return does not exceed £15, or
  - (c) particulars of any payment made in a year of assessment ending more than three years before the service of the notice requiring him to make the return.
- <sup>F163</sup>(6) .....
- (7) In this section—
- (a) references to payments for services include references to payments in the nature of commission of any kind and  
references to payments in respect of expenses incurred in connection with the rendering of services, and
  - (b) references to the making of payments include references to the giving of any valuable consideration,  
and the requirement imposed by subsection (4) above to state the amount of a payment shall, in relation to any consideration given otherwise than in the form of money, be construed as a requirement to give particulars of the consideration.
- <sup>F164</sup>(8) In subsection (2) above references to a body of persons include references to any department of the Crown, any public or local authority and any other public body .]

#### Textual Amendments

- F162** Words substituted (on and after 1.8.1989) by [Copyright, Designs and Patents Act 1988 \(c. 48\)](#), Sch. 7 para. 13; [S.I. 1989/816](#)
- F163** S. 16(6) repealed by [Finance Act 1989 \(c. 26\)](#), ss. 164(6), 187, Sch. 17 Pt. VIII (in relation to any failure to comply with a notice etc. on or after 27 July 1989)
- F164** S. 16(8) added by [Finance Act 1988 \(c. 39\)](#), s. **124(1)** with respect to payments made in the year 1988-89 or subsequent years.

#### Modifications etc. (not altering text)

- C73** S. 16 applied (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\)](#), regs. 1(1), **28(1)**
- C74** S. 16 applied (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\)](#), regs. 1(1), **33(1)** (with reg. 1(4)(6))

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**[<sup>F165</sup>16A] Agency workers.**

- (1) This section applies where—
  - (a) any services which an individual provides or is obliged to provide under an agency contract are treated under section 44(2) of ITEPA 2003 as the duties of an office or employment held by him with the agency, or
  - (b) any remuneration receivable under or in consequence of arrangements falling within section 45 of that Act is treated as earnings from an office or employment held by an individual with the agency.
- (2) Where this section applies—
  - (a) section 15 above shall apply as if the individual were employed by the agency, and
  - (b) section 16 above shall not apply to any payments made to the individual under or in consequence of the agency contract or the arrangements.
- (3) In this section “agency contract” and “remuneration” have the same meaning as in Chapter 7 of Part 2 of ITEPA 2003.]

**Textual Amendments**

**F165** S. 16A substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 127](#) (with Sch. 7)

**Modifications etc. (not altering text)**

**C75** S. 16A applied (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\)](#), regs. 1(1), **33(1)** (with reg. 1(4)(6))

**C76** S. 16A applied (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\)](#), regs. 1(1), **28(1)**

**17 Interest paid or credited by banks<sup>F166</sup>, building societies], etc. without deduction of income tax.**

- (1) Every person carrying on a trade or business who, in the ordinary course of the operations thereof, receives or retains money in such circumstances that interest becomes payable thereon which is paid or credited without deduction of income tax [<sup>F167</sup>or after deduction of income tax], and, in particular, every [<sup>F168</sup>such person who is a bank][<sup>F169</sup>or building society], shall, if required to do so by notice from an inspector, make and deliver to the inspector, within the time specified in the notice, a return of all interest paid or credited by him as aforesaid during a year [<sup>F170</sup>of assessment] specified in the notice in the course of his trade or business or any such part of his trade or business as may be so specified, giving the names and addresses of the persons to whom the interest was paid or credited and stating, in each case, the amount of the interest [<sup>F167</sup>actually paid or credited and (where the interest was paid or credited after deduction of income tax) the amount of the interest from which the tax was deducted and the amount of the tax deducted]:

Provided that—

- <sup>F171</sup>(a) .....
- (b) the year specified in a notice under this subsection shall not be a year ending more than three years before the date of the service of the notice.

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[<sup>F172</sup>(1A) In this section “bank” has the meaning given by [<sup>F173</sup>section 991 of ITA 2007].]

(2) Without prejudice to the generality of so much of subsection (1) above as enables different notices to be served thereunder in relation to different parts of a trade or business, separate notices may be served under that subsection as respects the transactions carried on at any branch or branches respectively specified in the notices, and any such separate notice shall, if served on the manager or other person in charge of the branch or branches in question, be deemed to have been duly served on the person carrying on the trade or business; and where such a separate notice is so served as respects the transactions carried on at any branch or branches, any notice subsequently served under the said subsection (1) on the person carrying on the trade or business shall not be deemed to extend to any transaction to which the said separate notice extends.

(3) This section shall, with any necessary adaptations, apply in relation to the National Savings Bank as if it were a trade or business carried on by the Director of Savings.

(4) This section shall apply only to money received or retained in the United Kingdom,  
<sup>F174</sup> . . . .

[<sup>F175</sup>(4A) If a person to whom any interest is paid or credited in respect of any money received or retained in the United Kingdom by notice in writing served on the person paying or crediting the interest—

- (a) has declared that the person beneficially entitled to the interest is a company not resident in the United Kingdom, and
- (b) has requested that the interest shall not be included in any return under this section,

the person paying or crediting the interest shall not be required to include the interest in any such return.

<sup>F176</sup>(4B) . . . . .

<sup>F176</sup>(4C) . . . . . ]

[<sup>F177</sup>(5) The Board may by regulations provide as mentioned in all or any of the following paragraphs—

- (a) that a return under subsection (1) above shall contain such further information as is prescribed if the notice requiring the return specifies the information and requires it to be contained in the return;
- (b) that a person required to make and deliver a return under subsection (1) above shall furnish with the return such further information as is prescribed if the notice requiring the return specifies the information and requires it to be so furnished;

[<sup>F178</sup>(c) that if a person is required—

- (i) to make and deliver a return under subsection (1) above;
- (ii) to include information in such a return under any provision made under paragraph (a) above; or
- (iii) to furnish information under any provision made under paragraph (b) above,

and the notice under subsection (1) above specifies the form in which the return is to be made and delivered, or the information is to be included or furnished, the person shall make and deliver the return, or include or furnish the information, in that form;]



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(d) that a notice under subsection (1) above shall not require prescribed information;

and in this subsection “prescribed” means prescribed by the regulations.

[<sup>F179</sup>The further information required as mentioned in paragraph (a) or (b) above may include, in prescribed cases, the name and address of the person beneficially entitled to the interest paid or credited.]

(6) Regulations under subsection (5) above—

(a) shall be made by statutory instrument subject to annulment in pursuance of a resolution of the House of Commons,

[<sup>F180</sup> I may make provision with respect to the furnishing of information by persons required—

(i) to make and deliver a return under subsection (1) above;

(ii) to include information in such a return under any provision made under subsection (5)(a) above; or

(iii) to furnish information under any provision made under subsection (5) (b) above,

including the inspection of books, documents and other records on behalf of the Board;]

(b) may make different provision in relation to different cases or descriptions of case, and

(c) may include such supplementary, incidental, consequential or transitional provisions as appear to the Board to be necessary or expedient.]

[<sup>F181</sup>(7) In the application of this section in relation to building societies, references to interest include references to dividends.

For this purpose “dividend” includes any distribution (whether or not described as a dividend).]

[<sup>F182</sup>(8) References in this section to interest include references to—

(a) alternative finance return within the meaning of Chapter 5 of Part 2 of the Finance Act 2005 (see section 57 of that Act), and

(b) alternative finance return within the meaning of Chapter 6 of Part 6 of CTA 2009 (see sections 511 to 513 of that Act).]

### Textual Amendments

**F166** Words in s. 17 heading inserted (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), [Sch. 1 para. 247\(5\)](#) (with [Sch. 2](#))

**F167** Words in s. 17(1) inserted (with effect where interest is paid or credited in the year 1991-92 or in a subsequent year of assessment) by [Finance Act 1990 \(c. 29\)](#), s. 92(2)(a)(b)(7)

**F168** Words in s. 17(1) substituted (with application in accordance with Sch. 37 para. 11(5) of the amending Act) by [Finance Act 1996 \(c. 8\)](#), [Sch. 37 para. 11\(3\)](#)

**F169** Words in s. 17(1) inserted (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), [Sch. 1 para. 247\(2\)](#) (with [Sch. 2](#))

**F170** Words inserted by [Finance Act 1988 \(c. 39\)](#) s. 123(2) *with respect to notices given on or after 29 July 1988*.

**F171** Words in s. 17(1) omitted (with effect where interest is paid or credited in the year 1991-92 or in a subsequent year of assessment) by [Finance Act 1990 \(c. 29\)](#), [s. 92\(2\)\(c\)\(7\)](#)

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- F172** S. 17(1A) inserted (with application in accordance with Sch. 37 para. 11(5) of the amending Act) by [Finance Act 1996 \(c. 8\), Sch. 37 para. 11\(1\)\(2\)\(a\)](#)
- F173** Words in s. 17(1A) substituted (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\), s. 1034\(1\), Sch. 1 para. 247\(3\)](#) (with [Sch. 2](#))
- F174** Words in s. 17(4) repealed (16.7.1992) by [Finance \(No. 2\) Act 1992 \(c. 48\), ss. 29\(1\)\(2\), 82, Sch. 18 Pt. VII\(3\)](#)
- F175** S. 17(4A)-(4C) inserted (16.7.1992) by [Finance \(No. 2\) Act 1992 \(c. 48\), s. 29\(1\)\(2\)](#)
- F176** S. 17(4B)(4C) repealed (with effect in accordance with s. 145(11) of the amending Act) by [Finance Act 2000 \(c. 17\), s. 145\(1\), Sch. 40 Pt. 5](#) Note
- F177** S. 17(5)(6) inserted (with effect where interest is paid or credited in the year 1991-92 or in a subsequent year of assessment) by [Finance Act 1990 \(c. 29\), s. 92\(3\)\(7\)](#)
- F178** S. 17(5)(c) substituted (with effect in accordance with s. 145(11) of the amending Act) by [Finance Act 2000 \(c. 17\), s. 145\(2\)\(a\)](#)
- F179** Words in s. 17(5) inserted (with effect in accordance with s. 145(11) of the amending Act) by [Finance Act 2000 \(c. 17\), s. 145\(2\)\(b\)](#)
- F180** S. 17(6)(aa) inserted (with effect in accordance with s. 145(11) of the amending Act) by [Finance Act 2000 \(c. 17\), s. 145\(3\)](#)
- F181** S. 17(7) inserted (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\), s. 1034\(1\), Sch. 1 para. 247\(4\)](#) (with [Sch. 2](#))
- F182** S. 17(8) inserted (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\), s. 1329\(1\), Sch. 1 para. 298](#) (with [Sch. 2 Pts. 1, 2](#))

**Modifications etc. (not altering text)**

- C77** S. 17 applied (with modifications) by [The Income Tax \(Building Societies\) Regulations 1986 \(S.I. 1986/482\), reg. 10](#)
- C78** S. 17 modified (7.4.2005) by [Finance Act 2005 \(c. 7\), Sch. 2 para. 2](#)
- C79** S. 17(3): see further [National Savings Bank Act 1971 \(c. 29\), s. 12\(3\)](#).

**18 Interest paid without deduction of income tax.**

(1) Any person [<sup>F183</sup>by or through whom] any interest is paid in the year 1969—70 or any subsequent year of assessment without deduction of income tax [<sup>F184</sup>or after deduction of income tax]<sup>F185</sup> ... shall, on being so required by a notice given to him by an inspector, furnish to the inspector, within the time limited by the notice—

- (a) the name and address of the person to whom the interest has been paid or on whose behalf the interest has been received, and
- (b) the amount of the interest [<sup>F186</sup>actually paid or received and (where the interest has been paid or received after deduction of income tax) the amount of the interest from which the tax has been deducted and the amount of the tax deducted],

and any person [<sup>F187</sup>by whom any such interest is received] on behalf of another person shall on being so required furnish to the inspector the name and address of the person on whose behalf the interest has been received, and [<sup>F188</sup>the amount actually received and (where the interest has been received after deduction of income tax) the amount of the interest from which the tax has been deducted and the amount of the tax deducted].

(2) The persons to whom [<sup>F189</sup>subsection (1) above] applies include any officer in any public office or in any department of the Crown.

<sup>F190</sup>(3) .....

<sup>F191</sup>(3AA) .....

*Status:* Point in time view as at 13/08/2009. This version of this Act contains provisions that are not valid for this point in time.

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[<sup>F192</sup>(3A) A notice under this section shall not require information with respect to interest paid [<sup>F193</sup>or received] in a year of assessment ending more than three years before the date of the giving of the notice.]

[<sup>F194</sup>(3B) The Board may by regulations provide as mentioned in all or any of the following paragraphs—

- (a) that a person required to furnish information under subsection (1) above shall furnish at the same time such further information as is prescribed if the notice concerned specifies the information and requires it to be so furnished;
- (b) that if a person is required to furnish information under subsection (1) above or under any provision made under paragraph (a) above, and the notice concerned specifies the form in which the information is to be furnished, the person shall furnish the information in that form;
- (c) that a notice under subsection (1) above shall not require prescribed information;

and in this subsection “prescribed” means prescribed by the regulations.

[<sup>F195</sup>The further information required as mentioned in paragraph (a) above may include, in prescribed cases, the name and address of the person beneficially entitled to the interest paid or received.]

(3C) Regulations under subsection (3B) above—

- (a) shall be made by statutory instrument subject to annulment in pursuance of a resolution of the House of Commons,
  - [ may make provision with respect to the furnishing of information by persons
- <sup>F196</sup>(aa) required to furnish information under subsection (1) above, or under any provision made under subsection (3B)(a) above, including the inspection of books, documents and other records on behalf of the Board;]
- (b) may make different provision in relation to different cases or descriptions of case, and
- (c) may include such supplementary, incidental, consequential or transitional provisions as appear to the Board to be necessary or expedient.]

[<sup>F197</sup>(3D) For the purposes of this section interest shall be treated as received by any person if it is received by another person at his direction or with his consent.

(3E) For the purposes of this section the following shall be treated as interest—

- (a) any dividend in respect of a share in a building society;
- (b) any amount to which a person holding a [<sup>F198</sup>deeply] discounted security is entitled on the redemption of that security; and
- (c) any foreign dividend.

[<sup>F199</sup>(3F) In subsection (3E)(b) above “deeply discounted security” has the same meaning as in Chapter 8 of Part 4 of ITTOIA 2005 (profits from deeply discounted securities) (see section 430 of that Act).]

(3G) In subsection (3E)(c) above “foreign dividend” means any annual payment, interest or dividend payable out of, or in respect of the stocks, funds, shares or securities of—

- (a) a body of persons that is not resident in the United Kingdom, or
- (b) a government or public or local authority in a country outside the United Kingdom.]

<sup>F200</sup>(4) . . . . .

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[<sup>F201</sup>(5) References in this section to interest include references to—

- (a) alternative finance return within the meaning of Chapter 5 of Part 2 of the Finance Act 2005 (see section 57 of that Act), and
- (b) alternative finance return within the meaning of Chapter 6 of Part 6 of CTA 2009 (see sections 511 to 513 of that Act).]

### Textual Amendments

- F183** Words in s. 18(1) substituted (with effect in accordance with s. 145(11) of the amending Act) by [Finance Act 2000 \(c. 17\), s. 145\(4\)\(a\)](#)
- F184** Words in s. 18(1) inserted (with effect as regards a case where interest is paid in the year 1991-92 or a subsequent year of assessment) by [Finance Act 1990 \(c. 29\), s. 92\(5\)\(a\)](#) (8)
- F185** Words in s. 18(1) repealed by [Finance Act 1988 \(c. 39\), Sch. 14 Part IV](#) for 1988-89 and subsequent years.
- F186** Words in s. 18(1)(b) substituted (with effect as regards a case where interest is paid in the year 1991-92 or a subsequent year of assessment) by [Finance Act 1990 \(c. 29\), s. 92\(5\)\(b\)](#) (8)
- F187** Words in s. 18(1) substituted (with effect in accordance with s. 145(11) of the amending Act) by [Finance Act 2000 \(c. 17\), s. 145\(4\)\(b\)](#)
- F188** Words in s. 18(1) substituted (with effect as regards a case where interest is paid in the year 1991-92 or a subsequent year of assessment) by [Finance Act 1990 \(c. 29\), s. 92\(5\)\(c\)](#) (8)
- F189** [Income and Corporation Taxes Act 1988 \(c. 1\), Sch. 29 para. 7\(2\)](#).
- F190** S. 18(3) repealed (with effect in accordance with s. 145(11) of the amending Act) by [Finance Act 2000 \(c. 17\), s. 145\(5\), Sch. 40 Pt. 5](#) Note
- F191** S. 18(3AA) repealed (with effect in accordance with s. 145(11) of the amending Act) by [Finance Act 2000 \(c. 17\), s. 145\(5\), Sch. 40 Pt. 5](#) Note
- F192** [Finance Act 1988 \(c. 39\), s. 123\(3\)](#) with respect to notices given on or after 29 July 1988.
- F193** Words in s. 18(3A) inserted (with effect in accordance with s. 145(11) of the amending Act) by [Finance Act 2000 \(c. 17\), s. 145\(6\)](#)
- F194** S. 18(3B)(3C) inserted (with effect as regards a case where interest is paid in the year 1991-92 or a subsequent year of assessment) by [Finance Act 1990 \(c. 29\), s. 92\(6\)](#) (8)
- F195** Words in s. 18(3B) inserted (with effect in accordance with s. 145(11) of the amending Act) by [Finance Act 2000 \(c. 17\), s. 145\(7\)](#)
- F196** S. 18(3C)(aa) inserted (with effect in accordance with s. 145(11) of the amending Act) by [Finance Act 2000 \(c. 17\), s. 145\(8\)](#)
- F197** S. 18(3D)-(3G) substituted for s. 18(3D) (with effect in accordance with s. 145(11) of the amending Act) by [Finance Act 2000 \(c. 17\), s. 145\(9\)](#)
- F198** Word in s. 18(3E)(b) substituted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\), s. 883\(1\), Sch. 1 para. 366\(2\)](#) (with Sch. 2)
- F199** S. 18(3F) substituted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\), s. 883\(1\), Sch. 1 para. 366\(3\)](#) (with Sch. 2)
- F200** S. 18(4) repealed by [Finance Act 1988 \(c. 39\), Sch. 14 Part IV](#) for 1988-89 and subsequent years.
- F201** S. 18(5) inserted (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\), s. 1329\(1\), Sch. 1 para. 299](#) (with Sch. 2 Pts. 1, 2)

### Modifications etc. (not altering text)

- C80** S. 18 modified (7.4.2005) by [Finance Act 2005 \(c. 7\), Sch. 2 para. 2](#)

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## [<sup>F202</sup>18A Other payments and licences etc.

- (1) Any person by whom any payment out of public funds is made by way of grant or subsidy shall, on being so required by a notice given to him by an inspector, furnish to the inspector, within the time limited by the notice—
  - (a) the name and address of the person to whom the payment has been made or on whose behalf the payment has been received, and
  - (b) the amount of the payment so made or received,and any person who receives any such payment on behalf of another person shall on being so required furnish to the inspector the name and address of the person on whose behalf the payment has been received, and its amount.
- (2) Any person to whom licences or approvals are issued or a register is maintained shall, on being so required by a notice given to him by an inspector, furnish to the inspector within the time limited by the notice—
  - (a) the name and address of any person who is or has been the holder of a licence or approval issued by the first-mentioned person, or to whom an entry in that register relates or related; and
  - (b) particulars of the licence or entry.
- (3) The persons to whom this section applies include any department of the Crown, any public or local authority and any other public body.
- (4) A notice is not to be given under this section unless (in the inspector's reasonable opinion) the information required is or may be relevant to any tax liability to which a person is or may be subject, or the amount of any such liability.
- (5) A notice under this section shall not require information with respect to a payment which was made, or to a licence, approval or entry which ceased to subsist—
  - (a) before 6th April 1988; or
  - (b) in a year of assessment ending more than three years before the date of the giving of the notice.
- (6) For the purposes of this section a payment is a payment out of public funds if it is provided directly or indirectly by the Crown, by any Government, public or local authority whether in the United Kingdom or elsewhere or by any Community institution.]

### Textual Amendments

**F202** S. 18A inserted by [Finance Act 1988 \(c. 39\)](#) s. 125

## 19 Information for purposes of [<sup>F203</sup>charge on profits of UK property businesses or under] Schedule A.

- (1) For the purpose of obtaining particulars of profits or gains chargeable to tax [<sup>F204</sup>under Chapter 3 of Part 3 of ITTOIA 2005][<sup>F205</sup>, or under Chapter 3 of Part 4 of CTA 2009, as the profits of a UK property business] (or, for chargeable periods ending before 6th April 1970, under Case VIII of Schedule D), the inspector may by notice in writing require—
  - (a) any lessee, occupier or former lessee or occupier of land (including any person having, or having had, the use of land) to give such information as may be

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prescribed by the Board as to the terms applying to the lease, occupation or use of the land, and where any of those terms are established by any written instrument, to produce the instrument to the inspector,

- (b) any lessee or former lessee of land to give such information as may be so prescribed as to any consideration given for the grant or assignment to him of the tenancy,
- (c) any person who as agent manages land or is in receipt of rent or other payments arising from land to furnish the inspector with such particulars relating to payments arising therefrom as may be specified in the notice.

<sup>F206</sup>(2) .....

(3) In this section —

- (a) “lease” includes an agreement for a lease, and any tenancy, but does not include a mortgage or heritable security, and “lessee” shall be construed accordingly but shall include the successor in title of a lessee,
- (b) in relation to Scotland “assignment” means an assignation.

[<sup>F207</sup>(4) A notice under this section shall not require information with respect to—

- (a) the terms applying to the lease, occupation or use of the land, or
- (b) consideration given, or
- (c) payments arising,

in a year of assessment ending more than three years before the date of the giving of the notice.]

**Textual Amendments**

- F203** Words in s. 19 heading inserted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\), s. 883\(1\), Sch. 1 para. 367\(3\)](#) (with Sch. 2)
- F204** Words in s. 19(1) inserted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\), s. 883\(1\), Sch. 1 para. 367\(2\)](#) (with Sch. 2)
- F205** Words in s. 19(1) substituted (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\), s. 1329\(1\), Sch. 1 para. 300\(2\)](#) (with Sch. 2 Pts. 1, 2)
- F206** S. 19(2) repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\), s. 1329\(1\), Sch. 1 para. 300\(3\), Sch. 3 Pt. 1](#) (with Sch. 2 Pts. 1, 2)
- F207** S. 19(4) added (with effect with respect to notices given on or after 29 July 1988) by [Finance Act 1988 \(c. 39\), s. 123\(4\)](#)

*Production of accounts, books and other information*

<sup>F208</sup>**19A Power to call for documents for purposes of certain enquiries.**

.....

**Textual Amendments**

- F208** S. 19A omitted (1.4.2009) by virtue of [Finance Act 2008 \(c. 9\), s. 113\(2\), Sch. 36 para. 66](#) (with Sch. 36 para. 38); [S.I. 2009/404, art. 2](#) (with art. 3)

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**F209 20 Power to call for documents of taxpayer and others.**

.....

**Textual Amendments**

**F209** S. 20 omitted (1.4.2009) by virtue of Finance Act 2008 (c. 9), s. 113(2), Sch. 36 para. 67 (with Sch. 36 para. 38); S.I. 2009/404, art. 2 (with art. 4)

**[F210 20A Power to call for papers of tax accountant.**

- (1) Where after the passing of the Finance Act 1976<sup>X2</sup> a person—
- (a) is convicted of an offence in relation to tax (whenever committed) by or before any court in the United Kingdom; or
  - (b) has [<sup>F211</sup>a penalty imposed on ] him (whether before or after the passing of that Act) under section 99 of this Act,

and he has stood in relation to others as tax accountant, an inspector authorised by the Board for the purpose of this section may by notice in writing require the person to deliver to him such documents as are in his possession or power and as (in the inspector's reasonable opinion) contain information relevant to any tax liability to which any client of his is or has been, or may be or have been, subject, or to the amount of any such liability.

- <sup>F212</sup>(1A) The reference to documents in subsection (1) above does not include—
- (a) personal records (as defined in section 12 of the Police and Criminal Evidence Act 1984), or
  - (b) journalistic material (as defined in section 13 of that Act).

- (1B) Subject to subsection (1A) above, the reference to documents in subsection (1) above is to those specified or described in the notice in question; and—
- (a) the notice shall require documents to be delivered within such time (which shall not be less than thirty days after the date of the notice) as may be specified in the notice; and
  - (b) the inspector may take copies of them or of extracts from them.]

- (2) Subsection (1) above does not have effect in relation to a person convicted or penalised as there mentioned for so long as an appeal is pending against the conviction or [<sup>F213</sup>penalty]; and—
- (a) for this purpose an appeal is to be treated as pending (where one is competent but has not been brought) until the expiration of the time for bringing it or, in the case of a conviction in Scotland, until the expiration of 28 days from the date of conviction; and
  - (b) references here to appeal include further appeal but, in relation to the [<sup>F213</sup>imposition] of a penalty, do not include appeal against the amount of the penalty.

- (3) A notice is not to be given to any person under this section unless with the consent of the appropriate judicial authority; and that authority is to give his consent only on being satisfied that in all the circumstances the inspector is justified in so proceeding.

- (4) The power to give a notice under this section, by reference to a person's conviction or the [<sup>F214</sup>imposition on] him of a penalty, ceases at the expiration of the period of 12

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months beginning with the date on which it was first exercisable in his case by virtue of that conviction or [<sup>F214</sup>penalty].

(5) To the extent specified in section 20B below, the above provisions are subject to the restrictions of that section.]

**Editorial Information**

**X2** The Finance Act 1976 received the Royal Assent on 29 July 1976.

**Textual Amendments**

**F210** Ss 20, 20A, 20B, 20C, 20D substituted for s. 20 by Finance Act 1976 (c. 40), s. 57, Sch. 6.

**F211** Finance Act 1989 s. 168(2)(a). *Previously* “awarded against him a penalty incurred by”.

**F212** Finance Act 1989 s. 143 *with respect to notices given on or after 27 July 1989. Previously* “for this purpose section 20(8) above applies, substituting “the client” for “the taxpayer”.”

**F213** Finance Act 1989 s. 168(2)(b). *Previously* “award”.

**F214** Finance Act 1989 s. 168(2)(c). *Previously* “award against” and “award”.

**Modifications etc. (not altering text)**

**C81** S. 20A applied (E.W.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470), regs. 1(1), **33(1)** (with reg. 1(4)(6))

**C82** S. 20A applied (N.I.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 (S.R. 2009/128), regs. 1(1), **28(1)**

[<sup>F210</sup>**20B Restrictions on powers under [<sup>F215</sup>section] 20A.**

(1) Before a notice is given to a person by an inspector <sup>F216</sup>... under section 20A, the person must have been given a reasonable opportunity to deliver <sup>F217</sup>... the documents in question <sup>F218</sup>... ; and the inspector must not apply for consent under <sup>F219</sup>... section 20A(3), until the person has been given that opportunity.

<sup>F220</sup>(1A) .....

<sup>F221</sup>(1B) .....

(2) <sup>F222</sup>... A notice under section 20A does not oblige a person to deliver documents relating to the conduct of a pending appeal by the client.

“Appeal” means appeal relating to tax.

(3) An inspector cannot <sup>F223</sup>... under section 20A(1), give notice to a barrister, advocate or solicitor, but the notice must in any such case be given (if at all) by the Board; and accordingly in relation to a barrister, advocate or solicitor for references in <sup>F224</sup>... section 20A to the inspector there are substituted references to the Board.

(4) To comply with a notice under <sup>F225</sup>... section 20A(1) <sup>F226</sup>... copies of documents may be delivered instead of the originals; but—

- (a) the copies must be photographic or otherwise by way of facsimile; and
- (b) if so required by the inspector (or, as the case may be, the Board) in the case of any documents specified in the requirement, the originals must be made available for inspection by a named officer of the Board (failure to comply with this requirement counting as failure to comply with the notice).

<sup>F227</sup>(5) .....



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F228(6) .....

F229(7) .....

(8) A notice under <sup>F230</sup>... section 20A(1) does not oblige a barrister, advocate or a solicitor to deliver or make available, without his client's consent, any document with respect to which a claim to professional privilege could be maintained.

F231(9) .....

F231(10) .....

F231(11) .....

F231(12) .....

F231(13) .....

F231(14) ..... ]

#### Textual Amendments

- F210** Ss 20, 20A, 20B, 20C, 20D substituted for s. 20 by Finance Act 1976 (c. 40), s. 57, **Sch. 6**.
- F215** Word in s. 20B heading substituted (1.4.2009) by Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 68(2)** (with **Sch. 36 para. 38**); S.I. 2009/404, art. 2 (with art. 4)
- F216** Words in s. 20B(1) omitted (1.4.2009) by virtue of Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 68(3)(a)** (with **Sch. 36 para. 38**); S.I. 2009/404, art. 2 (with art. 4)
- F217** Words in s. 20B(1) omitted (1.4.2009) by virtue of Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 68(3)(b)** (with **Sch. 36 para. 38**); S.I. 2009/404, art. 2 (with art. 4)
- F218** Words in s. 20B(1) omitted (1.4.2009) by virtue of Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 68(3)(c)** (with **Sch. 36 para. 38**); S.I. 2009/404, art. 2 (with art. 4)
- F219** Words in s. 20B(1) omitted (1.4.2009) by virtue of Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 68(3)(d)** (with **Sch. 36 para. 38**); S.I. 2009/404, art. 2 (with art. 4)
- F220** S. 20B(1A) omitted (1.4.2009) by virtue of Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 68(4)** (with **Sch. 36 para. 38**); S.I. 2009/404, art. 2 (with art. 4)
- F221** S. 20B(1B) omitted (1.4.2009) by virtue of Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 68(4)** (with **Sch. 36 para. 38**); S.I. 2009/404, art. 2 (with art. 4)
- F222** Words in s. 20B(2) omitted (1.4.2009) by virtue of Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 68(5)** (with **Sch. 36 para. 38**); S.I. 2009/404, art. 2 (with art. 4)
- F223** Words in s. 20B(3) omitted (1.4.2009) by virtue of Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 68(6)(a)** (with **Sch. 36 para. 38**); S.I. 2009/404, art. 2 (with art. 4)
- F224** Words in s. 20B(3) omitted (1.4.2009) by virtue of Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 68(6)(b)** (with **Sch. 36 para. 38**); S.I. 2009/404, art. 2 (with art. 4)
- F225** Words in s. 20B(4) omitted (1.4.2009) by virtue of Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 68(7)(a)** (with **Sch. 36 para. 38**); S.I. 2009/404, art. 2 (with art. 4)
- F226** Words in s. 20B(4) omitted (1.4.2009) by virtue of Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 68(7)(b)** (with **Sch. 36 para. 38**); S.I. 2009/404, art. 2 (with art. 4)
- F227** S. 20B(5) omitted (1.4.2009) by virtue of Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 68(8)** (with **Sch. 36 para. 38**); S.I. 2009/404, art. 2 (with art. 4)
- F228** S. 20B(6) omitted (1.4.2009) by virtue of Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 68(8)** (with **Sch. 36 para. 38**); S.I. 2009/404, art. 2 (with art. 4)
- F229** S. 20B(7) omitted (1.4.2009) by virtue of Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 68(8)** (with **Sch. 36 para. 38**); S.I. 2009/404, art. 2 (with art. 4)
- F230** Words in s. 20B(8) omitted (1.4.2009) by virtue of Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 68(9)** (with **Sch. 36 para. 38**); S.I. 2009/404, art. 2 (with art. 4)

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**F231** S. 20B(9)-(14) omitted (1.4.2009) by virtue of Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 68(10)** (with Sch. 36 para. 38); S.I. 2009/404, art. 2 (with art. 4)

**Modifications etc. (not altering text)**

- C83** S. 20B applied (with modifications) (31.7.1997) by Finance (No. 2) Act 1997 (c. 58), Sch. 2 para. 13(1)(2)
- C84** Ss. 20, 20B applied (with modifications) (E.W.) (1.4.2000) by Education (Student Loans) (Repayment) Regulations 2000 (S.I. 2000/944), regs. 1(1), **44(1)(2)**
- C85** S. 20B applied (with modifications) (N.I.) (1.4.2000) by The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2000 (S.R. 2000/121), regs. 1, **44(1)**
- C86** Ss. 20B, 20BB applied (with modifications) (6.4.2003) by Tax Credits Act 2002 (c. 21), s. **25(3)(4)**, 61; S.I. 2002/1727, art. 2
- C87** S. 20B applied (with modifications) by Social Security Administration (Northern Ireland) Act 1992 (c. 8), s. **104ZA** (as substituted (6.4.2005) by National Insurance Contributions and Statutory Payments Act 2004 (c. 3), ss. **8, 13**; S.I. 2004/1943, art. 4(b))
- C88** S. 20B applied (with modifications) by Social Security Administration Act 1992 (c. 5), s. **110ZA** (as substituted (6.4.2005) by National Insurance Contributions and Statutory Payments Act 2004 (c. 3), ss. **7, 13**; S.I. 2004/1943, art. 4(a))
- C89** S. 20B(3) amended (E.W.) (1.1.1992) by S.I. 1991/2684, arts. 2, 4, **Sch.1**
- C90** S. 20B(4) applied by Income and Corporation Taxes Act 1988 (c. 1), s. 767C(8)(a) (as inserted (with effect in accordance with s. 115(3) of the amending Act) by Finance Act 1998 (c. 36), s. **115(1)**)
- C91** S. 20B(8)-(14) applied by Income and Corporation Taxes Act 1988 (c. 1), s. 767C(8)(b) (as inserted (with effect in accordance with s. 115(3) of the amending Act) by Finance Act 1998 (c. 36), s. **115(1)**)

**[<sup>F232</sup>20BA] Orders for the delivery of documents.**

- (1) The appropriate judicial authority may make an order under this section if satisfied on information on oath given by an authorised officer of the Board—
- (a) that there is reasonable ground for suspecting that an offence involving serious fraud in connection with, or in relation to, tax is being, has been or is about to be committed, and
  - (b) that documents which may be required as evidence for the purposes of any proceedings in respect of such an offence are or may be in the power or possession of any person.
- (2) An order under this section is an order requiring the person who appears to the authority to have in his possession or power the documents specified or described in the order to deliver them to an officer of the Board within—
- (a) ten working days after the day on which notice of the order is served on him, or
  - (b) such shorter or longer period as may be specified in the order.
- For this purpose a “working day” means any day other than a Saturday, Sunday or public holiday.
- (3) Where in Scotland the information mentioned in subsection (1) above relates to persons residing or having places of business at addresses situated in different sheriffdoms—
- (a) an application for an order may be made to the sheriff for the sheriffdom in which any of the addresses is situated, and
  - (b) where the sheriff makes an order in respect of a person residing or having a place of business in his own sheriffdom, he may also make orders in respect

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of all or any of the other persons to whom the information relates (whether or not they have an address within the sheriffdom).

(4) Schedule 1AA to this Act contains provisions supplementing this section.]

#### Textual Amendments

**F232** S. 20BA inserted (28.7.2000) by [Finance Act 2000 \(c. 17\), s. 149\(1\)](#)

#### Modifications etc. (not altering text)

**C92** S. 20BA applied (1.8.2002 for specified purposes) by [Tax Credits Act 2002 \(c. 21\), ss. 36\(1\), 61; S.I. 2002/1727](#), art. 2

**C93** S. 20BA applied (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\)](#), regs. 1(1), **33(1)** (with reg. 1(4)(6))

**C94** Ss. 20BA, 20BB applied (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\)](#), regs. 1(1), **28(1)**

#### **[<sup>F233</sup>20BB Falsification etc. of documents.**

- (1) Subject to subsections (2) to (4) below, a person shall be guilty of an offence if he intentionally falsifies, conceals, destroys or otherwise disposes of, or causes or permits the falsification, concealment, destruction or disposal of, a document which—
  - (a) he has been required by a notice under section <sup>F234</sup>... 20A above [<sup>F235</sup>or an order under section 20BA above], or
  - (b) he has been given an opportunity in accordance with section 20B(1) above, to deliver, or to deliver or make available for inspection.
- (2) A person does not commit an offence under subsection (1) above if he acts—
  - (a) with the written permission of [<sup>F236</sup>the tribunal], the inspector or an officer of the Board,
  - (b) after the document has been delivered <sup>F237</sup>... , or
  - (c) after a copy has been delivered in accordance with section 20B(4) or (14) above and the original has been inspected.
- (3) A person does not commit an offence under subsection (1)(a) above if he acts after the end of the period of two years beginning with the date on which the notice is given [<sup>F238</sup>or the order is made], unless before the end of that period the inspector or an officer of the Board has notified the person in writing that the notice [<sup>F239</sup>or order] has not been complied with to his satisfaction.
- (4) A person does not commit an offence under subsection (1)(b) above if he acts—
  - (a) after the date of the period of six months beginning with the date on which an opportunity to deliver the document was given, or
  - (b) after an application for consent to a notice being given in relation to the document has been refused.
- (5) A person guilty of an offence under subsection (1) above shall be liable—
  - (a) on summary conviction, to a fine not exceeding the statutory maximum;
  - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine or both.]

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**Textual Amendments**

- F233** S. 20BB inserted by Finance Act 1989 s. 145(1)(2) *in relation to any falsification, concealment, destruction or disposal of a document occurring on or after 27 July 1989.*
- F234** Words in s. 20BB(1)(a) omitted (1.4.2009) by virtue of Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 69(2)** (with **Sch. 36 para. 38**); S.I. 2009/404, art. 2 (with art. 4)
- F235** Words in s. 20BB(1)(a) inserted (28.7.2000) by Finance Act 2000 (c. 17), **s. 149(3)(a)**
- F236** Words in s. 20BB(2)(a) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 11**
- F237** Words in s. 20BB(2)(b) omitted (1.4.2009) by virtue of Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 69(3)** (with **Sch. 36 para. 38**); S.I. 2009/404, art. 2 (with art. 4)
- F238** Words in s. 20BB(3) inserted (28.7.2000) by Finance Act 2000 (c. 17), **s. 149(3)(b)**
- F239** Words in s. 20BB(3) inserted (28.7.2000) by Finance Act 2000 (c. 17), **s. 149(3)(c)**

**Modifications etc. (not altering text)**

- C86** Ss. 20B, 20BB applied (with modifications) (6.4.2003) by Tax Credits Act 2002 (c. 21), **s. 25(3)(4)**, 61; S.I. 2002/1727, art. 2
- C94** Ss. 20BA, 20BB applied (N.I.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 (S.R. 2009/128), regs. 1(1), **28(1)**
- C95** S. 20BB applied (with modifications) (31.7.1997) by Finance (No. 2) Act 1997 (c. 58), Sch. 2 para. 13(1)(2)
- C96** S. 20BB applied (N.I.) (1.4.2000) by The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2000 (S.R. 2000/121), regs. 1, **44(3)**
- C97** S. 20BB applied (1.8.2002 for specified purposes) by Tax Credits Act 2002 (c. 21), **ss. 36(1)**, 61; S.I. 2002/1727, art. 2
- C98** S. 20BB applied (with modifications) by Social Security Administration Act 1992 (c. 5), **s. 110ZA** (as substituted (6.4.2005) by National Insurance Contributions and Statutory Payments Act 2004 (c. 3), **ss. 7**, 13; S.I. 2004/1943, art. 4(a))
- C99** S. 20BB applied (with modifications) by Social Security Administration (Northern Ireland) Act 1992 (c. 8), **s. 104ZA** (as substituted (6.4.2005) by National Insurance Contributions and Statutory Payments Act 2004 (c. 3), **ss. 8**, 13; S.I. 2004/1943, art. 4(b))
- C100** S. 20BB applied (E.W.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470), regs. 1(1), **33(1)** (with reg. 1(4)(6))

**F240 20C Entry with warrant to obtain documents.**

.....

**Textual Amendments**

- F240** Ss. 20C, 20CC repealed (8.11.2007) by Finance Act 2007 (c. 11), s. 84(5), Sch. 22 para. 4(a), **Sch. 27 Pt. 5(1)**; S.I. 2007/3166, art. 2(c)

**F240 20C Procedure where documents etc. are removed.**

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### Textual Amendments

**F240** Ss. 20C, 20CC repealed (8.11.2007) by Finance Act 2007 (c. 11), s. 84(5), Sch. 22 para. 4(a), Sch. 27 Pt. 5(1); S.I. 2007/3166, art. 2(c)

## [<sup>F210</sup>20D Interpretation of ss.20 to 20C.

- (1) For the purposes of [<sup>F241</sup>sections 20A and 20BA] above, “the appropriate judicial authority” is—
- (a) in England and Wales, a Circuit judge [<sup>F242</sup>or a District Judge (Magistrates' Courts)];
  - (b) in Scotland, a sheriff; and
  - (c) in Northern Ireland, a county court judge.
- (2) For the purposes of [<sup>F243</sup>section] 20A, a person stands in relation to another as tax accountant at any time when he assists the other in the preparation [<sup>F244</sup>or delivery of any information, return, accounts or other document which he knows will be, or is or are likely to be, used] for any purpose of tax; and his clients are all those to whom he stands or has stood in that relationship.

<sup>F245</sup>(3) . . . . . ]

### Textual Amendments

**F210** Ss 20, 20A, 20B, 20C, 20D substituted for s. 20 by Finance Act 1976 (c. 40), s. 57, Sch. 6.

**F241** Words in s. 20D(1) substituted (1.12.2007) by Finance Act 2007 (c. 11), s. 84(5), Sch. 22 para. 1; S.I. 2007/3166, art. 3(a)

**F242** Words in s. 20D(1)(a) inserted (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), Sch. 4 para. 2(a); S.I. 2005/910, art. 3(u)

**F243** Word in s. 20D(2) substituted (1.4.2009) by Finance Act 2008 (c. 9), s. 113(2), Sch. 36 para. 70(2) (with Sch. 36 para. 38); S.I. 2009/404, art. 2 (with art. 4)

**F244** Finance Act 1989 (c. 26), s. 148(2).

**F245** S. 20D(3) omitted (1.4.2009) by virtue of Finance Act 2008 (c. 9), s. 113(2), Sch. 36 para. 70(3) (with Sch. 36 para. 38); S.I. 2009/404, art. 2 (with art. 4)

## 21 Stock jobbers' transactions.

- [<sup>F246</sup>(1) The Board may exercise the powers conferred by this section as respects, and in connection with, any business consisting in or involving dealings in securities; and for the purposes of this section it shall be immaterial whether those dealings are or, as the case may be, were—
- (a) on behalf of persons other than the person carrying on the business;
  - (b) by that person on his own behalf; or
  - (c) a mixture of the two.]
- (2) With a view to obtaining information about [<sup>F247</sup>securities transactions] in the course of a business within subsection (1) above, the Board may serve on the [<sup>F248</sup>person]<sup>F249</sup> ... by whom the business is or has been carried on a notice requiring him to make available within a time specified in the notice, for inspection by an inspector or other officer of the Board, all such books, accounts and other documents in his possession or power as

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may be specified or described in the notice, being books, accounts or other documents which in the opinion of the Board contain or may contain information directly or indirectly relating to any such transactions.

- (3) The Board may serve on any broker a notice requiring him to make available within a time specified in the notice, for inspection by an inspector or other officer of the Board, all such books, accounts or other documents in his possession or power as may be specified or described in the notice, being books, accounts or other documents which in the opinion of the Board contain or may contain information relating directly or indirectly to [F250] securities transactions in the course of any business of a person other than the broker which is] a business within subsection (1) above.

- [F251] (4) Where a person (“the recipient”) who is not a broker has directly or indirectly received from another person any payment which—

- (a) is made by that other person in the course of a business within subsection (1) above, and
- (b) is a payment treated by that other person as made in respect of interest on securities,

the Board may by notice in writing require the recipient to state, within a time specified in the notice, whether the amount received is in whole or in part received on behalf of, or for payment on to, a third person and (if it is) to furnish the name and address of that third person.

- (4A) Where a person (“the payer”) has directly or indirectly paid to another person any sum which—

- (a) constitutes a receipt by that other person in the course of a business within subsection (1) above, and
- (b) is a receipt treated by that other person as accruing in respect of interest on securities,

the Board may by notice in writing require the payer to state, within a time specified in the notice, whether the amount paid is in whole or in part received from, or paid on account of, a third person and (if it is) to furnish the name and address of that third person.]

- (5) If, for the purpose of obtaining (from any persons [F252] at all] information directly or indirectly relating to any [F253] securities transactions] in the course of a business within subsection (1) above, any person in whose name any securities are registered is so required by notice in writing by the Board, he shall state whether or not he is the beneficial owner of those securities, and, if not the beneficial owner of those securities or any of them, shall furnish the name and address of the person or persons on whose behalf the securities are registered in his name.

- [F254] (5A) Where it appears to the Board that a person may have incurred a liability to pay or account for tax under [F255] Chapter 2 of Part 11 or Chapter 9 of Part 15 of ITA 2007] (manufactured payments), the Board may by notice served on that person require him, within such period (not being less than 28 days) as may be specified in the notice, to provide the Board with information which—

- (a) is available to that person; and
- (b) is or may be relevant to whether that person has incurred such a liability, or to the extent of such a liability.]

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- (6) The Board may not exercise their powers under the preceding provisions of this section for the purpose of obtaining information relating to transactions in any year of assessment ending more than six years before the service of the notice.

[<sup>F256</sup>(7) In this section—

“broker” means any person who is a member of a recognised investment exchange, within the meaning [<sup>F257</sup> given by section 285(1)(a) of the Financial Services and Markets Act 2000];

“interest” includes dividends;

“securities” includes shares and stock; and

“securities transaction” means—

- (a) any transaction in securities;
- (b) any transaction under which a payment which is representative of any interest on a security has been, is to be or may be made; or
- (c) the making or receipt of such a payment.]

#### Textual Amendments

- F246** S. 21(1) substituted (with effect in accordance with Sch. 10 para. 16(1)(2) of the amending Act and S.I. 1997/991, art. 2) by Finance Act 1997 (c. 16), **Sch. 10 para. 14(2)** (with Sch. 10 para. 16(3))
- F247** Words in s. 21(2) substituted (with effect in accordance with Sch. 10 para. 16(1)(2) of the amending Act and S.I. 1997/991, art. 2) by Finance Act 1997 (c. 16), **Sch. 10 para. 14(3)(a)** (with Sch. 10 para. 16(3))
- F248** Word in s. 21(2) substituted (with effect in accordance with Sch. 10 para. 16(1)(2) of the amending Act and S.I. 1997/991, art. 2) by Finance Act 1997 (c. 16), **Sch. 10 para. 14(3)(b)** (with Sch. 10 para. 16(3))
- F249** *Words omitted repealed* by Finance Act 1973 ss. 54, 59(7), Sch. 21 para. 5, Sch. 22 Pt. IV from 25 March 1973 except in relation to things done before that day.
- F250** Words in s. 21(3) substituted (with effect in accordance with Sch. 10 para. 16(1)(2) of the amending Act and S.I. 1997/991, art. 2) by Finance Act 1997 (c. 16), **Sch. 10 para. 14(4)** (with Sch. 10 para. 16(3))
- F251** S. 21(4)(4A) substituted for s. 21(4) (with effect in accordance with Sch. 10 para. 16(1)(2) of the amending Act and S.I. 1997/991, art. 2) by Finance Act 1997 (c. 16), **Sch. 10 para. 14(5)** (with Sch. 10 para. 16(3))
- F252** Words in s. 21(5) substituted (with effect in accordance with Sch. 10 para. 16(1)(2) of the amending Act and S.I. 1997/991, art. 2) by Finance Act 1997 (c. 16), **Sch. 10 para. 14(6)(a)** (with Sch. 10 para. 16(3))
- F253** Words in s. 21(5) substituted (with effect in accordance with Sch. 10 para. 16(1)(2) of the amending Act and S.I. 1997/991, art. 2) by Finance Act 1997 (c. 16), **Sch. 10 para. 14(6)(b)** (with Sch. 10 para. 16(3))
- F254** S. 21(5A) inserted (with effect in accordance with Sch. 10 para. 16(1)(2) of the amending Act and S.I. 1997/991, art. 2) by Finance Act 1997 (c. 16), **Sch. 10 para. 14(7)** (with Sch. 10 para. 16(3))
- F255** Words in s. 21(5A) substituted (with effect in accordance with s. 1034(1) of the amending Act) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 248** (with Sch. 2)
- F256** S. 21(7) substituted (with effect in accordance with Sch. 10 para. 16(1)(2) of the amending Act and S.I. 1997/991, art. 2) by Finance Act 1997 (c. 16), **Sch. 10 para. 14(8)** (with Sch. 10 para. 16(3))
- F257** Words in s. 21(7) substituted (1.12.2001) by The Financial Services and Markets Act 2000 (Consequential Amendments) (Taxes) Order 2001 (S.I. 2001/3629), arts. 1(2)(a), 3

#### Modifications etc. (not altering text)

- C101** S. 21 applied (with modifications) (22.3.1992) by S.I. 1992/569, **regs. 18, 22**

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- C102** S. 21 applied (with modifications) (24.9.1992) by [S.I. 1992/2074, regs. 9, 12](#)  
**C103** S. 21 applied (with modifications) (1.10.1993) by [S.I. 1993/2004, reg. 16](#)  
**C104** S. 21 applied (with modifications) (25.8.1995) by [The Income Tax \(Manufactured Dividends\) \(Tradepoint\) Regulations 1995 \(S.I. 1995/2052\), regs. 1, 13](#)  
**C105** S. 21 restricted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 2 para. 2\(a\); S.I. 2005/1126, art. 2\(2\)\(d\)](#)

### *Surtax*

## <sup>F258</sup>22 Additional particulars for surtax.

.....

#### Textual Amendments

- F258** S. 22 omitted (13.8.2009) by virtue of [The Finance Act 2009, Schedule 47 \(Consequential Amendments\) Order 2009 \(S.I. 2009/2035\), art. 1, Sch. para. 5](#)

## 23 Power to obtain copies of registers of securities.

- (1) The Board may cause to be served upon any body corporate a notice requiring them to deliver to the Board within a specified time, being not less than twenty-one days, a copy, certified by a duly authorised officer of such body, of the whole of, or any specified class of entries in, any register containing the names of the holders of any securities issued by them.
- (2) On delivery of the copy in accordance with the notice payment shall be made therefor at the rate of five shillings in respect of each one hundred entries.
- (3) In this section “security” includes shares, stock, debentures and debenture stock, and “entry” means, in relation to any register, so much thereof as relates to the securities held by any one person.

#### Modifications etc. (not altering text)

- C106** S. 23 restricted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 2 para. 2\(b\); S.I. 2005/1126, art. 2\(2\)\(d\)](#)  
**C107** S. 23(2) modified by [Decimal Currency Act 1969 \(c.19\), ss. 10, 16\(1\)](#) (references to shillings and pence in enactments passed before 15.2.1971 to be read on and after that day as referring to equivalent amount in the new currency).

## 24 Power to obtain information as to income from securities.

- (1) The Board may by notice in writing require—
  - (a) any person, being a registered or inscribed holder of any United Kingdom securities, who, in any year of assessment, has received on behalf of any other person any income arising from any such securities, or
  - (b) any person by or through whom, in any year of assessment, any income in respect of United Kingdom securities has been paid in any case where—



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- (i) the registered or inscribed holder of the securities is not the person to whom the income was paid, or
  - (ii) the securities are bearer securities,to furnish them, within such time as may be specified in the notice (not being less than twenty-eight days) with particulars of the amounts so received or, as the case may be, paid in that year (other than amounts received or paid in that year on behalf of or to any one person which did not exceed in the aggregate the sum of £15), the securities to which those amounts respectively relate, and the names and addresses of the persons on whose behalf or to whom those amounts were respectively received or paid.
- (2) The Board may similarly require any person who acts or has acted, directly or indirectly, as an intermediary or as one of a series of intermediaries between any such person as is specified in subsection (1)(a) or (b) above and the person or persons beneficially entitled to the income in question to furnish such information as the Board may require for the purpose of enabling them to ascertain the names and addresses of the person or persons beneficially entitled to the income and the respective amounts to which those persons were beneficially entitled.
- (3) Nothing in this section shall impose on any bank the obligation to disclose any particulars relating to income from securities in cases where the person beneficially entitled to the income is not resident in the United Kingdom.

[<sup>F259</sup>(3A) In this section “bank” has the meaning given by [<sup>F260</sup>section 991 of ITA 2007].]

(4) In this section—

“securities” includes shares, stocks, bonds, debentures and debenture stock, and

“United Kingdom securities” means any securities issued by or on behalf of Her Majesty’s Government in the United Kingdom or the Government of Northern Ireland and any securities of a body corporate incorporated in any part of the United Kingdom.

#### Textual Amendments

**F259** S. 24(3A) inserted (with application in accordance with Sch. 37 para. 11(5) of the amending Act) by [Finance Act 1996 \(c. 8\)](#), [Sch. 37 para. 11\(1\)\(2\)\(c\)](#)

**F260** Words in s. 24(3A) substituted (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), [Sch. 1 para. 249](#) (with [Sch. 2](#))

#### Modifications etc. (not altering text)

**C108** S. 24 restricted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 2 para. 2\(c\)](#); S.I. 2005/1126, art. 2(2)(d)

**C109** S. 24(3) modified by [Income and Corporation Taxes Act 1988 \(c. 1\)](#), s. 816(3)

### Chargeable gains

## 25 Issuing houses, stockbrokers, auctioneers, etc.

- (1) For the purpose of obtaining particulars of chargeable gains an inspector may by notice in writing require a return under any of the provisions of this section.

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- (2) An issuing house or other person carrying on a business of effecting public issues of shares of securities in any company, or placings of shares or securities in any company, either on behalf of the company, or on behalf of holders of blocks of shares or securities which have not previously been the subject of a public issue or placing, may be required to make a return of all such public issues or placings effected by that person in the course of the business in the period specified in the notice requiring the return, giving particulars of the persons to or with whom the shares or securities are issued, allotted or placed, and the number or amount of the shares or securities so obtained by them respectively.
- (3) A person not carrying on such a business may be required to make a return as regards any such public issue or placing effected by that person and specified in the notice, giving particulars of the persons to or with whom the shares or securities are issued, allotted, or placed and the number or amount of the shares or securities so obtained by them respectively.
- (4) A member of a stock exchange in the United Kingdom, other than a [<sup>F261</sup>market maker], may be required to make a return giving particulars of any transactions effected by him in the course of his business in the period specified in the notice requiring the return and giving particulars of—
  - (a) the parties to the transactions,
  - (b) the number or amount of the shares or securities dealt with in the respective transactions, and
  - (c) the amount or value of the consideration.
- (5) A person (other than a member of a stock exchange in the United Kingdom) who acts as an agent or broker in the United Kingdom in transactions in shares or securities may be required to make a return giving particulars of any such transactions effected by him after 5th April 1968 and in the period specified in the notice, and giving particulars of—
  - (a) the parties to the transactions,
  - (b) the number or amount of the shares or securities dealt with in the respective transactions, and
  - (c) the amount or value of the consideration.
- (6) The committee or other person or body of persons responsible for managing a clearing house for any terminal market in commodities may be required to make a return giving particulars of any transactions effected through the clearing house in the period specified in the notice requiring the return and giving particulars of—
  - (a) the parties to the transactions,
  - (b) the amounts dealt with in those transactions respectively, and
  - (c) the amount or value of the consideration.
- (7) An auctioneer, and any person carrying on a trade of dealing in any description of tangible movable property, or of acting as an agent or intermediary in dealings in any description of tangible movable property, may be required to make a return giving particulars of any transactions effected by or through him in which any asset which is tangible movable property is disposed of for a consideration the amount or value of which, in the hands of the recipient, exceeds [<sup>F262</sup>£6,000].
- (8) No person shall be required under this section to include in a return particulars of any transaction effected more than three years before the service of the notice requiring him to make the return.

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(9) In this section “company” and “shares” shall be construed in accordance with [F263 sections 99 and 288(1) of the 1992 Act].

[F264 (10) In this section “market maker”, in relation to shares or securities, means a person who—

- (a) holds himself out at all normal times in compliance with the rules of The Stock Exchange as willing to buy and sell shares or securities of the kind concerned at a price specified by him, and
- (b) is recognised as doing so by the Council of The Stock Exchange.]

#### Textual Amendments

**F261** Finance Act 1986 s. 63, Sch. 18 para. 8 *in relation to transactions on or after 27 October 1986.*

**F262** Finance Act 1989 (c. 26), s. 123 *in relation to disposals on or after 6 April 1989. Previously “£3,000” by Finance Act 1982 s. 81(1)(c) in relation to disposals on or after 6 April 1982.*

**F263** Words in s. 25(9) substituted (6.3.1992 with effect as mentioned in s. 289(1)(2) of the amending Act) by virtue of Taxation of Chargeable Gains Act 1992 (c. 12), ss. 289, 290, Sch. 10 para. 2(4) (with ss. 60, 101(1), 171, 201(3))

**F264** Finance Act 1986 s. 63, Sch. 18 para. 8 *in relation to transactions on or after 27 October 1986.*

#### Modifications etc. (not altering text)

**C110** See Finance Act 1973 s. 54(1)—*to be construed as reference to a member of The Stock Exchange on and after 25 March 1973 except in relation to things done before that day.*

## 26 Nominee shareholders.

(1) If, for the purpose of obtaining particulars of chargeable gains, any person in whose name any shares of a company are registered is so required by notice in writing by the Board or an inspector, he shall state whether or not he is the beneficial owner of those shares and, if not the beneficial owner of those shares or any of them, shall furnish the name and address of the person or persons on whose behalf the shares are registered in his name.

(2) In this section references to shares include references to securities and loan capital.

## 27 Settled property.

(1) The Board may by notice in writing require any person, being a party to a settlement, to furnish them within such time as they may direct (not being less than twenty-eight days) with such particulars as they think necessary for the purposes of [F265 the [F266 1992 Act]].

(2) In this section “settlement” has the meaning given by [F267 section 620 of ITTOIA 2005].

#### Textual Amendments

**F265** Capital Gains Tax Act 1979 (c. 14), s. 157(2), Sch. 7 para. 8 *for 1979-80 et seq.*

**F266** Words in s. 27(1) substituted (6.3.1992 with effect as mentioned in s. 289(1)(2) of the amending Act) by Taxation of Chargeable Gains Act 1992 (c. 12), ss. 289, 290, Sch. 10 para. 2(2) (with ss. 60, 101(1), 171, 201(3))

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**F267** Words in s. 27(2) substituted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\), s. 883\(1\), Sch. 1 para. 368](#) (with Sch. 2)

**F268 28 Non-resident companies and trusts.**

**Textual Amendments**  
**F268** S. 28 omitted (13.8.2009) by virtue of [The Finance Act 2009, Schedule 47 \(Consequential Amendments\) Order 2009 \(S.I. 2009/2035\), art. 1, Sch. para. 6](#)

**[F269]PART 3A**

REFERRAL OF QUESTIONS DURING ENQUIRY

**Textual Amendments**  
**F269** Pt. 3A inserted (with effect and application in accordance with s. 88(3), Sch. 29 para. 6(2) of the amending Act) by [Finance Act 2001 \(c. 9\), Sch. 29 para. 6\(1\)](#)

**28ZA Referral of questions during enquiry**

- (1) At any time when an enquiry is in progress under section 9A(1) or 12AC(1) of this Act, any question arising in connection with the subject-matter of the enquiry may be referred to the <sup>F270</sup>tribunal for its] determination.
- (2) Notice of referral must be given—
  - (a) jointly by the taxpayer and an officer of the Board,
  - <sup>F271</sup>(b) .....
  - (c) to the <sup>F272</sup>tribunal].
- <sup>F273</sup>(3) .....
- (4) More than one notice of referral may be given under this section in relation to an enquiry.
- (5) For the purposes of this section the period during which an enquiry is in progress is the whole of the period—
  - (a) beginning with the day on which notice of enquiry is given, and
  - (b) ending with the day on which the enquiry is completed.
- (6) In this section “the taxpayer” means—
  - (a) in relation to an enquiry under section 9A(1) of this Act, the person to whom the notice of enquiry was given;
  - (b) in relation to an enquiry under section 12AC(1) of this Act, the person to whom the notice of enquiry was given or his successor.

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#### Textual Amendments

- F270** Words in s. 28ZA(1) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 12(2)**
- F271** S. 28ZA(2)(b) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 12(3)(a)**
- F272** Word in s. 28ZA(2)(c) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 12(3)(b)**
- F273** S. 28ZA(3) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 12(4)**

### 28ZB Withdrawal of notice of referral

- (1) Either party may withdraw a notice of referral under section 28ZA of this Act <sup>F274</sup> ... .
- <sup>F275</sup>(2) .....

#### Textual Amendments

- F274** Words in s. 28ZB(1) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 13(2)**
- F275** S. 28ZB(2) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 13(3)**

### <sup>F276</sup>28ZC Regulations with respect to referrals

.....

#### Textual Amendments

- F276** S. 28ZC omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 14**

### 28ZD Effect of referral on enquiry

- (1) While proceedings on a referral under section 28ZA of this Act are in progress in relation to an enquiry—
- (a) no closure notice shall be given in relation to the enquiry, and
  - (b) no application may be made for a direction to give such a notice.
- (2) For the purposes of this section proceedings on a referral are in progress where—
- (a) notice of referral has been given,
  - (b) the notice has not been withdrawn, and
  - (c) the questions referred have not been finally determined.
- (3) For the purposes of subsection (2)(c) above a question referred is finally determined when—
- (a) it has been determined by the [<sup>F277</sup>tribunal], and

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- (b) there is no further possibility of that determination being varied or set aside (disregarding any power to give permission to appeal out of time).

#### Textual Amendments

**F277** Word in s. 28ZD(3)(a) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 15**

### 28ZE Effect of determination

- (1) The determination of a question referred to the [<sup>F278</sup>tribunal] under section 28ZA of this Act is binding on the parties to the referral in the same way, and to the same extent, as a decision on a preliminary issue in an appeal.
- (2) The determination shall be taken into account by an officer of the Board—
- (a) in reaching his conclusions on the enquiry, and
  - (b) in formulating any amendments of the return required to give effect to those conclusions.
- (3) Any right of appeal under section 31(1)(a), (b) or (c) of this Act may not be exercised so as to reopen the question determined except to the extent (if any) that it could be reopened if it had been determined as a preliminary issue in that appeal.]

#### Textual Amendments

**F278** Word in s. 28ZE(1) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 16**

## PART IV

### ASSESSMENT AND CLAIMS

#### Modifications etc. (not altering text)

- C111** Pt. 4 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Working Tax Credit \(Payment by Employers\) Regulations 2002 \(S.I. 2002/2172\)](#), regs. 1(1), **14(4)**
- C112** Pt. 4 applied (with modifications) (6.4.2004) by [The Income Tax \(Pay As You Earn\) Regulations 2003 \(S.I. 2003/2682\)](#), regs. 1, **80(5)**
- C113** Pt. 4 applied (6.4.2004) by [The Income Tax \(Pay As You Earn\) Regulations 2003 \(S.I. 2003/2682\)](#), regs. 1, **204(7)**
- C114** Pt. 4 applied (with modifications) (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\)](#), regs. 1(1), **34** (with reg. 1(4)(6))
- C115** Pt. 4 applied (with modifications) (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\)](#), regs. 1(1), **62(4)** (with reg. 1(4)(6))
- C116** Pts. 4, 5, 6 applied (with modifications) (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\)](#), regs. 1(1), **57(4)**
- C117** Pts. 4, 5 applied (with modifications) (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\)](#), regs. 1(1), **29(1)**

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## <sup>F279</sup>28A Completion of enquiry into personal or trustee return

- (1) An enquiry under section 9A(1) of this Act is completed when an officer of the Board by notice (a “closure notice”) informs the taxpayer that he has completed his enquiries and states his conclusions.

In this section “the taxpayer” means the person to whom notice of enquiry was given.

- (2) A closure notice must either—
- (a) state that in the officer’s opinion no amendment of the return is required, or
  - (b) make the amendments of the return required to give effect to his conclusions.
- (3) A closure notice takes effect when it is issued.
- (4) The taxpayer may apply to the <sup>F280</sup>[tribunal] for a direction requiring an officer of the Board to issue a closure notice within a specified period.

- <sup>F281</sup>(5) Any such application is to be subject to the relevant provisions of Part 5 of this Act (see, in particular, section 48(2)(b)).]

- (6) The <sup>F282</sup>[tribunal] shall give the direction applied for unless <sup>F283</sup>... satisfied that there are reasonable grounds for not issuing a closure notice within a specified period.]

### Textual Amendments

- F279** S. 28A substituted (with effect and application in accordance with s. 88(3), Sch. 29 para. 8(2) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), **Sch. 29 para. 8(1)**
- F280** Word in s. 28A(4) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 17(2)**
- F281** S. 28A(5) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 17(3)**
- F282** Word in s. 28A(6) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 17(4)(a)**
- F283** Words in s. 28A(6) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 17(4)(b)**

## <sup>F284</sup>28AA Amendment of return of profits made for wrong period.

### Textual Amendments

- F284** Ss. 28AA, 28AB repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), Sch. 19 para. 9, **Sch. 27 Pt. 3(28)**; S.I. 1998/3173, art. 2

## <sup>F284</sup>28AB Provisions supplementary to section 28AA.

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### Textual Amendments

**F284** Ss. 28AA, 28AB repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 19 para. 9, Sch. 27 Pt. 3\(28\)](#); S.I. 1998/3173, art. 2

### [<sup>F285</sup>28B] Completion of enquiry into partnership return

- (1) An enquiry under section 12AC(1) of this Act is completed when an officer of the Board by notice (a “closure notice”) informs the taxpayer that he has completed his enquiries and states his conclusions.

In this section “the taxpayer” means the person to whom notice of enquiry was given or his successor.

- (2) A closure notice must either—
- (a) state that in the officer’s opinion no amendment of the return is required, or
  - (b) make the amendments of the return required to give effect to his conclusions.
- (3) A closure notice takes effect when it is issued.
- (4) Where a partnership return is amended under subsection (2) above, the officer shall by notice to each of the partners amend—
- (a) the partner’s return under section 8 or 8A of this Act, or
  - (b) the partner’s company tax return,
- so as to give effect to the amendments of the partnership return.
- (5) The taxpayer may apply to the [<sup>F286</sup>tribunal] for a direction requiring an officer of the Board to issue a closure notice within a specified period.
- [<sup>F287</sup>(6) Any such application is to be subject to the relevant provisions of Part 5 of this Act (see, in particular, section 48(2)(b)).]
- (7) The [<sup>F288</sup>tribunal] shall give the direction applied for unless <sup>F289</sup>... satisfied that there are reasonable grounds for not issuing a closure notice within a specified period.]

### Textual Amendments

**F285** S. 28B substituted (with effect and application in accordance with s. 88(3), Sch. 29 para. 9(2) of the amending Act) by [Finance Act 2001 \(c. 9\), Sch. 29 para. 9\(1\)](#)

**F286** Word in s. 28B(5) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\), art. 1\(2\), Sch. 1 para. 18\(2\)](#)

**F287** S. 28B(6) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\), art. 1\(2\), Sch. 1 para. 18\(3\)](#)

**F288** Word in s. 28B(7) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\), art. 1\(2\), Sch. 1 para. 18\(4\)\(a\)](#)

**F289** Words in s. 28B(7) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\), art. 1\(2\), Sch. 1 para. 18\(4\)\(b\)](#)

### [<sup>F290</sup>28C] Determination of tax where no return delivered.

- [<sup>F291</sup>(1) This section applies where—



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- (a) a notice has been given to any person under section 8 or 8A of this Act (the relevant section), and
  - (b) the required return is not delivered on or before the filing date.
- (1A) An officer of the Board may make a determination of the following amounts, to the best of his information and belief, namely—
- (a) the amounts in which the person who should have made the return is chargeable to income tax and capital gains tax for the year of assessment; and
  - (b) the amount which is payable by him by way of income tax for that year;
- and subsection (1AA) of section 8 or, as the case may be, section 8A of this Act applies for the purposes of this subsection as it applies for the purposes of subsection (1) of that section.]
- (2) Notice of any determination under this section shall be served on the person in respect of whom it is made and shall state the date on which it is issued.
- (3) Until such time (if any) as it is superseded by a self-assessment made under section 9<sup>F292</sup>... of this Act (whether by the taxpayer or an officer of the Board) on the basis of information contained in a return under the relevant section, a determination under this section shall have effect for the purposes of Parts VA, VI, IX and XI of this Act as if it were such a self-assessment.
- (4) Where—
- (a) [<sup>F293</sup>proceedings have been commenced] for the recovery of any tax charged by a determination under this section; and
  - (b) before those proceedings are concluded, the determination is superseded by such a self-assessment as is mentioned in subsection (3) above,
- those proceedings may be continued as if they were proceedings for the recovery of so much of the tax charged by the self-assessment as is due and payable and has not been paid.
- (5) No determination under this section, and no self-assessment superseding such a determination, shall be made otherwise than—
- (a) before the end of the period of five years beginning with the filing date; or
  - (b) in the case of such a self-assessment, before the end of the period of twelve months beginning with the date of the determination.
- [<sup>F294</sup>(6) In this section “the filing date” in respect of a return for a year of assessment (Year 1) means either—
- (a) 31st January of Year 2, or
  - (b) if the notice under section 8 or 8A was given after 31st October of Year 2, the last day of the period of three months beginning with the day on which the notice is given.]]

#### Textual Amendments

- F290** S. 28C inserted (with effect in accordance with s. 199(2)(3) of the amending Act) by [Finance Act 1994 \(c. 9\), s. 190](#); [S.I. 1998/3173](#), art. 2
- F291** S. 28C(1)(1A) substituted for s. 28C(1) (with effect in accordance with s. 121(8) of the amending Act) by [Finance Act 1996 \(c. 8\), s. 125\(1\)](#)
- F292** Words in s. 28C(3) repealed (with effect in accordance with s. 121(8) of the amending Act) by [Finance Act 1996 \(c. 8\), s. 125\(2\)](#), [Sch. 41 Pt. 5\(6\)](#)

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- F293** Words in s. 28C(4) substituted (with effect and application in accordance with s. 88(3), Sch. 29 para. 17(3) of the amending Act) by [Finance Act 2001 \(c. 9\), Sch. 29 para. 17\(1\)](#)
  - F294** S. 28C(6) substituted (with effect in accordance with s. 92 of the amending Act) by [Finance Act 2007 \(c. 11\), s. 91\(5\)](#)
- Modifications etc. (not altering text)**
- C118** S. 28C excluded (E.W.) (1.4.2000) by [Education \(Student Loans\) \(Repayment\) Regulations 2000 \(S.I. 2000/944\), regs. 1\(1\), 20\(2\)](#)
  - C119** S. 28C excluded (N.I.) (1.4.2000) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2000 \(S.R. 2000/121\), regs. 1, 20\(2\)](#)

**F295 28D Determination of corporation tax where no return delivered.**

.....

**Textual Amendments**

**F295** Ss. 28D-28F repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 19 para. 11, Sch. 27 Pt. 3\(28\); S.I. 1998/3173, art. 2](#)

**F295 28E Determination of corporation tax where notice complied with in part.**

.....

**Textual Amendments**

**F295** Ss. 28D-28F repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 19 para. 11, Sch. 27 Pt. 3\(28\); S.I. 1998/3173, art. 2](#)

**F295 28F Corporation tax determinations: supplementary.**

.....

**Textual Amendments**

**F295** Ss. 28D-28F repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 19 para. 11, Sch. 27 Pt. 3\(28\); S.I. 1998/3173, art. 2](#)

**[F296 29 Assessment where loss of tax discovered.**

- (1) If an officer of the Board or the Board discover, as regards any person (the taxpayer) and a [F297 year of assessment]—
  - (a) that any [F298 income which ought to have been assessed to income tax, or chargeable gains which ought to have been assessed to capital gains tax,] have not been assessed, or
  - (b) that an assessment to tax is or has become insufficient, or
  - (c) that any relief which has been given is or has become excessive,

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the officer or, as the case may be, the Board may, subject to subsections (2) and (3) below, make an assessment in the amount, or the further amount, which ought in his or their opinion to be charged in order to make good to the Crown the loss of tax.

(2) Where—

- (a) the taxpayer has made and delivered a return under [<sup>F299</sup>section 8 or 8A] of this Act in respect of the relevant [<sup>F297</sup>year of assessment], and
- (b) the situation mentioned in subsection (1) above is attributable to an error or mistake in the return as to the basis on which his liability ought to have been computed,

the taxpayer shall not be assessed under that subsection in respect of the [<sup>F297</sup>year of assessment] there mentioned if the return was in fact made on the basis or in accordance with the practice generally prevailing at the time when it was made.

(3) Where the taxpayer has made and delivered a return under [<sup>F299</sup>section 8 or 8A] of this Act in respect of the relevant [<sup>F297</sup>year of assessment], he shall not be assessed under subsection (1) above—

- (a) in respect of the [<sup>F297</sup>year of assessment] mentioned in that subsection; and
- (b) <sup>F300</sup>... in the same capacity as that in which he made and delivered the return, unless one of the two conditions mentioned below is fulfilled.

(4) The first condition is that the situation mentioned in subsection (1) above is attributable to fraudulent or negligent conduct on the part of the taxpayer or a person acting on his behalf.

(5) The second condition is that at the time when an officer of the Board—

- (a) ceased to be entitled to give notice of his intention to enquire into the taxpayer's return under [<sup>F301</sup>section 8 or 8A] of this Act in respect of the relevant [<sup>F297</sup>year of assessment]; or
- (b) informed the taxpayer that he had completed his enquiries into that return, the officer could not have been reasonably expected, on the basis of the information made available to him before that time, to be aware of the situation mentioned in subsection (1) above.

(6) For the purposes of subsection (5) above, information is made available to an officer of the Board if—

- (a) it is contained in the taxpayer's return under [<sup>F302</sup>section 8 or 8A] of this Act in respect of the relevant [<sup>F297</sup>year of assessment] (the return), or in any accounts, statements or documents accompanying the return;
- (b) it is contained in any claim made as regards the relevant [<sup>F297</sup>year of assessment] by the taxpayer acting in the same capacity as that in which he made the return, or in any accounts, statements or documents accompanying any such claim;
- (c) it is contained in any documents, accounts or particulars which, for the purposes of any enquiries into the return or any such claim by an officer of the Board, are produced or furnished by the taxpayer to the officer <sup>F303</sup>... ; or
- (d) it is information the existence of which, and the relevance of which as regards the situation mentioned in subsection (1) above—
  - (i) could reasonably be expected to be inferred by an officer of the Board from information falling within paragraphs (a) to (c) above; or
  - (ii) are notified in writing by the taxpayer to an officer of the Board.

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- (7) In subsection (6) above—
- (a) any reference to the taxpayer's return under [<sup>F304</sup>section 8 or 8A] of this Act in respect of the relevant [<sup>F297</sup>year of assessment] includes—
    - (i) a reference to any return of his under that section for either of the two immediately preceding chargeable periods; and
    - (ii) where the return is under section 8 and the taxpayer carries on a trade, profession or business in partnership, a reference to [<sup>F305</sup>any partnership return with respect to the partnership] for the relevant [<sup>F297</sup>year of assessment] or either of those periods; and
  - (b) any reference in paragraphs (b) to (d) to the taxpayer includes a reference to a person acting on his behalf.
- [<sup>F306</sup>(7A) The requirement to fulfil one of the two conditions mentioned above does not apply so far as regards any income or chargeable gains of the taxpayer in relation to which the taxpayer has been given, after any enquiries have been completed into the taxpayer's return, a notice under section 804ZA of the principal Act.]
- (8) An objection to the making of an assessment under this section on the ground that neither of the two conditions mentioned above is fulfilled shall not be made otherwise than on an appeal against the assessment.
- (9) Any reference in this section to the relevant [<sup>F297</sup>year of assessment] is a reference to—
- (a) in the case of the situation mentioned in paragraph (a) or (b) of subsection (1) above, the [<sup>F297</sup>year of assessment] mentioned in that subsection; and
  - (b) in the case of the situation mentioned in paragraph (c) of that subsection, the [<sup>F297</sup>year of assessment] in respect of which the claim was made.
- [<sup>F307</sup>(10) . . . . .]

#### Textual Amendments

- F296** S. 29 substituted (with effect in accordance with ss. 191(2), 199(2)(3) of the amending Act) by [Finance Act 1994 \(c. 9\), s. 191\(1\)](#); S.I. 1998/3173, art. 2
- F297** Words in s. 29 substituted (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 19 para. 12\(3\)](#); S.I. 1998/3173, art. 2
- F298** Words in s. 29(1) substituted (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 19 para. 12\(2\)](#); S.I. 1998/3173, art. 2
- F299** Words in s. 29(2)(3) substituted (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 19 para. 12\(4\)](#); S.I. 1998/3173, art. 2
- F300** Words in s. 29(3)(b) repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 19 para. 12\(5\), Sch. 27 Pt. 3\(28\)](#); S.I. 1998/3173, art. 2
- F301** Words in s. 29(5)(a) substituted (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 19 para. 12\(4\)](#); S.I. 1998/3173, art. 2
- F302** Words in s. 29(6)(a) substituted (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 19 para. 12\(4\)](#); S.I. 1998/3173, art. 2
- F303** Words in s. 29(6)(c) omitted (1.4.2009) by virtue of [Finance Act 2008 \(c. 9\), s. 113\(2\), Sch. 36 para. 71](#) (with [Sch. 36 para. 38](#)); S.I. 2009/404, art. 2 (with art. 3)
- F304** Words in s. 29(7)(a) substituted (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 19 para. 12\(4\)](#); S.I. 1998/3173, art. 2
- F305** Words in s. 29(7)(a)(ii) substituted (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\), Sch. 29 para. 22](#)

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**F306** S. 29(7A) inserted (with effect in accordance with s. 88(5) of the amending Act) by [Finance Act 2005 \(c. 7\), s. 88\(2\)](#)

**F307** S. 29(10) repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 19 para. 12\(6\), Sch. 27 Pt. 3\(28\)](#); S.I. 1998/3173, art. 2

**Modifications etc. (not altering text)**

**C120** S. 29 excluded (16.7.1992) by [Income and Corporation Taxes Act 1988 \(c. 1\), Sch. 3 para. 6E](#) (which was inserted (16.7.1992 having effect in relation to transactions effected on or after 1.10.1992) by [Finance \(No. 2\) Act 1992 \(c. 48\), s. 63, Sch. 11 paras. 2\(2\), 6](#))

**C121** S. 29 modified (24.2.2003) by [Proceeds of Crime Act 2002 \(c. 29\), ss. 319, 458\(1\)](#); S.I. 2003/120, art. 2, Sch. (with arts. 3, 4)

**C122** S. 29(1) applied (22.7.2008) by [Crossrail Act 2008 \(c. 18\), Sch. 13 para. 44\(6\)](#)

**C123** S. 29(1)(a) applied (with modifications) (6.4.2006) by [The Registered Pension Schemes \(Accounting and Assessment\) Regulations 2005 \(S.I. 2005/3454\), regs. 1, 9](#)

**C124** S. 29(1)(c): power to apply conferred by [Finance Act 1995 \(c. 4\), s. 73\(4\)\(a\)](#) (as amended (with effect in accordance with [Sch. 18 para. 17](#) of the amending Act) by [Finance Act 1996 \(c. 8\), Sch. 18 para. 16\(a\)](#))

**C125** S. 29(2)(3) excluded (1.5.1995) by [Finance Act 1995 \(c. 4\), Sch. 22 para. 11\(1\)\(3\)](#)

**C126** S. 29(3)(c) (as it stood before [Finance Act 1994 \(c. 9\), s. 191\(1\)](#) had effect): power to apply conferred (1.5.1995) by [Finance Act 1995 \(c. 4\), s. 73\(4\)\(a\)](#)

**C127** S. 29(6)(7) applied by [Income and Corporation Taxes Act 1988 \(c. 1\), s. 804ZC\(6\)\(a\)](#) (as inserted (with effect in accordance with s. 87(3) of the amending Act) by [Finance Act 2005 \(c. 7\), s. 87\(1\)](#))

**[<sup>F308</sup>30 Recovery of overpayment of tax, etc.**

- (1) Where an amount of [<sup>F309</sup>income tax or capital gains tax] has been repaid to any person which ought not to have been repaid to him, that amount of tax may be assessed and recovered as if it were unpaid tax.

[ Subsection (1) above shall not apply where the amount of tax which has been repaid <sup>F310</sup>(1A) is assessable under section 29 of this Act.]

[ Subsections (2) to (8) of section 29 of this Act shall apply in relation to an <sup>F311</sup>(1B) assessment under subsection (1) above as they apply in relation to an assessment under subsection (1) of that section; and subsection (4) of that section as so applied shall have effect as if the reference to the loss of tax were a reference to the repayment of the amount of tax which ought not to have been repaid.]

- (2) In any case where—

(a) a repayment of tax has been increased in accordance with section [<sup>F312</sup>824 <sup>F313</sup>... of the principal Act or section][<sup>F314</sup>283 of the 1992 Act] (supplements added to repayments of tax, etc.); and

(b) the whole or any part of that repayment has been paid to any person but ought not to have been paid to him; and

(c) that repayment ought not to have been increased either at all or to any extent; then the amount of the repayment assessed under subsection (1) above may include an amount equal to the amount by which the repayment ought not to have been increased.

<sup>F315</sup>(2A) .....

- (3) In any case where—

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- (a) a payment, other than a repayment of tax to which subsection (2) above applies, is increased in accordance with section <sup>F312</sup>824 or 825 of the principal Act or section <sup>F314</sup>283 of the 1992 Act]; and
- (b) that payment ought not to have been increased either at all or to any extent; then an amount equal to the amount by which the payment ought not to have been increased may be assessed and recovered as if it were unpaid income tax <sup>F316</sup> ... .

<sup>F317</sup>(3A) .....

<sup>F318</sup>(4) .....

<sup>F319</sup>(4A) .....

<sup>F320</sup>(5) An assessment under this section shall not be out of time under section 34 of this Act if it is made before the end of whichever of the following ends the later, namely—

- (a) the <sup>F321</sup>year of assessment] following that in which the amount assessed was repaid or paid as the case may be, or
- (b) where a return delivered by the person concerned <sup>F322</sup>... is enquired into by an officer of the Board, the period ending with the day on which, by virtue of section <sup>F323</sup>28A(1)] of this Act, <sup>F324</sup>the enquiry is] completed.]

(6) Subsection (5) above is without prejudice to <sup>F325</sup>section 36] of this Act.

(7) In this section any reference to an amount repaid or paid includes a reference to an amount allowed by way of set-off.]

### Textual Amendments

- F308** S. 30 substituted (in relation to any amount repaid or paid on or after 6 April 1982) by [Finance Act 1982 \(c. 39\), s. 149\(1\)\(3\)](#)
- F309** Words in s. 30(1) substituted for word (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 19 para. 13\(2\)](#); S.I. 1998/3173, art. 2
- F310** S. 30(1A) inserted (in relation to amounts of tax repaid on or after 26 July 1990) by [Finance Act 1990 \(c. 29\), s. 105](#)
- F311** S. 30(1B) inserted (with effect in accordance with s. 199(2)(3) of the amending Act) by [Finance Act 1994 \(c. 9\), Sch. 19 para. 4\(1\)](#); S.I. 1998/3173, art. 2
- F312** [Income and Corporation Taxes Act 1988 \(c. 1\), Sch. 29 para 32.](#)
- F313** Words in s. 30(2)(a) repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 19 para. 13\(3\), Sch. 27 Pt. 3\(28\)](#); S.I. 1998/3173, art. 2
- F314** Words in s. 30(2)(a)(3)(a) substituted (6.3.1992 with effect as mentioned in s. 289(1)(2) of the amending Act) by [Taxation of Chargeable Gains Act 1992 \(c. 12\), ss. 289, 290, Sch. 10 para 2\(6\)](#) (with ss. 60, 101(1), 171, 201(3))
- F315** S. 30(2A) repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 19 para. 13\(4\), Sch. 27 Pt. 3\(28\)](#); S.I. 1998/3173, art. 2
- F316** Words in s. 30(3) repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 19 para. 13\(5\), Sch. 27 Pt. 3\(28\)](#); S.I. 1998/3173, art. 2
- F317** S. 30(3A) repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 19 para. 13\(6\), Sch. 27 Pt. 3\(28\)](#); S.I. 1998/3173, art. 2
- F318** S. 30(4) repealed (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\), s. 883\(1\), Sch. 1 para. 369, Sch. 3](#) (with Sch. 2)
- F319** S. 30(4A) repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 19 para. 13\(8\), Sch. 27 Pt. 3\(28\)](#); S.I. 1998/3173, art. 2
- F320** S. 30(5) substituted (with effect in accordance with s. 199(2)(3) of the amending Act) by [Finance Act 1994 \(c. 9\), Sch. 19 para. 4\(2\)](#); S.I. 1998/3173, art. 2

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- F321** Words in s. 30(5)(a) substituted (with effect in accordance with s. 117(4)(5) of the amending Act) by Finance Act 1998 (c. 36), **Sch. 19 para. 13(9)**; S.I. 1998/3173, art. 2
- F322** Words in s. 30(5)(b) repealed (with effect in accordance with s. 88(3) of the amending Act) by Finance Act 2001 (c. 9), **Sch. 29 para. 23(2)(a)**, **Sch. 33 Pt. 2(13)** Note
- F323** Word in s. 30(5)(b) substituted (with effect in accordance with s. 88(3) of the amending Act) by Finance Act 2001 (c. 9), **Sch. 29 para. 23(2)(b)**
- F324** Words in s. 30(5)(b) substituted (with effect in accordance with s. 88(3) of the amending Act) by Finance Act 2001 (c. 9), **Sch. 29 para. 23(2)(c)**
- F325** Words in s. 30(6) substituted by Finance Act 1989 (c. 26), **s. 149(3)(a)** (but not to affect the making of assessments before 1983-84 or for accounting periods before 1 April 1983)

#### Modifications etc. (not altering text)

- C128** S. 30 applied by Income and Corporation Taxes Act 1988 (c. 1), **Sch. 14 para 7(3)(b)**  
S. 30 applied by Finance Act 1989 (c. 26), **s. 57(3)**  
S. 30 applied by Personal Pension Schemes (Relief at Source) Regulations 1988 (S.I. 1988/1013), reg. 13  
S. 30 applied by Personal Pension Schemes (Min. Contributions under the Social Security Act 1986) Regulations 1988 (S.I. 1988/1012), reg. 6  
S. 30 applied by Private Medical Insurance (Disentitlement to Tax Relief and Approved Benefits) Regulations 1989 (S.I. 1989/2389), **reg. 5**
- C129** S. 30 extended by Finance Act 1991 (c. 31), **s. 33(3)(b)**
- C130** S. 30 modified (6.4.1992) by The Vocational Training (Public Financial Assistance and Disentitlement to Tax Relief) Regulations 1992 (S.I. 1992/734), **reg. 6(1)**
- C131** S. 30 modified (1.7.1994) by The Private Medical Insurance (Disentitlement to Tax Relief and Approved Benefits) Regulations 1994 (S.I. 1994/1518), regs. 1, **5**
- C132** S. 30: power to apply conferred (1.5.1995) by Finance Act 1995 (c. 4), **s. 73(4)(b)**
- C133** S. 30 applied (6.4.2006) by The Registered Pension Schemes (Relief at Source) Regulations 2005 (S.I. 2005/3448), regs. 1, **14(1)**
- C134** S. 30 applied by Income and Corporation Taxes Act 1988 (c. 1), **s. 813**  
S. 30 applied by The Occupational Pension Schemes (Additional Voluntary Contributions) Regulations 1987 (S.I. 1987/1749), **reg. 11**
- C135** S. 30(1)(4)(5)(6) applied (with modifications) (1.2.2001) by The Income Tax (Electronic Communications) (Incentive Payments) Regulations 2001 (S.I. 2001/56), regs. 1(1), **3(5)**, **4(5)**, **5(5)** (with reg. 1(2))
- C136** S. 30(1)(1B)(4)(5) applied (6.4.2006) by The Registered Pension Schemes (Minimum Contributions) Regulations 2005 (S.I. 2005/3450), regs. 1, **2**

#### <sup>F326</sup>30A Assessing procedure.

- (1) Except as otherwise provided, all assessments to tax which are not self-assessments shall be made by an officer of the Board.
- (2) All income tax which falls to be charged by an assessment which is not a self-assessment may, notwithstanding that it was chargeable under more than one <sup>F327</sup>Part or Chapter of ITEPA 2003 or ITTOIA 2005], be included in one assessment.
- (3) Notice of any such assessment shall be served on the person assessed and shall state the date on which it is issued and the time within which any appeal against the assessment may be made.
- (4) After the notice of any such assessment has been served on the person assessed, the assessment shall not be altered except in accordance with the express provisions of the Taxes Acts.

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- (5) Assessments to tax which under any provision in the Taxes Acts are to be made by the Board shall be made in accordance with this section.]

#### Textual Amendments

**F326** S. 30A inserted (with effect in accordance with s. 199(2)(3), Sch. 19 para. 5(2) of the amending Act) by [Finance Act 1994 \(c. 9\)](#), [Sch. 19 para. 5\(1\)](#); S.I. 1998/3173, art. 2

**F327** Words in s. 30A(2) substituted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#), s. 883(1), [Sch. 1 para. 370](#) (with [Sch. 2](#))

#### Modifications etc. (not altering text)

**C137** S. 30A applied (with modifications) (1.2.2001) by [The Income Tax \(Electronic Communications\) \(Incentive Payments\) Regulations 2001 \(S.I. 2001/56\)](#), regs. 1(1), [3\(5\)](#), [4\(5\)](#), [5\(5\)](#) (with [reg. 1\(2\)](#))

### [<sup>F328</sup>30B Amendment of partnership statement where loss of tax discovered.

- (1) Where an officer of the Board or the Board discover, as regards a partnership statement made by any person (the representative partner) in respect of any period—
- (a) that any profits which ought to have been included in the statement have not been so included, or
  - (b) that an amount of profits so included is or has become insufficient, or
  - (c) that any relief [<sup>F329</sup>or allowance] claimed by the representative partner is or has become excessive,

the officer or, as the case may be, the Board may, subject to subsections (3) and (4) below, by notice to that partner so [<sup>F330</sup>amend the partnership return] as to make good the omission or deficiency or eliminate the excess.

- [<sup>F331</sup>(2) Where a partnership return is amended under subsection (1) above, the officer shall by notice to each of the relevant partners amend—
- (a) the partner's return under section 8 or 8A of this Act, or
  - (b) the partner's company tax return,
- so as to give effect to the amendments of the partnership return.]

- (3) Where the situation mentioned in subsection (1) above is attributable to an error or mistake as to the basis on which the partnership statement was made, no amendment shall be made under that subsection if that statement was in fact made on the basis or in accordance with the practice generally prevailing at the time when it was made.
- (4) No amendment shall be made under subsection (1) above unless one of the two conditions mentioned below is fulfilled.
- (5) The first condition is that the situation mentioned in subsection (1) above is attributable to fraudulent or negligent conduct on the part of—
- (a) the representative partner or a person acting on his behalf, or
  - (b) a relevant partner or a person acting on behalf of such a partner.
- (6) The second condition is that at the time when an officer of the Board—
- (a) ceased to be entitled to give notice of his intention to enquire into the representative partner's [<sup>F332</sup>partnership return]; or
  - (b) informed that partner that he had completed his enquiries into that return,



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the officer could not have been reasonably expected, on the basis of the information made available to him before that time, to be aware of the situation mentioned in subsection (1) above.

- (7) Subsections (6) and (7) of section 29 of this Act apply for the purposes of subsection (6) above as they apply for the purposes of subsection (5) of that section; and those subsections as so applied shall have effect as if—
- (a) any reference to the taxpayer were a reference to the representative partner;
  - (b) any reference to the taxpayer's return under [F333section 8 or 8A] were a reference to the representative partner's [F334partnership return]; and
  - (c) sub-paragraph (ii) of paragraph (a) of subsection (7) were omitted.
- (8) An objection to the making of an amendment under subsection (1) above on the ground that neither of the two conditions mentioned above is fulfilled shall not be made otherwise than on an appeal against the amendment.
- (9) In this section—
- [F335“profits”—
    - (a) in relation to income tax, means income,
    - (b) in relation to capital gains tax, means chargeable gains, and
    - (c) in relation to corporation tax, means profits as computed for the purposes of that tax;]  - “relevant partner” means a person who was a partner at any time during the period in respect of which the partnership statement was made.
- (10) Any reference in this section to the representative partner includes, unless the context otherwise requires, a reference to any successor of his.]

#### Textual Amendments

- F328** S. 30B inserted (with effect in accordance with s. 199(2)(3) of the amending Act) by [Finance Act 1994 \(c. 9\)](#), [Sch. 19 para. 6](#); [S.I. 1998/3173](#), art. 2
- F329** Words in s. 30B(1)(c) inserted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\)](#), [s. 115\(5\)](#)
- F330** Words in s. 30B(1) substituted (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), [Sch. 29 para. 24\(2\)](#)
- F331** S. 30B(2) substituted (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), [Sch. 29 para. 24\(3\)](#)
- F332** Words in s. 30B(6)(a) substituted (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), [Sch. 29 para. 24\(4\)](#)
- F333** Words in s. 30B(7)(b) substituted (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 19 para. 14\(3\)](#); [S.I. 1998/3173](#), art. 2
- F334** Words in s. 30B(7)(b) substituted (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), [Sch. 29 para. 24\(4\)](#)
- F335** Words in s. 30B(9) substituted (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 19 para. 14\(4\)](#); [S.I. 1998/3173](#), art. 2

#### Modifications etc. (not altering text)

- C138** S. 30B(1)(2) applied (22.7.2008) by [Crossrail Act 2008 \(c. 18\)](#), [Sch. 13 para. 44\(6\)](#)
- C139** S. 30B(3)(4) excluded (1.5.1995) by [Finance Act 1995 \(c. 4\)](#), [Sch. 22 para. 11\(2\)\(3\)](#)

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### <sup>F336</sup>31 Appeals: right of appeal

- (1) An appeal may be brought against—
  - (a) any amendment of a self-assessment under section 9C of this Act (amendment by Revenue during enquiry to prevent loss of tax),
  - (b) any conclusion stated or amendment made by a closure notice under section 28A or 28B of this Act (amendment by Revenue on completion of enquiry into return),
  - (c) any amendment of a partnership return under section 30B(1) of this Act (amendment by Revenue where loss of tax discovered), or
  - (d) any assessment to tax which is not a self-assessment.
- (2) [<sup>F337</sup>If] an appeal under subsection (1)(a) above against an amendment of a self-assessment [<sup>F338</sup>is] made while an enquiry is in progress [<sup>F339</sup>none of the steps mentioned in section 49A(2)(a) to (c) may be taken in relation to the appeal] until the enquiry is completed.

<sup>F340</sup>(3) .....

- (4) This section has effect subject to any express provision in the Taxes Acts, including in particular any provision making one kind of assessment conclusive in an appeal against another kind of assessment.]

#### Textual Amendments

- F336** Ss. 31-31D substituted for s. 31 (with effect and application in accordance with s. 88(3), Sch. 29 para. 11(2) of the amending Act) by [Finance Act 2001 \(c. 9\), Sch. 29 para. 11\(1\)](#)
- F337** Word in s. 31(2) inserted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\), art. 1\(2\), Sch. 1 para. 19\(a\)](#)
- F338** Word in s. 31(2) inserted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\), art. 1\(2\), Sch. 1 para. 19\(b\)](#)
- F339** Words in s. 31(2) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\), art. 1\(2\), Sch. 1 para. 19\(c\)](#)
- F340** S. 31(3) repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\), s. 1329\(1\), Sch. 1 para. 301, Sch. 3 Pt. 1 \(with Sch. 2 Pts. 1, 2\)](#)

#### Modifications etc. (not altering text)

- C140** S. 31 applied (1.10.1993) by [The Income Tax \(Manufactured Overseas Dividends\) Regulations 1993 \(S.I. 1993/2004\), reg. 11\(10\)](#)

### <sup>F336</sup>31A Appeals: notice of appeal

- (1) Notice of an appeal under section 31 of this Act must be given—
  - (a) in writing,
  - (b) within 30 days after the specified date,
  - (c) to the relevant officer of the Board.
- (2) In relation to an appeal under section 31(1)(a) or (c) of this Act—
  - (a) the specified date is the date on which the notice of amendment was issued, and
  - (b) the relevant officer of the Board is the officer by whom the notice of amendment was given.

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- (3) In relation to an appeal under section 31(1)(b) of this Act—
  - (a) the specified date is the date on which the closure notice was issued, and
  - (b) the relevant officer of the Board is the officer by whom the closure notice was given.
- (4) In relation to an appeal under section 31(1)(d) of this Act—
  - (a) the specified date is the date on which the notice of assessment was issued, and
  - (b) the relevant officer of the Board is the officer by whom the notice of assessment was given.
- (5) The notice of appeal must specify the grounds of appeal.
- <sup>F341</sup>(6) . . . . . ]

**Textual Amendments**

- F336** Ss. 31-31D substituted for s. 31 (with effect and application in accordance with s. 88(3), Sch. 29 para. 11(2) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), **Sch. 29 para. 11(1)**
- F341** S. 31A(6) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 20**

**Modifications etc. (not altering text)**

- C141** S. 31A modified (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\)](#), regs. 1(1), **10**
- C142** S. 31A(5)(6) applied (20.10.2003) by [The Income Tax \(Incentive Payments for Voluntary Electronic Communication of PAYE Returns\) Regulations 2003 \(S.I. 2003/2495\)](#), regs. 1(1), **6(4)(a)**
- C143** S. 31A(5)(6) applied (6.4.2004) by [The Income Tax \(Pay As You Earn\) Regulations 2003 \(S.I. 2003/2682\)](#), regs. 1, **217**
- C144** S. 31A(5)(6) applied (6.4.2007) by [The Income Tax \(Construction Industry Scheme\) Regulations 2005 \(S.I. 2005/2045\)](#), regs. 1, **59(1)(a)** (with reg. 60, Sch. 1)

<sup>F342</sup>**31B Appeals: appeals to General Commissioners**

. . . . .

**Textual Amendments**

- F342** Ss. 31B-31D omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 21**

<sup>F342</sup>**31C Appeals: appeals to Special Commissioners**

. . . . .

**Textual Amendments**

- F342** Ss. 31B-31D omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 21**

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### <sup>F342</sup>31D Appeals: election to bring appeal before Special Commissioners

#### Textual Amendments

**F342** Ss. 31B-31D omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 21**

*[<sup>F343</sup>Overpaid tax, excessive assessments etc]*

#### Textual Amendments

**F343** S. 32 cross-heading substituted (with effect in accordance with s. 100(2) of the amending Act) by [Finance Act 2009 \(c. 10\)](#), **Sch. 52 para. 4** (with [Sch. 52 para. 11](#))

### 32 Double assessment.

(1) If on a claim made to the Board it appears to their satisfaction that a person has been assessed to tax more than once for the same cause and for the same chargeable period <sup>F344</sup>..., they shall direct the whole, or such part of any assessment as appears to be an overcharge, to be vacated, and thereupon the same shall be vacated accordingly.

[<sup>F345</sup>(2) An appeal may be brought against the refusal of a claim under this section.

(3) Notice of appeal under subsection (2) must be given—

- (a) in writing;
- (b) within 30 days after the day on which notice of the refusal is given;
- (c) to the officer of Revenue and Customs by whom that notice was given.]

#### Textual Amendments

**F344** *Words relating to development land tax added by* [Development Land Tax Act 1976 \(c. 24\)](#) Sch.8 para.4; [Development Land Tax Act 1976 repealed by Finance Act 1985 s.98\(6\)](#), Sch.27 Part X.

**F345** S. 32(2)(3) substituted for s. 32(2) (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 22**

#### Modifications etc. (not altering text)

**C145** S. 32 modified (with application in accordance with Sch. 21 para. 3(1) of the amending Act) by [Finance Act 1995 \(c. 4\)](#), **Sch. 21 para. 3(2)**

### [<sup>F346</sup>33 Recovery of overpaid tax etc

Schedule 1AB contains provision for and in connection with claims for the recovery of overpaid income tax and capital gains tax.]

#### Textual Amendments

**F346** S. 33 substituted for ss. 33, 33A (with effect in accordance with s. 100(2) of the amending Act) by [Finance Act 2009 \(c. 10\)](#), **Sch. 52 para. 1** (with [Sch. 52 para. 11](#))

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#### Modifications etc. (not altering text)

C146 S. 33 applied (with modifications) by the Oil Taxation Act 1975 (c. 22), s. 1, **Sch. 2 para. 1(1)**

#### Time limits

### 34 Ordinary time limit of six years.

- (1) Subject to the following provisions of this Act, and to any other provisions of the Taxes Acts allowing a longer period in any particular class of case, [<sup>F347</sup>an assessment to income tax or capital gains tax may be made at any time not later than five years after the 31st January next following the year of assessment to which it relates].
- (2) An objection to the making of any assessment on the ground that the time limit for making it has expired shall only be made on an appeal against the assessment.

#### Textual Amendments

F347 Words in s. 34(1) substituted (with effect in accordance with s. 117(4)(5) of the amending Act) by Finance Act 1998 (c. 36), **Sch. 19 para. 17**; S.I. 1998/3173, art. 2

#### Modifications etc. (not altering text)

- C147 S. 34 applied (with modifications) by The Lloyd's Underwriters (Tax) Regulations 1989 (S.I. 1989/421), Sch 3. 34 applied (with modifications) by The Lloyd's Underwriters (Tax) (1987—88) Regulations 1990 (S.I. 1990/627), reg. 3(2), Sch
- C148 S. 34 excluded (6.3.1992 with effect as mentioned in s. 289(1)(2) of the amending Act) by Taxation of Chargeable Gains Act 1992 (c. 12), **ss. 248(2)**, 289 (with ss. 60, 101(1), 171, 201(3))
- C149 S. 34 applied (6.4.2006) by The Registered Pension Schemes (Accounting and Assessment) Regulations 2005 (S.I. 2005/3454), regs. 1, **12(a)**
- C150 S. 34(1) applied (with modification) (19.4.1991) by The Lloyd's Underwriters (Tax) (1988—89) Regulations 1991 (S.I. 1991/851), regs. 1, 3(2), **Sch. 1**  
S. 34(1) extended (with modifications) (28.3.1992) by The Lloyd's Underwriters (Tax) (1989—90) Regulations 1992 (S.I. 1992/511), **regs. 1, 3**, Sch. 1
- C151 S. 34(1) applied (with modifications) (23.3.1993) by The Lloyd's Underwriters (Tax) (1990—91) Regulations 1993 (S.I. 1993/415), regs. 1(1), 3(2), **Sch. 1**
- C152 S. 34 applied (with modifications) by the Oil Taxation Act 1975 (c. 22), s. 1, **Sch. 2 para. 1(1)**
- C153 S. 34(1) applied (with modifications) (with effect in accordance with reg. 1(1) of the amending S.I.) by The Lloyds Underwriters (Tax) (1991-92) Regulations 1994 (S.I. 1994/728), reg. 3(2), **Sch.**
- C154 S. 34(1) modified (with effect in accordance with reg. 6(3) of the amending S.I.) by The Lloyds Underwriters (Tax) (1992-93 to 1996-97) Regulations 1995 (S.I. 1995/352), regs. 1(1), **6(1)(2)**
- C155 S. 34(1) modified (with effect in accordance with reg. 7(3) of the amending S.I.) by The Lloyds Underwriters (Tax) (1992-93 to 1996-97) Regulations 1995 (S.I. 1995/352), regs. 1(1), **7(1)(2)**
- C156 S. 34(1) applied (with modifications) (6.4.2006) by The Registered Pension Schemes (Accounting and Assessment) Regulations 2005 (S.I. 2005/3454), regs. 1, **10**

### <sup>F348</sup>35 Time limit: income received after year for which it is assessable

- (1) Where income to which this section applies is received in a year of assessment subsequent to that for which it is assessable, an assessment to income tax as respects

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that income may be made at any time within six years after the year of assessment in which it was received.

- (2) This section applies to—
- (a) employment income,
  - (b) pension income, and
  - (c) social security income.]

#### Textual Amendments

**F348** S. 35 substituted (with effect in accordance with Sch. 17 para. 3(2) of the amending Act) by [Finance Act 2004 \(c. 12\)](#), [Sch. 17 para. 3\(1\)](#) (note that s. 35 was previously repealed (with application in accordance with s. 58(4) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), Sch. 27 Pt. III(9))

#### **[<sup>F349</sup>36 Fraudulent or negligent conduct.**

- (1) An assessment on any person (in this section referred to as “the person in default”) for the purpose of making good to the Crown a [<sup>F350</sup>loss of income tax or capital gains tax] attributable to his fraudulent or negligent conduct or the fraudulent or negligent conduct of a person acting on his behalf may be made at any time [<sup>F351</sup>not later than 20 years after the 31st January next following the year of assessment to which it relates].
- [<sup>F352</sup>(2) Where the person in default carried on a trade, profession or business with one or more other persons at any time in the period for which the assessment is made, an assessment in respect of the profits or gains of the trade, profession or business for the purpose mentioned in subsection (1) above may be made not only on the person in default but also on his partner or any of his partners.]
- (3) If the person on whom the assessment is made so requires, in determining the amount of the tax to be charged for any chargeable period in any assessment made for the purpose mentioned in subsection (1) above, effect shall be given to any relief or allowance to which he would have been entitled for that chargeable period on a claim or application made within the time allowed by the Taxes Acts.
- [ In subsection (3) above, “claim or application” does not include an election under <sup>F353</sup>(3A) <sup>F354</sup>... [<sup>F355</sup>any of sections 47 to 49 of ITA 2007]] [<sup>F356</sup>(tax reductions for married couples and civil partners: elections to transfer relief)]<sup>F357</sup> ... .]
- [ Any act or omission such as is mentioned in section 98B below on the part of a <sup>F358</sup>(4) grouping (as defined in that section) or member of a grouping shall be deemed for the purposes of subsection (1) above to be the act or omission of each member of the grouping.]]

#### Textual Amendments

- F349** S. 36 substituted by [Finance Act 1989 \(c. 26\)](#), s. 149(1) but shall not affect making of assessments before 1983-84 or for accounting periods ending before 1 April 1983
- F350** Words in s. 36(1) substituted (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 19 para. 18\(a\)](#); S.I. 1998/3173, art. 2
- F351** Words in s. 36(1) substituted (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 19 para. 18\(b\)](#); S.I. 1998/3173, art. 2
- F352** S. 36(2) substituted (with effect in accordance with s. 199(2)(3) of the amending Act) by [Finance Act 1994 \(c. 9\)](#), [Sch. 19 para. 11\(2\)](#); S.I. 1998/3173, art. 2

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- F353** S. 36(3A) inserted (16.7.1992) by Finance (No. 2) Act 1992 (c. 48), s. 20, Sch. 5 paras. 9(2), **10**
- F354** Words in s. 36(3A) omitted (with effect in accordance with Sch. 1 para. 7 of the amending Act) by virtue of Finance Act 2009 (c. 10), **Sch. 1 para. 6(a)(i)**
- F355** Words in s. 36(3A) inserted (with effect in accordance with s. 1034(1) of the amending Act) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 251(a)** (with Sch. 2)
- F356** Words in s. 36(3A) substituted (with effect in accordance with s. 1034(1) of the amending Act) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 251(b)** (with Sch. 2)
- F357** Words in s. 36(3A) repealed (27.8.2002 for specified purposes, 6.4.2003 in so far as not already in force) by Tax Credits Act 2002 (c. 21), s. 61, **Sch. 6**; S.I. 2002/1727, art. 2; S.I. 2003/962, art. 2(3)(e), Sch. 1
- F358** S. 36(4) added by Finance Act 1990 s. 69, Sch. 11 para. 4(1) on and after 1 July 1989.

#### Modifications etc. (not altering text)

- C157** S. 36 applied by The Income Tax (Entertainers and Sportsmen) Regulations 1987 (S.I. 1987/530), **reg. 11(2)**
- C158** S. 36 modified by Finance Act 1988 (c. 39), **Sch. 5 para. 9** (underwriter's agent) (repealed (31.1.2013) by Statute Law (Repeals) Act 2013 (c. 2), s. 3(2), Sch. 1 Pt. 10 Group 1)
- C159** S. 36 applied (1.10.1993) by The Income Tax (Manufactured Overseas Dividends) Regulations 1993 (S.I. 1993/2004), **reg.11(7)**
- C160** S. 36 applied (2.1.1996) by The Gilt-edged Securities (Periodic Accounting for Tax on Interest) Regulations 1995 (S.I. 1995/3224), regs. 1, **18(1)** (with reg. 21)
- C161** S. 36 applied (2.1.1996) by The Lloyds Underwriters (Gilt-edged Securities) (Periodic Accounting for Tax on Interest) Regulations 1995 (S.I. 1995/3225), regs. 1, **10(1)** (with reg. 13)
- C162** S. 36 modified (with effect in accordance with reg. 1(2) of the amending S.I.) by The Lloyds Underwriters (Tax) Regulations 2005 (S.I. 2005/3338), regs. 1(1), **11**
- C163** S. 36 applied by The Authorised Investment Funds (Tax) Regulations 2006 (S.I. 2006/964), **reg. 69Z33(3)** (as inserted (6.4.2008) by S.I. 2008/705, regs. 1, **5**)
- C164** S. 36(1) applied (with modifications) (19.4.1991) for the year of assessment 1988-1989 by The Lloyd's Underwriters (Tax) (1988-89) Regulations 1991 (S.I. 1991/851), regs. 1, 3(2), **Sch. 1**  
S. 36(1) extended (with modifications) (28.3.1992) for the year of assessment 1989-90 by The Lloyd's Underwriters (Tax) (1989-90) Regulations 1992 (S.I. 1992/511), **regs. 1, 3**, Sch. 1
- C165** S. 36(1) applied (with modifications) (23.3.1993 with effect for the year of assessment 1990-91 only) by The Lloyd's Underwriters (Tax) (1990-91) Regulations 1993 (S.I. 1993/415), regs. 1(1), 3(2), **Sch.1**
- C166** S. 36(1) applied (with modifications) (with effect in accordance with reg. 1(1) of the amending S.I.) by The Lloyds Underwriters (Tax) (1991-92) Regulations 1994 (S.I. 1994/728), reg. 3(2), **Sch. 1**
- C167** S. 36(1) modified (with effect in accordance with reg. 7(3) of the amending S.I.) by The Lloyds Underwriters (Tax) (1992-93 to 1996-97) Regulations 1995 (S.I. 1995/352), regs. 1(1), **7(1)(2)**
- C168** S. 36(1) modified (with effect in accordance with reg. 6(3) of the amending S.I.) by The Lloyds Underwriters (Tax) (1992-93 to 1996-97) Regulations 1995 (S.I. 1995/352), regs. 1(1), **6(1)(2)**
- C169** S. 36(1) applied (with modifications) (6.4.2006) by The Registered Pension Schemes (Accounting and Assessment) Regulations 2005 (S.I. 2005/3454), regs. 1, **11**

#### **F359** 37 Neglect: income tax and capital gains tax.

#### Textual Amendments

- F359** Ss 37, 38, 39 repealed by Finance Act 1989 (c. 26), ss. 149(2), 187, **Sch. 17 Pt. VIII** (but not to affect the making of assessments before 1983-84 or for accounting periods ending before 1 April 1983)

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### <sup>F360</sup>**37A Effect of assessment where allowances transferred.**

Where an assessment is made on any person for the purpose of making good a loss of tax wholly or partly attributable to [<sup>F361</sup>fraudulent or negligent conduct], the fact that the person's [<sup>F362</sup>liability to income tax or] total income for any year of assessment is assessed as greater than it was previously taken to be shall not affect the validity of [<sup>F363</sup>any [<sup>F364</sup>deduction from net income or tax reduction] made in the case of that person's spouse][<sup>F365</sup>or civil partner]<sup>F366</sup> ... by virtue of <sup>F367</sup> ... [<sup>F368</sup>section 39, 51 or 52 of ITA 2007]<sup>F366</sup> ... ; [<sup>F369</sup>and the entitlement in that case of the first-mentioned person for the year in question to any [<sup>F364</sup>deduction from net income or tax reduction] shall be treated as correspondingly reduced].]

#### Textual Amendments

- F360** S. 37A inserted (for 1990-91 and subsequent years) by [Finance Act 1988 \(c. 39\), s. 35, Sch. 3 para. 30](#)
- F361** Words in s. 37A substituted by [Finance Act 1989 \(c. 26\)](#), s. 149(4)(a)(i) (but not to affect the making of assessments before 1983-84 or for accounting periods ending before 1 April 1983)
- F362** Words in s. 37A inserted (with effect in accordance with s. 77(7) of the amending Act) by [Finance Act 1994 \(c. 9\), Sch. 8 para. 13\(a\)](#)
- F363** Words in s. 37A substituted (with effect in accordance with s. 77(7) of the amending Act) by [Finance Act 1994 \(c. 9\), Sch. 8 para. 13\(b\)](#)
- F364** Words in s. 37A substituted (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\), s. 1034\(1\), Sch. 1 para. 252\(2\)](#) (with [Sch. 2](#))
- F365** Words in s. 37A inserted (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\), s. 1034\(1\), Sch. 1 para. 252\(3\)](#) (with [Sch. 2](#))
- F366** Words in s. 37A repealed (27.8.2002 for specified purposes, 6.4.2003 in so far as not already in force) by [Tax Credits Act 2002 \(c. 21\), s. 61, Sch. 6](#); [S.I. 2002/1727](#), art. 2; [S.I. 2003/962](#), art. 2(3)(e), [Sch. 1](#)
- F367** Words in s. 37A omitted (with effect in accordance with Sch. 1 para. 7 of the amending Act) by virtue of [Finance Act 2009 \(c. 10\), Sch. 1 para. 6\(a\)\(ii\)](#)
- F368** Words in s. 37A inserted (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\), s. 1034\(1\), Sch. 1 para. 252\(4\)](#) (with [Sch. 2](#))
- F369** Words in s. 37A substituted (with effect in accordance with s. 77(7) of the amending Act) by [Finance Act 1994 \(c. 9\), Sch. 8 para. 13\(c\)](#)

### <sup>F370</sup>**38 Modification of s.37 in relation to partnerships.**

#### Textual Amendments

- F370** Ss 37, 38, 39 repealed by [Finance Act 1989 \(c. 26\)](#), ss. 149(2), 187, [Sch. 17 Pt. VIII](#) (but not to affect the making of assessments before 1983-84 or for accounting periods ending before 1 April 1983)

### <sup>F371</sup>**39 Neglect: corporation tax.**



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### Textual Amendments

**F371** Ss 37, 38, 39 repealed by [Finance Act 1989 \(c. 26\)](#), ss. 149(2), 187, [Sch. 17 Pt. VIII](#) (but not to affect the making of assessments before 1983-84 or for accounting periods ending before 1 April 1983)

## 40 Assessment on personal representatives.

- (1) For the purpose of the charge of tax on the executors or administrators of a deceased person in respect of the income, or chargeable gains, which arose or accrued to him before his death, the time allowed by section 34, 35 or 36 above shall in no case extend beyond the end of [<sup>F372</sup>the period of three years beginning with the 31st January next following the year of assessment] in which the deceased died.
- (2) <sup>F373</sup>... , for the purpose of making good to the Crown any loss of tax attributable to the [<sup>F374</sup>fraudulent or negligent conduct] of a person who has died, an assessment on his personal representatives to tax for any year of assessment ending not earlier than six years before his death may be made at any time before the end of [<sup>F372</sup>the period of three years beginning with the 31st January next following the year of assessment] in which he died.
- (3) In [<sup>F375</sup>this section] “tax” means income tax or capital gains tax.
- [<sup>F376</sup>(4) Any act or omission such as is mentioned in section 98B below, on the part of a grouping (as defined in that section) or member of a grouping shall be deemed for the purposes of subsection (2) above to be the act or omission of each member of the grouping.]
- <sup>F377</sup>(4) .....
- <sup>F377</sup>(5) .....

### Textual Amendments

**F372** Words in s. 40(1)(2) substituted (with effect in accordance with s. 199(2)(3) of the amending Act) by [Finance Act 1994 \(c. 9\)](#), [Sch. 19 para. 12](#); S.I. 1998/3173, art. 2

**F373** *Words repealed by Finance Act 1989 s. 187 and Sch. 17 Part VIII.*

**F374** Finance Act 1989 s. 149 para. (4)(a)(ii) *but not to affect making of assessments before 1983-84 or for accounting periods ending before 1 April 1983.*

**F375** Words in s. 40(3) substituted by [Finance Act 1985 \(c. 54\)](#), s. 93(7), [Sch. 25 para. 5](#)

**F376** S. 40(4) inserted (with effect on and after 1 July 1989) by [Finance Act 1990 \(c. 29\)](#), s. 69, [Sch. 11 para. 4\(2\)](#).

**F377** S. 40(4)(5) added by [Development Land Tax Act 1976 Sch. 8 para. 9](#); [Development Land Tax Act 1976 repealed by Finance Act 1985 s. 98\(6\), Sch. 27 Part X.](#)

### Modifications etc. (not altering text)

**C170** S. 40 modified by [Finance Act 1988 \(c. 39\)](#), [Sch. 5 para. 9](#) (underwriter's agent) (repealed (31.1.2013) by [Statute Law \(Repeals\) Act 2013 \(c. 2\)](#), s. 3(2), [Sch. 1 Pt. 10 Group 1](#))

**C171** S. 40 modified (27.7.1993) by [1993 c. 34](#), s. 173, [Sch. 19 Pt. I para. 8](#)

**C172** S. 40 modified (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\)](#), regs. 1(1), [11](#)

**C173** S. 40(1)(2) applied (with modifications) (19.4.1991 for the year of assessment 1988-89) by [S. I. 1991/851](#), regs. 1, 3(2), [Sch. 1](#)

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- S. 40(1)(2) extended (with modifications) (28.3.1992 for the year of assessment 1989-90) by [S.I. 1992/511](#), [regs. 1,3](#), [Sch. 1](#)
- C174** S. 40(1)(2) applied (with modifications) (23.3.1993 with effect for the year of assessment 1990-91 only) by [S.I. 1993/415](#), [regs. 1\(1\), 3\(2\)](#), [Sch.1](#)
- C175** S. 40(1)(2) applied (with modifications) (with effect in accordance with reg. 1(1) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) \(1991-92\) Regulations 1994 \(S.I. 1994/728\)](#), [reg. 3\(2\)](#), [Sch. 1](#)
- C176** S. 40(1)(2) modified (with effect in accordance with reg. 6(3) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) \(199293 to 199697\) Regulations 1995 \(S.I. 1995/352\)](#), [regs. 1\(1\), 6\(1\)\(2\)](#)
- C177** S. 40(1)(2) modified (with effect in accordance with reg. 7(3) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) \(199293 to 199697\) Regulations 1995 \(S.I. 1995/352\)](#), [regs. 1\(1\), 7\(1\)\(2\)](#)

**F378 41 Leave of General or Special Commissioners required for certain assessments.**

.....

**Textual Amendments**

**F378** S. 41 repealed by [Finance Act 1989 \(c. 26\)](#), [ss. 149\(2\), 187](#), [Sch. 17 Pt. VIII](#) (but not to affect the making of assessments before 1983-84 or for accounting periods ending before 1 April 1983)

*[F379 Corporation tax determinations]*

**Textual Amendments**

**F379** Ss. 41A, 41B, 41C and cross-heading inserted (with effect in relation to accounting periods ending after the day appointed for the purposes of s. 10 of the Taxes Act 1988) by [Finance Act 1990 \(c. 29\)](#), [s. 95](#) (with s. 96)

**F380 41A Determination procedure**

.....

**Textual Amendments**

**F380** Ss. 41A-41C repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 19 para. 19](#), [Sch. 27 Pt. 3\(28\)](#); [S.I. 1998/3173](#), [art. 2](#)

**F380 41B Reduction of determination**

.....

**Textual Amendments**

**F380** Ss. 41A-41C repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 19 para. 19](#), [Sch. 27 Pt. 3\(28\)](#); [S.I. 1998/3173](#), [art. 2](#)

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**F380 41C Time limits**

**Textual Amendments**

**F380** Ss. 41A-41C repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by **Finance Act 1998 (c. 36), Sch. 19 para. 19, Sch. 27 Pt. 3(28); S.I. 1998/3173, art. 2**

*Claims*

**[F381 42 Procedure for making claims etc.**

- (1) Where any provision of the Taxes Acts provides for relief to be given, or any other thing to be done, on the making of a claim, this section shall, unless otherwise provided, have effect in relation to the claim.
- [F382](1A) Subject to subsection (3) below, a claim for a relief, an allowance or a repayment of tax shall be for an amount which is quantified at the time when the claim is made.]
  - (2) Subject to [F383 subsections (3) and (3A)] below, where notice has been given under section 8, 8A [F384... or 12AA of this Act, a claim shall not at any time be made otherwise than by being included in a return under that section if it could, at that or any subsequent time, be made by being so included.
  - (3) [F385 Subsections (1A) and (2)] above shall not apply in relation to any claim which falls to be taken into account in the making of deductions or repayments of tax under [F386 PAYE regulations].
- [F387](3A) .....
- [F387](3B) .....
- [F388](4) .....
- [F389](4A) .....
- (5) The references in [F390 this section] to a claim being included in a return include references to a claim being so included by virtue of an amendment of the return; [F391 ...
- (6) In the case of a trade, profession or business carried on by persons in partnership, a claim under any of the provisions mentioned in subsection (7) below shall be made—
  - (a) where subsection (2) above applies, by being included in a [F392 partnership return], and
  - (b) in any other case, by such one of those persons as may be nominated by them for the purpose.
- (7) The provisions are—
  - (a) [F393 sections [F394 ... F395 ...], [F395 ... F396 ... F394 ... 471, 472, 484, [F395 ... F397 ...], 570, [F398 571(4) and 732(4) of the principal Act;]
  - [F399](b) .....
  - [F400](c) sections 3, 83, 89, 129, 131, 135, 177, 183, 266, 268, 290, 355, 381 and 569 of the Capital Allowances Act; [F401 ...
  - (d) sections 40B(5), 40D, 41 and 42 of the Finance (No. 2) Act 1992 [F402 ...

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- [<sup>F403</sup>(e) sections 111(1), 126(2), 129(2), 143, 185, 194 and 326 of ITTOIA 2005]<sup>F404</sup>...
- [<sup>F405</sup>(f) sections 668 and 669 of ITA 2007]<sup>F406</sup>, and
- (g) sections 109(1), 124(2), 127(2), 178 and 268 of CTA 2009].

(8) A claim may be made on behalf of an incapacitated person by his trustee, guardian, tutor or curator; and a person who under Part VIII of this Act has been charged with tax on the profits of another person may make any such claim for relief by discharge or repayment of that tax.

(9) Where a claim has been made (whether by being included in a return under section 8, 8A <sup>F407</sup> ... or 12AA of this Act or otherwise) and the claimant subsequently discovers that an error or mistake has been made in the claim, the claimant may make a supplementary claim within the time allowed for making the original claim.

(10) This section [<sup>F408</sup>(except subsection (1A) above)] shall apply in relation to any elections <sup>F409</sup> ... as it applies in relation to claims.

- (11) Schedule 1A to this Act shall apply as respects any claim [<sup>F410</sup>or election] which—
- (a) is made otherwise than by being included in a return under section 8, 8A <sup>F411</sup> ... or 12AA of this Act, <sup>F412</sup> ...
  - <sup>F412</sup>(b) .....

[<sup>F413</sup>(11A) Schedule 1B to this Act shall have effect as respects certain claims for relief involving two or more years of assessment.]

<sup>F414</sup>(12) .....

- (13) In this section “profits”—
- (a) in relation to income tax, means income<sup>F415</sup>, and]
  - (b) in relation to capital gains tax, means chargeable gains, and
  - <sup>F416</sup>(c) ..... ]

**Textual Amendments**

- F381** S. 42 substituted (with effect in accordance with s. 199(2)(3) of the amending Act) by Finance Act 1994 (c. 9), **Sch. 19 para. 13**; S.I. 1998/3173, art. 2
- F382** S. 42(1A) inserted (with effect in accordance with s. 103(7) of the amending Act) by Finance Act 1995 (c. 4), **s. 107(1)**
- F383** Words in s. 42(2) substituted (with effect in accordance with s. 103(7) of the amending Act) by Finance Act 1995 (c. 4), **s. 107(2)**
- F384** Word in s. 42(2) repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by Finance Act 1998 (c. 36), **Sch. 19 para. 20(2)**, **Sch. 27 Pt. 3(28)**; S.I. 1998/3173, art. 2
- F385** Words in s. 42(3) substituted (with effect in accordance with s. 103(7) of the amending Act) by Finance Act 1995 (c. 4), **s. 107(3)**
- F386** Words in s. 42(3) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), **Sch. 6 para. 128** (with Sch. 7)
- F387** S. 42(3A)(3B) repealed (with effect in accordance with s. 128(11) of the amending Act) by Finance Act 1996 (c. 8), s. 128(1)(a), **Sch. 41 Pt. 5(6)**
- F388** S. 42(4) repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by Finance Act 1998 (c. 36), **Sch. 19 para. 20(3)**, **Sch. 27 Pt. 3(28)**; S.I. 1998/3173, art. 2
- F389** S. 42(4A) repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by Finance Act 1998 (c. 36), **Sch. 19 para. 20(3)**, **Sch. 27 Pt. 3(28)**; S.I. 1998/3173, art. 2
- F390** Words in s. 42(5) substituted (with effect in accordance with s. 103(7) of the amending Act) by Finance Act 1995 (c. 4), **s. 107(7)**

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- F391** Words in s. 42(5) repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by Finance Act 1998 (c. 36), Sch. 19 para. 20(3), **Sch. 27 Pt. 3(28)**; S.I. 1998/3173, art. 2
- F392** Words in s. 42(6)(a) substituted (with effect in accordance with s. 88(3) of the amending Act) by Finance Act 2001 (c. 9), **Sch. 29 para. 26**
- F393** Words in s. 42(7)(a) substituted (with effect in accordance with s. 103(7) of the amending Act) by Finance Act 1995 (c. 4), **s. 107(8)**
- F394** Words in s. 42(7)(a) repealed (with effect in accordance with s. 130(1) of the amending Act) by Finance Act 1996 (c. 8), s. 130(2)(a), **Sch. 41 Pt. 5(7)**
- F395** Words in s. 42(7)(a) repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 302(a)(i), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)
- F396** Word in s. 42(7)(a) repealed (with effect in relation to payments made on or after 6.4.1997) by Finance Act 1997 (c. 16), **Sch. 18 Pt. 6(2)**
- F397** Words in s. 42(7)(a) repealed (with effect in accordance with s. 128(12) of the amending Act) by Finance Act 1996 (c. 8), s. 128(1)(b), **Sch. 41 Pt. 5(6)**
- F398** Words in s. 42(7)(a) substituted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), **Sch. 1 para. 302(a)(ii)** (with Sch. 2 Pts. 1, 2)
- F399** S. 42(7)(b) repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 302(b), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)
- F400** S. 42(7)(c)(d) substituted (with effect in accordance with s. 579(1) of the amending Act) by Capital Allowances Act 2001 (c. 2), **Sch. 2 para. 1** (with Sch. 3)
- F401** Word in s. 42(7) repealed (with effect in accordance with s. 883(1) of the amending Act) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), Sch. 1 para. 372, **Sch. 3** (with Sch. 2)
- F402** Word in s. 42(7)(d) repealed (with effect in accordance with s. 1034(1) of the amending Act) by Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 253(b), **Sch. 3 Pt. 1** (with Sch. 2)
- F403** S. 42(7)(e) and preceding word inserted (with effect in accordance with s. 883(1) of the amending Act) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 372** (with Sch. 2)
- F404** Word in s. 42(7)(e) repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 302(c), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)
- F405** S. 42(7)(f) and preceding word inserted (with effect in accordance with s. 1034(1) of the amending Act) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 253(c)** (with Sch. 2)
- F406** S. 42(7)(g) and preceding word inserted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), **Sch. 1 para. 302(d)** (with Sch. 2 Pts. 1, 2)
- F407** Word in s. 42(9) repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by Finance Act 1998 (c. 36), Sch. 19 para. 20(2), **Sch. 27 Pt. 3(28)**; S.I. 1998/3173, art. 2
- F408** Words in s. 42(10) inserted (with effect in accordance with s. 103(7) of the amending Act) by Finance Act 1995 (c. 4), **s. 107(9)**
- F409** Words in s. 42(10) repealed (with effect in accordance with s. 130(1) of the amending Act) by Finance Act 1996 (c. 8), s. 130(3), **Sch. 41 Pt. 5(7)**
- F410** Words in s. 42(11) substituted (with effect in accordance with s. 130(1) of the amending Act) by Finance Act 1996 (c. 8), **s. 130(4)**
- F411** Word in s. 42(11)(a) repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by Finance Act 1998 (c. 36), Sch. 19 para. 20(2), **Sch. 27 Pt. 3(28)**; S.I. 1998/3173, art. 2
- F412** S. 42(11)(b) and preceding word repealed (with effect in accordance with s. 103(7) of the amending Act) by Finance Act 1995 (c. 4), s. 107(10), **Sch. 29 Pt. 8(14)**
- F413** S. 42(11A) inserted (with effect in accordance with s. 128(11) of the amending Act) by Finance Act 1996 (c. 8), **s. 128(1)(c)**
- F414** S. 42(12) repealed (with effect in accordance with Sch. 22 para. 12 of the amending Act) by Finance Act 1996 (c. 8), Sch. 22 para. 6, **Sch. 41 Pt. 5(12)**
- F415** Word in s. 42(13) inserted (with effect in accordance with s. 117(4)(5) of the amending Act) by Finance Act 1998 (c. 36), **Sch. 19 para. 20(4)**; S.I. 1998/3173, art. 2
- F416** S. 42(13)(c) repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by Finance Act 1998 (c. 36), Sch. 19 para. 20(4), **Sch. 27 Pt. 3(28)**; S.I. 1998/3173, art. 2

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#### Modifications etc. (not altering text)

- C178** S. 42 excluded (16.8.1995) by [The Venture Capital Trust Regulations 1995 \(S.I. 1995/1979\)](#), regs. 1, **19(1)**
- C179** S. 42 (as it has effect in relation to corporation tax for accounting periods ending before the day appointed under Finance Act 1994, s. 199) amended (31.7.1997) by [Finance \(No. 2\) Act 1997 \(c. 58\)](#), Sch. 4 para. 2, Sch. 8 Pt. II(9); [S.I. 1998/3173](#), art. 2
- C180** S. 42 excluded (with effect in accordance with s. 579(1) of the amending Act) by [Capital Allowances Act 2001 \(c. 2\)](#), s. **201(5)(a)** (with Sch. 3)
- C181** S. 42 excluded (with effect in accordance with s. 579(1) of the amending Act) by [Capital Allowances Act 2001 \(c. 2\)](#), s. **227(5)(a)** (with Sch. 3)
- C182** S. 42 excluded (6.4.2006) by [The Registered Pension Schemes \(Relief at Source\) Regulations 2005 \(S.I. 2005/3448\)](#), regs. 1, **12(1)**
- C183** S. 42 applied in part by [Taxation of Chargeable Gains Act 1992 \(c. 12\)](#), s. **16ZA(4)** (as inserted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by [Finance Act 2008 \(c. 9\)](#), **Sch. 7 para. 62**)
- C184** S. 42 applied in part by [Income Tax Act 2007 \(c. 3\)](#), s. 809B(3) (as inserted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by [Finance Act 2008 \(c. 9\)](#), **Sch. 7 para. 1**)

### 43 Time limit for making claims.

[<sup>F417</sup>(1) Subject to any provision of the Taxes Acts prescribing a longer or shorter period, no claim for relief in respect of income tax or capital gains tax may be made more than five years after the 31st January next following the year of assessment to which it relates.]

(2) A claim (including a supplementary claim) which could not have been allowed but for the making of an assessment to income tax or capital gains tax after the year of assessment to which the claim relates may be made at any time before the end of the year of assessment following that in which the assessment was made.

<sup>F418</sup>(3) .....

#### Textual Amendments

- F417** S. 43(1) substituted (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), **Sch. 19 para. 21**; [S.I. 1998/3173](#), art. 2
- F418** S. 43(3) added by [Development Land Tax Act 1976 \(c. 24\)](#) Sch. 8 para. 12. Development Land Tax Act 1976 repealed by [Finance Act 1985 \(c.54\)](#), s. 98(6), **Sch. 27 Part X**.

#### Modifications etc. (not altering text)

- C185** S. 43(1) applied (with modifications) by [Finance Act 1981 \(c. 35\)](#), s. 134, **Sch. 17 para. 18** (special tax on banking deposits).  
S. 43 applied by [Income and Corporation Taxes Act 1988 \(c. 1\)](#), **Sch. 26** (claim for relief under Sch. 26 where the chargeable profits of a controlled foreign company are apportioned to a company resident in the UK).
- C186** S. 43 modified (27.7.1993) by [Finance Act 1993 c. 34](#), s. **194(4)** (repealed by 2010 c. 8, Sch. 8 para. 49, Sch. 10 Pt. 1)
- C187** S. 43 applied by [Income Tax Act 2007 \(c. 3\)](#), s. **809B(3)** (as inserted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by [Finance Act 2008 \(c. 9\)](#), **Sch. 7 para. 1**)
- C188** S. 43 applied by [Taxation of Chargeable Gains Act 1992 \(c. 12\)](#), s. **16ZA(4)** (as inserted (with effect in accordance with Sch. 7 para. 81 of the amending Act) by [Finance Act 2008 \(c. 9\)](#), **Sch. 7 para. 62**)

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- C189** S. 43(1) modified for the year of assessment 1986–87 by [The Lloyd’s Underwriters \(Tax\) Regulations 1989 \(S.I. 1989/421\)](#), [Schedule](#)
- S. 43(1) modified for the year of assessment 1987-88 by [The Lloyd’s Underwriters \(Tax\) \(1987—88\) Regulations 1990 \(S.I. 1990/627\)](#), [reg. 3\(2\)](#), [Schedule](#)
- S. 43(1) modified (19.4.1991) for the year of assessment 1988-89 by [The Lloyd’s Underwriters \(Tax\) \(1988–89\) Regulations 1991 \(S.I. 1991/851\)](#), [regs. 1, 9](#), [Sch. 2](#)
- S. 43(1) modified (28.3.1992) for the year of assessment 1989-90 by [The Lloyd’s Underwriters \(Tax\) \(1989—90\) Regulations 1992 \(S.I. 1992/511\)](#), [reg. 9](#), [Sch.2](#)
- C190** S. 43(1) applied (with modifications) (23.3.1993 with effect for the year of assessment 1990-91 only) by [The Lloyd’s Underwriters \(Tax\) \(1990–91\) Regulations 1993 \(S.I. 1993/415\)](#), [regs. 1\(1\), 9](#), [Sch.2](#)
- C191** S. 43(1) modified (with effect in accordance with [reg. 1\(1\)](#) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) \(1991-92\) Regulations 1994 \(S.I. 1994/728\)](#), [reg. 9](#), [Sch. 2](#)
- C192** S. 43(1) modified (with effect in accordance with [regs. 14\(2\), 15\(2\)](#) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) \(1992-93 to 1996-97\) Regulations 1995 \(S.I. 1995/352\)](#), [regs. 1\(1\), 14\(1\), 15\(1\)](#), [Sch.](#)

#### **[<sup>F419</sup>43A Further assessments: claims etc.**

(1) This section applies where—

- <sup>F420</sup>(a) <sup>F421</sup>... by virtue of section 29 of this Act an assessment to income tax or capital gains tax is made on any person for a year of assessment, and]
- (b) the assessment is not made for the purpose of making good to the Crown any loss of tax attributable to his fraudulent or negligent conduct or the fraudulent or negligent conduct of a person acting on his behalf.

(2) Without prejudice to section 43(2) above but subject to section 43B below, where this section applies—

- (a) any relevant claim, election, application or notice which could have been made or given within the time allowed by the Taxes Acts may be made or given at any time within one year from the end of the <sup>F422</sup>year of assessment] in which the assessment is made, and
- (b) any relevant claim, election, application or notice previously made or given may at any such time be revoked or varied—
- (i) in the same manner as it was made or given, and
- (ii) by or with the consent of the same person or persons who made, gave or consented to it (or, in the case of any such person who has died, by or with the consent of his personal representatives),
- except where by virtue of any enactment it is irrevocable.

[ In subsection (2) above, “claim, election, application or notice” does not include <sup>F424</sup>an <sup>F423</sup>(2A) election under—

- (a) <sup>F425</sup>...<sup>F426</sup>any of sections 47 to 49 of ITA 2007]<sup>F427</sup>(tax reductions for married couples and civil partners: elections to transfer relief)],
- (b) [Schedule 13B](#) to <sup>F428</sup>the principal Act] (elections as to transfer of children’s tax credit), or
- (c) [section 35\(5\)](#) of the [Taxation of Chargeable Gains Act 1992](#) (election for assets to be re-based to 1982).]]

[ For the purposes of this section and section 43B below, a claim under [Schedule 1AB](#) <sup>F429</sup>(2B) is relevant in relation to an assessment for a year of assessment if it relates to that year of assessment.]

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- (3) For the purposes of this section and section 43B below, [<sup>F430</sup>any other claim], election, application or notice is relevant in relation to an assessment for a [<sup>F422</sup>year of assessment] if—
- (a) it relates to that [<sup>F422</sup>year of assessment] or is made or given by reference to an event occurring in that [<sup>F422</sup>year of assessment], and
  - (b) it or, as the case may be, its revocation or variation has or could have the effect of reducing any of the liabilities mentioned in subsection (4) below.
- (4) The liabilities referred to in subsection (3) above are—
- (a) the increased liability to tax resulting from the assessment,
  - (b) any other liability to tax of the person concerned for—
    - (i) the [<sup>F431</sup>year of assessment] to which the assessment relates, or
    - (ii) any [<sup>F431</sup>year of assessment] which follows that [<sup>F431</sup>year of assessment] and ends not later than one year after the end of the [<sup>F431</sup>year of assessment] in which the assessment was made.
- (5) Where a claim, election, application or notice is made given, revoked or varied by virtue of subsection (2) above, all such adjustments shall be made, whether by way of discharge or repayment of tax or the making of assessments or otherwise, as are required to take account of the effect of the taking of that action on any person's liability to tax for any [<sup>F431</sup>year of assessment].
- (6) The provisions of this Act relating to appeals against decisions on claims shall apply with any necessary modifications to a decision on the revocation or variation of a claim by virtue of subsection (2) above.]

#### Textual Amendments

- F419** Ss. 43A, 43B inserted (with effect in relation to any assessment notice which is issued on or after 27 July 1989) by [Finance Act 1989 \(c. 26\)](#), **s. 150**
- F420** S. 43A(1)(a) substituted (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), **Sch. 19 para. 22(2)**; S.I. 1998/3173, art. 2
- F421** Word in s. 43A(1)(a) repealed (with effect in accordance with s. 93 of the amending Act) by [Finance Act 1999 \(c. 16\)](#), **Sch. 20 Pt. 3(21)**
- F422** Words in s. 43A(2)(3) substituted (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), **Sch. 19 para. 22(3)**; S.I. 1998/3173, art. 2
- F423** S. 43A(2A) inserted (16.7.1992) by [Finance \(No. 2\) Act 1992 \(c. 48\)](#), s. 20, **Sch. 5 paras. 9(4), 10**
- F424** Words in s. 43A(2A) substituted (10.7.2003) by [Finance Act 2003 \(c. 14\)](#), **s. 207(2)** (with s. 207(3))
- F425** Words in s. 43A(2A)(a) omitted (with effect in accordance with Sch. 1 para. 7 of the amending Act) by virtue of [Finance Act 2009 \(c. 10\)](#), **Sch. 1 para. 6(a)(iii)**
- F426** Words in s. 43A(2A)(a) inserted (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), **Sch. 1 para. 254(a)** (with **Sch. 2**)
- F427** Words in s. 43A(2A)(a) substituted (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), **Sch. 1 para. 254(b)** (with **Sch. 2**)
- F428** Words in s. 43A(2A)(b) substituted (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), **Sch. 1 para. 254(c)** (with **Sch. 2**)
- F429** S. 43A(2B) inserted (with effect in accordance with s. 100(2) of the amending Act) by [Finance Act 2009 \(c. 10\)](#), **Sch. 52 para. 5(2)** (with **Sch. 52 para. 11**)
- F430** Words in s. 43A(3) substituted (with effect in accordance with s. 100(2) of the amending Act) by [Finance Act 2009 \(c. 10\)](#), **Sch. 52 para. 5(3)** (with **Sch. 52 para. 11**)
- F431** Words in s. 43A(4)(5) substituted (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), **Sch. 19 para. 22(3)**; S.I. 1998/3173, art. 2



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#### Modifications etc. (not altering text)

**C193** S. 43A excluded (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 18 para. 63\(2\)](#) (with [Sch. 18 paras. 59\(2\), 61](#)); [S.I. 1998/3173](#), art. 2

#### [<sup>F432</sup>43B Limits on application of section 43A.

- (1) If the effect of the exercise by any person of a power conferred by section 43A(2) above—
  - (a) to make or give a claim, election, application or notice, or
  - (b) to revoke or vary a claim, election, application or notice previously made or given,would be to alter the liability to tax of another person, that power may not be exercised except with the consent in writing of that other person, or where he has died, his personal representatives.
- (2) Where—
  - (a) a power conferred by subsection (2) of section 43A above is exercised in consequence of an assessment made on a person, and
  - (b) the exercise of the power increases the liability to tax of another person,that section shall not apply by reason of any assessment made because of that increased liability.
- (3) In any case where—
  - (a) one or more relevant claims, elections, applications or notices are made, given, revoked or varied by virtue of the application of section 43A above in the case of an assessment, and
  - (b) the total of the reductions in liability to tax which, apart from this subsection, would result from the action mentioned in paragraph (a) above would exceed the additional liability to tax resulting from the assessment,the excess shall not be available to reduce any liability to tax.
- (4) Where subsection (3) above has the effect of limiting either the reduction in a person's liability to tax for more than one period or the reduction in the liability to tax of more than one person, the limited amount shall be apportioned between the periods or persons concerned—
  - (a) except where paragraph (b) below applies, in such manner as may be specified by the inspector by notice in writing to the person or persons concerned, or
  - (b) where the person concerned gives (or the persons concerned jointly give) notice in writing to the inspector within the relevant period, in such manner as may be specified in the notice given by the person or persons concerned.
- (5) For the purposes of paragraph (b) of subsection (4) above the relevant period is the period of 30 days beginning with the day on which a notice under paragraph (a) of that subsection is given to the person concerned or, where more than one person is concerned, the latest date on which such notice is given to any of them.]

#### Textual Amendments

**F432** Ss. 43A, 43B inserted (with effect in relation to any assessment notice which is issued on or after 27 July 1989) by [Finance Act 1989 \(c. 26\), s. 150](#)

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### [<sup>F433</sup> 43C Consequential claims etc

(1) Where—

- (a) a return is amended under section 28A(2)(b), 28B(2)(b) or 28B(4), and
- (b) the amendment is made for the purpose of making good to the Crown any loss of tax attributable to fraudulent or negligent conduct on the part of the taxpayer or a person acting on his behalf,

sections 36(3) and 43(2) apply in relation to the amendment as they apply in relation to any assessment under section 29.

(2) Where—

- (a) a return is amended under section 28A(2)(b), 28B(2)(b) or 28B(4), and
- (b) the amendment is not made for the purpose mentioned in subsection (1)(b) above,

sections 43(2), 43A and 43B apply in relation to the amendment as they apply in relation to any assessment under section 29.

(3) References to an assessment in sections 36(3), 43(2), 43A and 43B, as they apply by virtue of subsection (1) or (2) above, shall accordingly be read as references to the amendment of the return.

(4) Where it is necessary to make any adjustment by way of an assessment on any person—

- (a) in order to give effect to a consequential claim, or
- (b) as a result of allowing a consequential claim,

the assessment is not out of time if it is made within one year of the final determination of the claim.

For this purpose a claim is not taken to be finally determined until it, or the amount to which it relates, can no longer be varied, on appeal or otherwise.

(5) In subsection (4) above “consequential claim” means any claim, supplementary claim, election, application or notice that may be made or given under section 36(3), 43(2) or 43A (as it applies by virtue of subsection (1) or (2) above or otherwise).]

#### **Textual Amendments**

**F433** S. 43C inserted (10.7.2003) by [Finance Act 2003 \(c. 14\)](#), s. **207(1)** (with s. 207(3))

## **PART V**

### **APPEALS AND OTHER PROCEEDINGS**

#### **Modifications etc. (not altering text)**

**C194** Pt. 5 applied by [Income and Corporation Taxes Act 1988 \(c. 1\)](#), s. **248(3)**

Pt. 5 applied (1.10.1982) by [The Income Tax \(Interest Relief\) Regulations 1982 \(S.I. 1982/1236\)](#), reg. **14(5)**

Pt. 5 applied (26.10.1987) by [The Occupational Pension Schemes \(Additional Voluntary Contributions\) Regulations 1987 \(S.I. 1987/1749\)](#), reg. **9(5)**

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- Pt. 5 applied (29.10.1987) by The Personal Pension Schemes (Provisional Approval) Regulations 1987 (S.I. 1987/1765), **reg. 6(4)**
- Pt. 5 applied (1.7.1988) by The Personal Pension Schemes (Relief at Source) Regulations 1988 (S.I. 1988/1013), **reg. 11(5)**
- Pt. 5 applied (9.1.1990) by The Private Medical Insurance (Tax Relief) Regulations 1989 (S.I. 1989/2387), **regs. 14, 17**
- C195** Pt. 5 applied (30.1.1992) by Income Tax (Building Societies) (Audit Powers) Regulations 1992 (S.I. 1992/10), **reg. 10(3)** (revoked (31.10.2008) by S.I. 2008/2682, Sch. 3)
- Pt. 5 applied (30.1.1992) by The Income Tax (Deposit-takers) (Audit Powers) Regulations 1992 (S.I. 1992/12), **reg. 10(3)** (revoked (31.10.2008) by S.I. 2008/2682, Sch. 3)
- C196** Pt. 5 applied (with modifications) (N.I.) (1.7.1992) by Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7), ss. 15(3), 173(4), **Sch. 2 para.8** (with s. 108(5))
- C197** Pt. 5 applied (1.10.1993) by The Income Tax (Manufactured Overseas Dividends) Regulations 1993 (S.I. 1993/2004), **reg. 11(10)**
- C198** Pt. 5 applied (6.4.1999) by The Overseas Insurers (Tax Representatives) Regulations 1999 (S.I. 1999/881), art. 1, **reg. 13(4)**
- C199** Pt. 5 applied (with modifications) (1.9.2002 for specified purposes, 1.1.2003 for specified purposes, 6.4.2003 for specified purposes) by Tax Credits Act 2002 (c. 21), **ss. 39(6), 61**; S.I. 2002/1727, art. 2
- C200** Pt. 5 applied in part (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by The Working Tax Credit (Payment by Employers) Regulations 2002 (S.I. 2002/2172), **regs. 1(1), 8(9), 14(4)**
- C201** Pt. 5 applied (with modifications) (18.6.2003) by The Tax Credits (Employer Penalty Appeals) Regulations 2003 (S.I. 2003/1382), **regs. 1, 3-10**
- C202** Pt. 5 applied in part (with modifications) (6.4.2004) by The Income Tax (Pay As You Earn) Regulations 2003 (S.I. 2003/2682), **regs. 1, 80(5)**
- C203** Pt. 5 applied (6.4.2004) by The Income Tax (Pay As You Earn) Regulations 2003 (S.I. 2003/2682), **regs. 1, 204(7)**
- C204** Pt. 5 applied (22.7.2004) by Finance Act 2004 (c. 12), **s. 114(6)**
- C205** Pt. 5 applied (6.4.2005) by Child Trust Funds Act 2004 (c. 6), **ss. 23(6), 27**; S.I. 2004/3369, art. 2(1)
- C206** Pt. 5 applied in part (with effect in accordance with s. 883(1) of the amending Act) by Income Tax (Trading and Other Income) Act 2005 (c. 5), **ss. 218(7), 883(1)** (with s. 196, Sch. 2)
- C207** Pt. 5 applied (6.4.2006) by The Registered Pension Schemes (Relief at Source) Regulations 2005 (S.I. 2005/3448), **regs. 1, 12(5)**
- C208** Pt. 5 applied (with application in accordance with reg. 1(2) of the amending S.I.) by The Income Tax (Purchased Life Annuities) Regulations 2008 (S.I. 2008/562), **regs. 1(1), 20** (with reg. 27)
- C209** Pt. 5 applied (21.7.2008) by Finance Act 2008 (c. 9), ss. 113, 114(7), **Sch. 36 para. 48(5)** (with Sch. 36 para. 38)
- C210** Pt. 5 applied (1.4.2009) by Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 32(6)** (with Sch. 36 para. 38); S.I. 2009/404, art. 2
- C211** Pt. 5 applied (with modifications) (E.W.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470), **regs. 1(1), 34** (with reg. 1(4)(6))
- C212** Pt. 5 applied (with modifications) (E.W.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470), **regs. 1(1), 62(4)** (with reg. 1(4)(6))
- C213** Pt. 5 applied (with effect in accordance with s. 93(2) of the amending Act) by Finance Act 2009 (c. 10), **Sch. 46 para. 10(5)** (with Sch. 46 paras. 1011)

### *Jurisdiction*

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**Textual Amendments**  
F434 Ss. 44-46C omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 25**

<sup>F434</sup>**45 Quorum of Special Commissioners.**

.....

**Textual Amendments**  
F434 Ss. 44-46C omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 25**

<sup>F434</sup>**46 General and Special Commissioners.**

.....

**Textual Amendments**  
F434 Ss. 44-46C omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 25**

<sup>F434</sup>**46A Regulations about jurisdiction.**

.....

**Textual Amendments**  
F434 Ss. 44-46C omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 25**

<sup>F434</sup>**46B Questions to be determined by Special Commissioners.**

.....

**Textual Amendments**  
F434 Ss. 44-46C omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 25**

<sup>F434</sup>**46C Jurisdiction of Special Commissioners over certain claims included in returns.**

.....

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### Textual Amendments

**F434** Ss. 44-46C omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 25**

### [<sup>F435</sup>46D Questions to be determined by [<sup>F436</sup>the relevant tribunal].

- (1) In so far as the question in dispute on an appeal to which this section applies—
- (a) is a question of the value of any land or of a lease of land, and
  - (b) arises in relation to the taxation of chargeable gains (whether under capital gains tax or corporation tax) or in relation to a claim under the 1992 Act,
- the question shall be determined by the [<sup>F437</sup>relevant tribunal].
- (2) This section applies to—
- [<sup>F438</sup>(a) an appeal against an amendment of a self-assessment under section 9C of this Act or paragraph 30 of Schedule 18 to the Finance Act 1998;
  - (aa) an appeal against an amendment of a return under paragraph 34(2) of Schedule 18 to the Finance Act 1998;
  - (b) an appeal against a conclusion stated or amendment made by a closure notice under section 28A or 28B of this Act;
  - (c) an appeal against an amendment of a partnership return under section 30B(1) of this Act;
  - (d) an appeal against an assessment to tax which is not a self-assessment;
  - (e) an appeal against [<sup>F439</sup>a conclusion stated or amendment made by a closure notice under paragraph 7(2) of Schedule 1A to this Act relating to] a claim or election made otherwise than by being included in a return;
  - (f) an appeal against a decision contained in a [<sup>F440</sup>closure notice under paragraph 7(3)] of Schedule 1A to this Act disallowing in whole or in part a claim or election made otherwise than by being included in a return.
- (3) In this section “the [<sup>F441</sup>relevant tribunal]” means—
- (a) in relation to land in England and Wales, the [<sup>F442</sup>Upper Tribunal];
  - (b) in relation to land in Scotland, the Lands Tribunal for Scotland;
  - (c) in relation to land in Northern Ireland, the Lands Tribunal for Northern Ireland.]

### Textual Amendments

- F435** Ss. 46B, 46C, 46D substituted for s. 47 (with effect in accordance with Sch. 22 para. 12 of the amending Act) by [Finance Act 1996 \(c. 8\)](#), **Sch. 22 para. 7**
- F436** Words in s. 46D heading substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 96(a)** (with Sch. 5)
- F437** Words in s. 46D(1) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 96(b)** (with Sch. 5)
- F438** S. 46D(2)(a)(aa)(b)(c) substituted for s. 46D(2)(a)-(c) (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), **Sch. 29 para. 29(2)**
- F439** Words in s. 46D(2)(e) substituted (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), **Sch. 29 para. 29(3)**
- F440** Words in s. 46D(2)(f) inserted (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), **Sch. 29 para. 29(4)**

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- F441** Words in s. 46D(3) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 96(b)** (with Sch. 5)
- F442** Words in s. 46D(3)(a) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 96(c)** (with Sch. 5)

<sup>F435</sup>**47 Special jurisdiction relating to tax on chargeable gains.**

.....

**Textual Amendments**

**F435** Ss. 46B, 46C, 46D substituted for s. 47 (with effect in accordance with Sch. 22 para. 12 of the amending Act) by [Finance Act 1996 \(c. 8\)](#), **Sch. 22 para. 7**

<sup>F443</sup>**47A** .....

**Textual Amendments**

**F443** S. 47A added by [Development Land Tax Act 1976 \(c. 24\)](#), Sch. 8 para. 13. Development Land Tax Act 1976 repealed by [Finance Act 1985 \(c. 54\)](#), s. 98(6), Sch.27 Part X.

<sup>F444</sup>**47B Special jurisdiction relating to Business Expansion Scheme.**

If and so far as the question in dispute on any appeal against the refusal of relief under [<sup>F445</sup>Chapter III of Part VII of the principal Act] (relief for investment in corporate trades), or against an assessment withdrawing any such relief, is a question of the value of an interest in land (within the meaning of [<sup>F445</sup>Section 294(5) of that Act], it shall be determined—

- (a) if the land is in England and Wales, on a reference to the [<sup>F446</sup>Upper Tribunal];
- (b) if the land is in Scotland, on a reference to the Lands Tribunal for Scotland; and
- (c) if the land is in Northern Ireland, on a reference to the Lands Tribunal for Northern Ireland.]

**Textual Amendments**

**F444** S. 47B inserted by [Finance Act 1986 \(c. 41\)](#), s. 40(3), Sch. 9 para. 22 in relation to shares issued at any time after 18 March 1986.

**F445** [Income and Corporation Taxes Act 1988 \(c. 1\)](#), Sch. 29 para. 32.

**F446** Words in s. 47B(a) substituted (1.6.2009) by [The Transfer of Tribunal Functions \(Lands Tribunal and Miscellaneous Amendments\) Order 2009 \(S.I. 2009/1307\)](#), art. 1, **Sch. 1 para. 97** (with Sch. 5)

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## [<sup>F447</sup> Appeals]

### Textual Amendments

**F447** S. 48 cross-heading substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 26**

## [<sup>F448</sup> 47C Meaning of tribunal]

In this Act “tribunal” means the First-tier Tribunal or, where determined by or under Tribunal Procedure Rules, the Upper Tribunal.]

### Textual Amendments

**F448** S. 47C inserted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 27**

## [<sup>F449</sup> 48 Application to appeals and other proceedings]

- (1) In the following provisions of this Part of this Act, unless the context otherwise requires—
  - (a) “appeal” means any appeal under the Taxes Acts;
  - (b) a reference to notice of appeal given, or to be given, to HMRC is a reference to notice of appeal given, or to be given, under any provision of the Taxes Acts.
- (2) In the case of —
  - (a) an appeal other than an appeal against an assessment, the following provisions of this Part of this Act shall, in their application to the appeal, have effect subject to any necessary modifications, including the omission of section 56 below;
  - (b) any proceedings other than an appeal which, under the Taxes Acts, are to be subject to the relevant provisions of this Part of this Act, the relevant provisions—
    - (i) shall apply to the proceedings as they apply to appeals;
    - (ii) but shall, in that application, have effect subject to any necessary modifications, including (except in the case of applications under section 55 below) the omission of section 56 below.
- (3) In subsection (2), a reference to the relevant provisions of this Part of this Act is a reference to the following provisions of this Part, except sections 49A to 49I.]

### Textual Amendments

**F449** S. 48 substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 28**

### Modifications etc. (not altering text)

**C214** See [Oil Taxation Act 1975 \(c. 22\)](#), s.1, Sch.2 para.1(1), the Oil Taxation Acts, for modification regarding petroleum revenue tax and supplementary petroleum duty.

**C215** S. 48 applied by [Finance Act 1981 \(c. 35\)](#), s.134, **Sch.17 para.18** (special tax on banking deposits).

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- C216** Ss. 48-54: power to modify conferred (E.W.S.) (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), **ss. 13(2)(a)(ii)(b)**, 28(2); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)
- C217** Ss. 48-54 power to apply and modify conferred (26.3.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [The Social Security Contributions \(Transfer of Functions, etc.\) \(Northern Ireland\) Order 1999 \(S.I. 1999/671\)](#), arts. 1(3), **12(2)(a)(ii)(b)**; S.R. 1999/149, art. 2(b)(c), Schs. 1, 2 (with arts. 3-6)

### <sup>F450</sup> 49 Late notice of appeal

- (1) This section applies in a case where—
  - (a) notice of appeal may be given to HMRC, but
  - (b) no notice is given before the relevant time limit.
- (2) Notice may be given after the relevant time limit if—
  - (a) HMRC agree, or
  - (b) where HMRC do not agree, the tribunal gives permission.
- (3) If the following conditions are met, HMRC shall agree to notice being given after the relevant time limit.
- (4) Condition A is that the appellant has made a request in writing to HMRC to agree to the notice being given.
- (5) Condition B is that HMRC are satisfied that there was reasonable excuse for not giving the notice before the relevant time limit.
- (6) Condition C is that HMRC are satisfied that request under subsection (4) was made without unreasonable delay after the reasonable excuse ceased.
- (7) If a request of the kind referred to in subsection (4) is made, HMRC must notify the appellant whether or not HMRC agree to the appellant giving notice of appeal after the relevant time limit.
- (8) In this section “relevant time limit”, in relation to notice of appeal, means the time before which the notice is to be given (but for this section).]

#### Textual Amendments

**F450** S. 49 substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 29**

#### Modifications etc. (not altering text)

- C216** Ss. 48-54: power to modify conferred (E.W.S.) (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), **ss. 13(2)(a)(ii)(b)**, 28(2); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)
- C217** Ss. 48-54 power to apply and modify conferred (26.3.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [The Social Security Contributions \(Transfer of Functions, etc.\) \(Northern Ireland\) Order 1999 \(S.I. 1999/671\)](#), arts. 1(3), **12(2)(a)(ii)(b)**; S.R. 1999/149, art. 2(b)(c), Schs. 1, 2 (with arts. 3-6)
- C218** S. 49 applied (with modifications) by the [Oil Taxation Act 1975 \(c. 22\)](#), s. 1, Sch. 2 para. 1(1)
- C219** S. 49 applied (with modifications) (1.4.1999) by [The Social Security Contributions \(Decisions and Appeals\) Regulations 1999 \(S.I. 1999/1027\)](#), regs. 1, 9



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## **[<sup>F451</sup>49A Appeal: HMRC review or determination by tribunal**

- (1) This section applies if notice of appeal has been given to HMRC.
- (2) In such a case—
  - (a) the appellant may notify HMRC that the appellant requires HMRC to review the matter in question (see section 49B),
  - (b) HMRC may notify the appellant of an offer to review the matter in question (see section 49C), or
  - (c) the appellant may notify the appeal to the tribunal (see section 49D).
- (3) See sections 49G and 49H for provision about notifying appeals to the tribunal after a review has been required by the appellant or offered by HMRC.
- (4) This section does not prevent the matter in question from being dealt with in accordance with section 54 (settling appeals by agreement).

### **Textual Amendments**

**F451** Ss. 49A-49I inserted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 30** (with Sch. 3 para. 5)

### **Modifications etc. (not altering text)**

**C220** Ss. 49A-49I applied (with modifications) by [Finance Act 1999 \(c. 16\)](#), Sch. 17 para. 11(4A) (as inserted (1.4.2009) by [S.I. 2009/56](#), art. 1(2), **Sch. 1 para. 281(5)**)

**C221** Ss. 49A-49I applied (with modifications) by [The Social Security Contributions \(Decisions and Appeals\) Regulations 1999 \(S.I. 1999/1027\)](#), **reg. 7(2)** (as substituted (1.4.2009) by [S.I. 2009/56](#), art. 1(2), **Sch. 2 para. 62**)

## **49B Appellant requires review by HMRC**

- (1) Subsections (2) and (3) apply if the appellant notifies HMRC that the appellant requires HMRC to review the matter in question.
- (2) HMRC must, within the relevant period, notify the appellant of HMRC's view of the matter in question.
- (3) HMRC must review the matter in question in accordance with section 49E.
- (4) The appellant may not notify HMRC that the appellant requires HMRC to review the matter in question and HMRC shall not be required to conduct a review if—
  - (a) the appellant has already given a notification under this section in relation to the matter in question,
  - (b) HMRC have given a notification under section 49C in relation to the matter in question, or
  - (c) the appellant has notified the appeal to the tribunal under section 49D.
- (5) In this section “relevant period” means—
  - (a) the period of 30 days beginning with the day on which HMRC receive the notification from the appellant, or
  - (b) such longer period as is reasonable.

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#### Textual Amendments

**F451** Ss. 49A-49I inserted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 30** (with Sch. 3 para. 5)

#### Modifications etc. (not altering text)

**C220** Ss. 49A-49I applied (with modifications) by [Finance Act 1999 \(c. 16\)](#), Sch. 17 para. 11(4A) (as inserted (1.4.2009) by [S.I. 2009/56](#), art. 1(2), **Sch. 1 para. 281(5)**)

**C221** Ss. 49A-49I applied (with modifications) by [The Social Security Contributions \(Decisions and Appeals\) Regulations 1999 \(S.I. 1999/1027\)](#), **reg. 7(2)** (as substituted (1.4.2009) by [S.I. 2009/56](#), art. 1(2), **Sch. 2 para. 62**)

### 49C HMRC offer review

- (1) Subsections (2) to (6) apply if HMRC notify the appellant of an offer to review the matter in question.
- (2) When HMRC notify the appellant of the offer, HMRC must also notify the appellant of HMRC's view of the matter in question.
- (3) If, within the acceptance period, the appellant notifies HMRC of acceptance of the offer, HMRC must review the matter in question in accordance with section 49E.
- (4) If the appellant does not give HMRC such a notification within the acceptance period, HMRC's view of the matter in question is to be treated as if it were contained in an agreement in writing under section 54(1) for the settlement of the matter.
- (5) The appellant may not give notice under section 54(2) (desire to repudiate or resile from agreement) in a case where subsection (4) applies.
- (6) Subsection (4) does not apply to the matter in question if, or to the extent that, the appellant notifies the appeal to the tribunal under section 49H.
- (7) HMRC may not notify the appellant of an offer to review the matter in question (and, accordingly, HMRC shall not be required to conduct a review) if—
  - (a) HMRC have already given a notification under this section in relation to the matter in question,
  - (b) the appellant has given a notification under section 49B in relation to the matter in question, or
  - (c) the appellant has notified the appeal to the tribunal under section 49D.
- (8) In this section “acceptance period” means the period of 30 days beginning with the date of the document by which HMRC notify the appellant of the offer to review the matter in question.

#### Textual Amendments

**F451** Ss. 49A-49I inserted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 30** (with Sch. 3 para. 5)

#### Modifications etc. (not altering text)

**C220** Ss. 49A-49I applied (with modifications) by [Finance Act 1999 \(c. 16\)](#), Sch. 17 para. 11(4A) (as inserted (1.4.2009) by [S.I. 2009/56](#), art. 1(2), **Sch. 1 para. 281(5)**)

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**C221** Ss. 49A-49I applied (with modifications) by [The Social Security Contributions \(Decisions and Appeals\) Regulations 1999 \(S.I. 1999/1027\)](#), **reg. 7(2)** (as substituted (1.4.2009) by S.I. 2009/56, art. 1(2), **Sch. 2 para. 62**)

#### **49D Notifying appeal to the tribunal**

- (1) This section applies if notice of appeal has been given to HMRC.
- (2) The appellant may notify the appeal to the tribunal.
- (3) If the appellant notifies the appeal to the tribunal, the tribunal is to decide the matter in question.
- (4) Subsections (2) and (3) do not apply in a case where—
  - (a) HMRC have given a notification of their view of the matter in question under section 49B, or
  - (b) HMRC have given a notification under section 49C in relation to the matter in question.
- (5) In a case falling within subsection (4)(a) or (b), the appellant may notify the appeal to the tribunal, but only if permitted to do so by section 49G or 49H.

#### **Textual Amendments**

**F451** Ss. 49A-49I inserted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 30** (with Sch. 3 para. 5)

#### **Modifications etc. (not altering text)**

**C220** Ss. 49A-49I applied (with modifications) by [Finance Act 1999 \(c. 16\)](#), Sch. 17 para. 11(4A) (as inserted (1.4.2009) by S.I. 2009/56, art. 1(2), **Sch. 1 para. 281(5)**)

**C221** Ss. 49A-49I applied (with modifications) by [The Social Security Contributions \(Decisions and Appeals\) Regulations 1999 \(S.I. 1999/1027\)](#), **reg. 7(2)** (as substituted (1.4.2009) by S.I. 2009/56, art. 1(2), **Sch. 2 para. 62**)

#### **49E Nature of review etc**

- (1) This section applies if HMRC are required by section 49B or 49C to review the matter in question.
- (2) The nature and extent of the review are to be such as appear appropriate to HMRC in the circumstances.
- (3) For the purpose of subsection (2), HMRC must, in particular, have regard to steps taken before the beginning of the review—
  - (a) by HMRC in deciding the matter in question, and
  - (b) by any person in seeking to resolve disagreement about the matter in question.
- (4) The review must take account of any representations made by the appellant at a stage which gives HMRC a reasonable opportunity to consider them.
- (5) The review may conclude that HMRC's view of the matter in question is to be—
  - (a) upheld,
  - (b) varied, or

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- (c) cancelled.
- (6) HMRC must notify the appellant of the conclusions of the review and their reasoning within—
  - (a) the period of 45 days beginning with the relevant day, or
  - (b) such other period as may be agreed.
- (7) In subsection (6) “relevant day” means—
  - (a) in a case where the appellant required the review, the day when HMRC notified the appellant of HMRC’s view of the matter in question,
  - (b) in a case where HMRC offered the review, the day when HMRC received notification of the appellant’s acceptance of the offer.
- (8) Where HMRC are required to undertake a review but do not give notice of the conclusions within the time period specified in subsection (6), the review is to be treated as having concluded that HMRC’s view of the matter in question (see sections 49B(2) and 49C(2)) is upheld.
- (9) If subsection (8) applies, HMRC must notify the appellant of the conclusion which the review is treated as having reached.

#### **Textual Amendments**

**F451** Ss. 49A-49I inserted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 30** (with Sch. 3 para. 5)

#### **Modifications etc. (not altering text)**

**C220** Ss. 49A-49I applied (with modifications) by [Finance Act 1999 \(c. 16\)](#), Sch. 17 para. 11(4A) (as inserted (1.4.2009) by [S.I. 2009/56](#), art. 1(2), **Sch. 1 para. 281(5)**)

**C221** Ss. 49A-49I applied (with modifications) by [The Social Security Contributions \(Decisions and Appeals\) Regulations 1999 \(S.I. 1999/1027\)](#), **reg. 7(2)** (as substituted (1.4.2009) by [S.I. 2009/56](#), art. 1(2), **Sch. 2 para. 62**)

### **49F Effect of conclusions of review**

- (1) This section applies if HMRC give notice of the conclusions of a review (see section 49E(6) and (9)).
- (2) The conclusions are to be treated as if they were an agreement in writing under section 54(1) for the settlement of the matter in question.
- (3) The appellant may not give notice under section 54(2) (desire to repudiate or resile from agreement) in a case where subsection (2) applies.
- (4) Subsection (2) does not apply to the matter in question if, or to the extent that, the appellant notifies the appeal to the tribunal under section 49G.

#### **Textual Amendments**

**F451** Ss. 49A-49I inserted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 30** (with Sch. 3 para. 5)

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#### **Modifications etc. (not altering text)**

- C220** Ss. 49A-49I applied (with modifications) by [Finance Act 1999 \(c. 16\)](#), Sch. 17 para. 11(4A) (as inserted (1.4.2009) by [S.I. 2009/56](#), art. 1(2), [Sch. 1 para. 281\(5\)](#))
- C221** Ss. 49A-49I applied (with modifications) by [The Social Security Contributions \(Decisions and Appeals\) Regulations 1999 \(S.I. 1999/1027\)](#), [reg. 7\(2\)](#) (as substituted (1.4.2009) by [S.I. 2009/56](#), art. 1(2), [Sch. 2 para. 62](#))

### **49G Notifying appeal to tribunal after review concluded**

- (1) This section applies if—
- HMRC have given notice of the conclusions of a review in accordance with section 49E, or
  - the period specified in section 49E(6) has ended and HMRC have not given notice of the conclusions of the review.
- (2) The appellant may notify the appeal to the tribunal within the post-review period.
- (3) If the post-review period has ended, the appellant may notify the appeal to the tribunal only if the tribunal gives permission.
- (4) If the appellant notifies the appeal to the tribunal, the tribunal is to determine the matter in question.
- (5) In this section “post-review period” means—
- in a case falling within subsection (1)(a), the period of 30 days beginning with the date of the document in which HMRC give notice of the conclusions of the review in accordance with section 49E(6), or
  - in a case falling within subsection (1)(b), the period that—
    - begins with the day following the last day of the period specified in section 49E(6), and
    - ends 30 days after the date of the document in which HMRC give notice of the conclusions of the review in accordance with section 49E(9).

#### **Textual Amendments**

- F451** Ss. 49A-49I inserted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), [Sch. 1 para. 30](#) (with Sch. 3 para. 5)

#### **Modifications etc. (not altering text)**

- C220** Ss. 49A-49I applied (with modifications) by [Finance Act 1999 \(c. 16\)](#), Sch. 17 para. 11(4A) (as inserted (1.4.2009) by [S.I. 2009/56](#), art. 1(2), [Sch. 1 para. 281\(5\)](#))
- C221** Ss. 49A-49I applied (with modifications) by [The Social Security Contributions \(Decisions and Appeals\) Regulations 1999 \(S.I. 1999/1027\)](#), [reg. 7\(2\)](#) (as substituted (1.4.2009) by [S.I. 2009/56](#), art. 1(2), [Sch. 2 para. 62](#))

### **49H Notifying appeal to tribunal after review offered but not accepted**

- (1) This section applies if—
- HMRC have offered to review the matter in question (see section 49C), and

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- (b) the appellant has not accepted the offer.
- (2) The appellant may notify the appeal to the tribunal within the acceptance period.
- (3) But if the acceptance period has ended, the appellant may notify the appeal to the tribunal only if the tribunal gives permission.
- (4) If the appellant notifies the appeal to the tribunal, the tribunal is to determine the matter in question.
- (5) In this section “acceptance period” has the same meaning as in section 49C.

#### **Textual Amendments**

**F451** Ss. 49A-49I inserted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 30** (with Sch. 3 para. 5)

#### **Modifications etc. (not altering text)**

**C220** Ss. 49A-49I applied (with modifications) by [Finance Act 1999 \(c. 16\)](#), Sch. 17 para. 11(4A) (as inserted (1.4.2009) by [S.I. 2009/56](#), art. 1(2), **Sch. 1 para. 281(5)**)

**C221** Ss. 49A-49I applied (with modifications) by [The Social Security Contributions \(Decisions and Appeals\) Regulations 1999 \(S.I. 1999/1027\)](#), **reg. 7(2)** (as substituted (1.4.2009) by [S.I. 2009/56](#), art. 1(2), **Sch. 2 para. 62**)

### **49I Interpretation of sections 49A to 49H**

- (1) In sections 49A to 49H—
  - (a) “matter in question” means the matter to which an appeal relates;
  - (b) a reference to a notification is a reference to a notification in writing.
- (2) In sections 49A to 49H, a reference to the appellant includes a person acting on behalf of the appellant except in relation to—
  - (a) notification of HMRC’s view under section 49B(2);
  - (b) notification by HMRC of an offer of review (and of their view of the matter) under section 49C;
  - (c) notification of the conclusions of a review under section 49E(6); and
  - (d) notification of the conclusions of a review under section 49E(9).
- (3) But if a notification falling within any of the paragraphs of subsection (2) is given to the appellant, a copy of the notification may also be given to a person acting on behalf of the appellant.]

#### **Textual Amendments**

**F451** Ss. 49A-49I inserted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 30** (with Sch. 3 para. 5)

#### **Modifications etc. (not altering text)**

**C220** Ss. 49A-49I applied (with modifications) by [Finance Act 1999 \(c. 16\)](#), Sch. 17 para. 11(4A) (as inserted (1.4.2009) by [S.I. 2009/56](#), art. 1(2), **Sch. 1 para. 281(5)**)

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**C221** Ss. 49A-49I applied (with modifications) by [The Social Security Contributions \(Decisions and Appeals\) Regulations 1999 \(S.I. 1999/1027\)](#), [reg. 7\(2\)](#) (as substituted (1.4.2009) by S.I. 2009/56, art. 1(2), [Sch. 2 para. 62](#))

## 50 Procedure.

<sup>F452</sup>(1) .....

<sup>F452</sup>(2) .....

<sup>F452</sup>(3) .....

<sup>F452</sup>(4) .....

<sup>F452</sup>(5) .....

<sup>F453</sup><sup>F454</sup>(6) If, on an appeal notified to the tribunal, the tribunal decides—

- (a) that, <sup>F455</sup>... , the appellant is overcharged by a self-assessment;
- (b) that, <sup>F456</sup>... , any amounts contained in a partnership statement are excessive; or
- (c) that the appellant is overcharged by an assessment other than a self-assessment,

the assessment or amounts shall be reduced accordingly, but otherwise the assessment or statement shall stand good.

(7) <sup>F457</sup>If, on an appeal notified to the tribunal, the tribunal decides]—

- (a) that the appellant is undercharged to tax by a self-assessment <sup>F458</sup>... ;
- (b) that any amounts contained in a partnership statement <sup>F459</sup>... are insufficient; or
- (c) that the appellant is undercharged by an assessment other than a self-assessment,

the assessment or amounts shall be increased accordingly.]

<sup>F460</sup>(7A) <sup>F461</sup>If, on an appeal notified to the tribunal, the tribunal decides] that a claim or election <sup>F462</sup>which was the subject of a decision contained in a closure notice under section 28A] of this Act should have been allowed or disallowed to an extent different from that specified in the notice, the claim or election shall be allowed or disallowed accordingly to the extent that <sup>F463</sup>the tribunal decides is] appropriate, but otherwise the decision in the notice shall stand good.]

<sup>F464</sup>(8) Where, on an appeal <sup>F465</sup>notified to the tribunal] against an assessment <sup>F466</sup>(other than a self-assessment)] which—

- (a) assesses an amount which is chargeable to tax, and
- (b) charges tax on the amount assessed,

<sup>F467</sup>the tribunal decides] as mentioned in subsection (6) or (7) above, <sup>F468</sup>the tribunal may], unless the circumstances of the case otherwise require, reduce or, as the case may be, increase only the amount assessed; and where any appeal <sup>F465</sup>notified to the tribunal] is so determined the tax charged by the assessment shall be taken to have been reduced or increased accordingly.]

<sup>F469</sup>(9) Where any amounts contained in a partnership statement are reduced under subsection (6) above or increased under subsection (7) above, an officer of the Board shall by notice to each of the relevant partners amend—

- <sup>F470</sup>(a) the partner's return under section 8 or 8A of this Act, or]
- (b) the partner's company tax return,

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so as to give effect to the reductions or increases of those amounts.]

[<sup>F471</sup>(10) Where an appeal is notified to the tribunal, the decision of the tribunal on the appeal is final and conclusive.

- (11) But subsection (10) is subject to—
- (a) sections 9 to 14 of the TCEA 2007,
  - (b) Tribunal Procedure Rules, and
  - (c) the Taxes Acts.]

### Textual Amendments

- F452** S. 50(1)-(5) repealed (with effect in accordance with reg. 1(1) of the amending S.I.) by [The General and Special Commissioners \(Amendment of Enactments\) Regulations 1994 \(S.I. 1994/1813\)](#), Sch. 1 para. 6(a), **Sch. 2 Pt. I**
- F453** S. 50(6)(7) substituted (with effect in accordance with s. 199(2)(3) of the amending Act) by [Finance Act 1994 \(c. 9\)](#), **Sch. 19 para. 17(1)**; S.I. 1998/3173, art. 2
- F454** Words in s. 50(6) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 31(2)**
- F455** Words in s. 50(6)(a) repealed (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), Sch. 29 para. 30(2)(a), **Sch. 33 Pt. 2(13)**
- F456** Words in s. 50(6)(b) repealed (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), Sch. 29 para. 30(2)(b), **Sch. 33 Pt. 2(13)**
- F457** Words in s. 50(7) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 31(3)**
- F458** Words in s. 50(7)(a) repealed (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), Sch. 29 para. 30(3)(a), **Sch. 33 Pt. 2(13)**
- F459** Words in s. 50(7)(b) repealed (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), Sch. 29 para. 30(3)(b), **Sch. 33 Pt. 2(13)**
- F460** S. 50(7A) inserted (with effect in accordance with Sch. 19 para. 1 of the amending Act) by [Finance Act 1996 \(c. 8\)](#), **Sch. 19 para. 7**
- F461** Words in s. 50(7A) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 31(4)(a)**
- F462** Words in s. 50(7A) substituted (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), **Sch. 29 para. 30(4)**
- F463** Words in s. 50(7A) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 31(4)(b)**
- F464** [Finance \(No. 2\) Act 1975 \(c. 45\)](#), **s.67(2)**, in relation to all years except that judgments in any court given in proceedings commenced before 29 April 1975 are not to be affected.
- F465** Words in s. 50(8) inserted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 31(5)(a)**
- F466** Words in s. 50(8) inserted (with effect in accordance with s. 199(2)(3) of the amending Act) by [Finance Act 1994 \(c. 9\)](#), **Sch. 19 para. 17(2)**; S.I. 1998/3173, art. 2
- F467** Words in s. 50(8) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 31(5)(b)**
- F468** Words in s. 50(8) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 31(5)(c)**
- F469** S. 50(9) substituted (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), **Sch. 19 para. 27(4)**; S.I. 1998/3173, art. 2
- F470** S. 50(9)(a) substituted (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), **Sch. 29 para. 30(5)**



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**F471** S. 50(10)(11) added (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 31(6)**

**Modifications etc. (not altering text)**

**C216** Ss. 48-54: power to modify conferred (E.W.S.) (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), **ss. 13(2)(a)(ii)(b)**, 28(2); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6)

**C217** Ss. 48-54 power to apply and modify conferred (26.3.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [The Social Security Contributions \(Transfer of Functions, etc.\) \(Northern Ireland\) Order 1999 \(S.I. 1999/671\)](#), arts. 1(3), **12(2)(a)(ii)(b)**; S.R. 1999/149, art. 2(b)(c), Schs. 1, 2 (with arts. 3-6)

**C222** S. 50 applied (with modifications) by the [Oil Taxation Act 1975 \(c. 22\)](#), s. 1, **Sch. 2 para. 1(1)**

**C223** S. 50 applied (with modifications) by [Finance Act 1981 \(c. 35\)](#), s.134, **Sch.17 para.18** (special tax on banking deposits).

**C224** S. 50(6)-(8) excluded (6.4.2004) by [The Income Tax \(Pay As You Earn\) Regulations 2003 \(S.I. 2003/2682\)](#), regs. 1, **204(8)**

**F472 51 Power of Commissioners to obtain information from appellant.**

.....

**Textual Amendments**

**F472** S. 51 repealed (with effect in accordance with reg. 1(1) of the amending S.I.) by [The General and Special Commissioners \(Amendment of Enactments\) Regulations 1994 \(S.I. 1994/1813\)](#), Sch. 1 para. 7, **Sch. 2 Pt. I**

**F473 52 Evidence.**

.....

**Textual Amendments**

**F473** S. 52 repealed (with effect in accordance with reg. 1(1) of the amending S.I.) by [The General and Special Commissioners \(Amendment of Enactments\) Regulations 1994 \(S.I. 1994/1813\)](#), Sch. 1 para. 7, **Sch. 2 Pt. I**

**F474 53 Appeals against summary determination of penalties.**

.....

**Textual Amendments**

**F474** S. 53 omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 32**

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## 54 Settling of appeals by agreement.

- (1) Subject to the provisions of this section, where a person gives notice of appeal and, before the appeal is determined by the [<sup>F475</sup>tribunal], the inspector or other proper officer of the Crown and the appellant come to an agreement, whether in writing or otherwise, that the assessment or decision under appeal should be treated as upheld without variation, or as varied in a particular manner or as discharged or cancelled, the like consequences shall ensue for all purposes as would have ensued if, at the time when the agreement was come to, the [<sup>F475</sup>tribunal] had determined the appeal and had upheld the assessment or decision without variation, had varied it in that manner or had discharged or cancelled it, as the case may be.
- (2) Subsection (1) of this section shall not apply where, within thirty days from the date when the agreement was come to, the appellant gives notice in writing to the inspector or other proper officer of the Crown that he desires to repudiate or resile from the agreement.
- (3) Where an agreement is not in writing—
  - (a) the preceding provisions of this section shall not apply unless the fact that an agreement was come to, and the terms agreed, are confirmed by notice in writing given by the inspector or other proper officer of the Crown to the appellant or by the appellant to the inspector or other proper officer; and
  - (b) the references in the said preceding provisions to the time when the agreement was come to shall be construed as references to the time of the giving of the said notice of confirmation.
- (4) Where—
  - (a) a person who has given a notice of appeal notifies the inspector or other proper officer of the Crown, whether orally or in writing, that he desires not to proceed with the appeal; and
  - (b) thirty days have elapsed since the giving of the notification without the inspector or other proper officer giving to the appellant notice in writing indicating that he is unwilling that the appeal should be treated as withdrawn,
 the preceding provisions of this section shall have effect as if, at the date of the appellant's notification, the appellant and the inspector or other proper officer had come to an agreement, orally or in writing, as the case may be, that the assessment or decision under appeal should be upheld without variation.
- (5) The references in this section to an agreement being come to with an appellant and the giving of notice or notification to or by an appellant include references to an agreement being come to with, and the giving of notice or notification to or by, a person acting on behalf of the appellant in relation to the appeal.

### Textual Amendments

**F475** Word in s. 54(1) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 33**

### Modifications etc. (not altering text)

**C216** Ss. 48-54: power to modify conferred (E.W.S.) (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), **ss. 13(2)(a)(ii)(b)**, 28(2); [S.I. 1999/527](#), art. 2(b), Sch. 2 (with arts. 3-6)

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- C217** Ss. 48-54 power to apply and modify conferred (26.3.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [The Social Security Contributions \(Transfer of Functions, etc.\) \(Northern Ireland\) Order 1999 \(S.I. 1999/671\)](#), arts. 1(3), **12(2)(a)(ii)(b)**; [S.R. 1999/149](#), art. 2(b)(c), Schs. 1, 2 (with arts. 3-6)
- C225** See—[Finance Act 1981 \(c. 35\)](#), s.134, Sch.17 para.18—application of this section to the special tax on banking deposits. [Finance Act 1982\(c. 39\)](#), s.156, Sch.21 para.4(1)—application of s.54 to the tribunal under [Finance Act 1970 s.463](#) in relation to functions transferred by s.156. [Finance \(No. 2\) Act 1987 \(c. 51\)](#), **s. 84(7)**—nothing in s. 55 applies to appeals against assessments under [Finance \(No. 2\) Act 1987 s. 84](#). [Income and Corporation Taxes Act 1988 \(c. 1\)](#), **s. 705(7)**—agreement as to operation of s. 703 advance corporation tax taken into account in tax avoidance counteraction notice) requires agreement of all companies concerned.
- C226** S. 54 applied (31.7.1997) by [Finance \(No. 2\) Act 1997 \(c. 58\)](#), **Sch. 2 para. 11(1)**
- C227** S. 54: power to apply conferred (8.7.2002) by [Tax Credits Act 2002 \(c. 21\)](#), ss. 61, **63(8)(c)**
- C228** S. 54 applied (with modifications) (17.12.2002) by [The Tax Credits \(Appeals\) Regulations 2002 \(S.I. 2002/2926\)](#), regs. 1(1), **3** (with reg. 1(2))
- C229** S. 54 applied (with modifications) (25.2.2005) by [The Child Trust Funds \(Non-tax Appeals\) Regulations 2005 \(S.I. 2005/191\)](#), regs. 1(1), **4(1)**
- C230** S. 54 power to apply (with modifications) conferred by [Child Trust Funds Act 2004 \(c. 6\)](#), s. 23(6) (as substituted (1.4.2009) by [S.I. 2009/56](#), art. 1(2), **Sch. 1 para. 416(4)**)

## <sup>F476</sup>**55 Recovery of tax not postponed.**

<sup>F477</sup>(1) This section applies to an appeal to the <sup>F478</sup>tribunal] against—

<sup>F479</sup><sup>F480</sup>(a) an amendment of a self-assessment—

(i) under section 9C of this Act, or

(ii) under paragraph 30 or 34(2) of Schedule 18 to the Finance Act 1998,

(aa) a conclusion stated or amendment made by a closure notice under section 28A or 28B of this Act,]

(b) an assessment to tax other than a self-assessment,]

<sup>F481</sup>(c) .....

(d) a notice under subsection (1) or (3) of section 753 of <sup>F482</sup>the principal Act] where, before the appeal is determined, the appellant is assessed to tax under section 747(4)(a) of that Act by reference to an amount of chargeable profits specified in that notice.]

(2) <sup>F483</sup>Except as otherwise provided by the following provisions of this section], the tax charged<sup>F484</sup>—

(a) by the amendment or assessment, or

(b) where the appeal is against a conclusion stated by a closure notice, as a result of that conclusion,]

shall be due and payable as if <sup>F485</sup>there had been no appeal.]

<sup>F486</sup>(3) If the appellant has grounds for believing that the amendment or assessment overcharges the appellant to tax, or as a result of the conclusion stated in the closure notice the tax charged on the appellant is excessive, the appellant may—

(a) first apply by notice in writing to HMRC within 30 days of the specified date for a determination by them of the amount of tax the payment of which should be postponed pending the determination of the appeal;

(b) where such a determination is not agreed, refer the application for postponement to the tribunal within 30 days from the date of the document notifying HMRC's decision on the amount to be postponed.

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An application under paragraph (a) must state the amount believed to be overcharged to tax and the grounds for that belief.]

[ An application under subsection (3) above may be made more than thirty days after  
<sup>F487</sup>(3A) [<sup>F488</sup>the specified date] if there is a change in the circumstances of the case as a result of which the appellant has grounds for believing that he is over-charged to tax by the [<sup>F489</sup>amendment or assessment][<sup>F490</sup>, or as a result of the conclusion stated in the closure notice][<sup>F491</sup>, or where the notice of appeal has been given after the relevant time limit (see section 49)].]

[<sup>F492</sup>(4) If, after any determination of the amount of tax the payment of which should be so postponed—

- (a) there is a change in the circumstances of the case as a result of which either party has grounds for believing that the amount so determined has become excessive or, as the case may be, insufficient, and
- (b) the parties cannot agree on a revised determination,  
the party mentioned in paragraph (a) may, at any time before the determination of the appeal, apply to the tribunal for a revised determination of that amount.]

[<sup>F493</sup>(5) Any such application is to be subject to the relevant provisions of Part 5 of this Act (see, in particular, section 48(2)(b)).]

(6) The amount of tax the payment of which shall be postponed pending the determination of the appeal shall be the amount (if any) in which it appears <sup>F494</sup>... that there are reasonable grounds for believing that the appellant is overcharged to tax; and—

- [<sup>F495</sup>(a) in the case of a determination made on an application under subsection (3) above, other than an application made by virtue of subsection (3A) above, the date on which any tax the payment of which is not so postponed is due and payable shall be determined as if the tax were charged by an [<sup>F489</sup>amendment or assessment] notice of which was issued on the date of that determination and against which there had been no appeal; and
- (b) in the case of a determination made on an application under subsection (4) above—
  - (i) the date on which any tax the payment of which ceases to be so postponed is due and payable shall be determined as if the tax were charged by an [<sup>F489</sup>amendment or assessment] notice of which was issued on the date of that determination and against which there had been no appeal; and
  - (ii) any tax overpaid shall be repaid.]

[<sup>F496</sup>(6A) Notwithstanding the provisions of sections 11 and 13 of the TCEA 2007, the decision of the tribunal shall be final and conclusive.]

[<sup>F497</sup>(7) If the appellant and HMRC reach an agreement as to the amount of tax the payment of which should be postponed pending the determination of the appeal, the agreement shall not have effect unless—

- (a) the agreement is in writing, or
- (b) the fact that the agreement has been reached, and the terms of the agreement, are confirmed by notice in writing given—
  - (i) by the appellant to HMRC, or
  - (ii) by HMRC to the appellant.]

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<sup>F498</sup>(8) .....

[ Where an agreement is made which has effect under subsection (7), references in <sup>F499</sup>(8A) subsection (6)(a) and (b) above to the date of the determination shall be construed as references to the date that the agreement is confirmed in writing.]

[ On the determination of the appeal—

<sup>F500</sup>(9) (a) the date on which any tax payable in accordance with that determination is due and payable shall, so far as it is tax the payment of which had been postponed, or which would not have been charged by the [<sup>F489</sup> amendment or assessment][<sup>F501</sup>, or as a result of the conclusion stated in the closure notice,] if there had been no appeal, be determined as if the tax were charged by an [<sup>F489</sup> amendment or assessment]—

(i) notice of which was issued on the date on which [<sup>F502</sup>HMRC issue] to the appellant a notice of the total amount payable in accordance with the determination, and

(ii) against which there had been no appeal; and

(b) any tax overpaid shall be repaid.]

<sup>F503</sup> [<sup>F504</sup>(10) .....

(10A) In this section “the specified date” means the date of—

(a) the issue of the notice of amendment or assessment, or

(b) in the case of an appeal against a conclusion stated or amendment made by a closure notice, the issue of the closure notice.

[<sup>F505</sup>(10B) References in this section to agreements between an appellant and HMRC, and to the giving of notices between the parties, include references to agreements, and the giving of notices, between a person acting on behalf of the appellant in relation to the appeal and HMRC.]]

<sup>F506</sup>(11) ..... ]

### Textual Amendments

**F476** S. 55 substituted by [Finance \(No.2\) Act 1975 \(c. 45\)](#), [s. 45\(1\)](#) in relation to appeals against assessments notices of which were issued after 31 July 1975.

**F477** S. 55(1) substituted (with effect in accordance with s. 199(2)(3) of the amending Act) by [Finance Act 1994 \(c. 9\)](#), [Sch. 19 para. 18\(1\)](#); S.I. 1998/3173, art. 2

**F478** Word in s. 55 substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), [Sch. 1 para. 34\(2\)](#)

**F479** S. 55(1)(a)(b) substituted (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 19 para. 28](#); S.I. 1998/3173, art. 2

**F480** S. 55(1)(a)(aa) substituted for s. 55(1)(a) (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), [Sch. 29 para. 31\(2\)](#)

**F481** S. 55(1)(c) repealed (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), [Sch. 1 para. 257\(a\)](#), [Sch. 3 Pt. 1](#) (with [Sch. 2](#))

**F482** Words in s. 55(1)(d) substituted (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), [Sch. 1 para. 257\(b\)](#) (with [Sch. 2](#))

**F483** [Finance Act 1982 \(c. 39\)](#), [s.68\(1\)](#) in relation to notices of assessment issued after 30 July 1982

**F484** Words in s. 55(2) substituted (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), [Sch. 29 para. 31\(3\)](#)

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- F485** Finance Act 1989 (c. 26), s. 156(2)(a) for tax charged by any assessment notice of which is issued after 30 July 1982
- F486** S. 55(3) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 34(3)**
- F487** Finance Act 1982 (c. 39), s.68(2)(3) in relation to notices of assessment issued after 30 July 1982
- F488** Words in s. 55(3A) substituted (with effect in accordance with s. 88(3) of the amending Act) by Finance Act 2001 (c. 9), **Sch. 29 para. 31(5)(a)**
- F489** Words in s. 55 substituted (with effect in accordance with s. 199(2)(3) of the amending Act) by Finance Act 1994 (c. 9), **Sch. 19 para. 18(2)**; S.I. 1998/3173, art. 2
- F490** Words in s. 55(3A) inserted (with effect in accordance with s. 88(3) of the amending Act) by Finance Act 2001 (c. 9), **Sch. 29 para. 31(5)(b)**
- F491** Words in s. 55(3A) inserted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 34(4)**
- F492** S. 55(4) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 34(5)**
- F493** S. 55(5) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 34(6)**
- F494** Words in s. 55(6) omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 34(7)**
- F495** Finance Act 1989 (c. 26), s. 156(2) in relation to tax charged by any assessment notice of which is issued after 30 July 1982
- F496** S. 55(6A) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 34(8)**
- F497** S. 55(7) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 34(9)**
- F498** S. 55(8) omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 34(10)**
- F499** S. 55(8A) inserted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 34(11)**
- F500** Finance Act 1989 (c. 26), s. 156(2)(c) in relation to tax charged by any assessment notice of which is issued after 30 July 1982
- F501** Words in s. 55(9)(a) inserted (with effect in accordance with s. 88(3) of the amending Act) by Finance Act 2001 (c. 9), **Sch. 29 para. 31(6)**
- F502** Words in s. 55(9)(a)(i) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 34(12)**
- F503** S. 55(10) omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 34(13)**
- F504** S. 55(10)-(10B) substituted for s. 55(10) (with effect in accordance with s. 88(3) of the amending Act) by Finance Act 2001 (c. 9), **Sch. 29 para. 31(7)**
- F505** S. 55(10B) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 34(14)**
- F506** S. 55(11) omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 34(15)**

#### Modifications etc. (not altering text)

- C231** S. 55 applied (with modifications) by Finance Act 1981 (c. 35), s. 134, Sch. 17 para. 18 (special tax on banking deposits).
- C232** S. 55 applied (with modifications) by Finance Act 1988 (c. 39), **Sch. 5 paras. 6, 8(2)** (repealed (31.1.2013) by Statute Law (Repeals) Act 2013 (c. 2), s. 3(2), Sch. 1 Pt. 10 Group 1)
- C233** S. 55 applied (with modifications) (31.7.1997) by Finance (No. 2) Act 1997 (c. 58), **Sch. 2 para. 9(6)**
- C234** S. 55 modified (with effect in accordance with reg. 1(2) of the amending S.I.) by The Lloyds Underwriters (Tax) Regulations 2005 (S.I. 2005/3338), regs. 1(1), **10**
- C235** S. 55(3)(4) modified by Income and Corporation Taxes Act 1988 (c. 1), s. **10(5)**

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- S. 55(3)(4) restricted by [Income and Corporation Taxes Act 1988 \(c. 1\), s. 306\(8\)](#)
- C236** S. 55(3) excluded (with effect in accordance with s. 63(4) of the amending Act) by [Finance Act 2000 \(c. 17\), Sch. 15 para. 40\(7\)](#)
- C237** S. 55(3)(4) restricted (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\), ss. 376, 1034\(1\) \(with Sch. 2\)](#)
- C238** S. 55 modified by [Income and Corporation Taxes Act 1988 \(c. 1\), Sch. 27 para. 19\(3\)](#)
- C239** S. 55(4) excluded (with effect in accordance with s. 63(4) of the amending Act) by [Finance Act 2000 \(c. 17\), Sch. 15 para. 40\(7\)](#)

### [<sup>F507</sup>56 Payment of tax where there is a further appeal

- (1) This section applies if a party to an appeal against an assessment (the “initial appeal”) makes a further appeal.
- (2) Tax is payable or repayable in accordance with the determination of the court or tribunal on the initial appeal, despite the further appeal having been made.
- (3) But in a case where the amount charged by the assessment is altered by the order or judgment of the Upper Tribunal or court—
  - (a) if too much tax has been paid, the amount overpaid shall be refunded with such interest, if any, as may be allowed by that order or judgment; and
  - (b) if too little tax has been charged, the amount undercharged shall be due and payable at the expiration of a period of thirty days beginning with the date on which HMRC issue to the other party a notice of the total amount payable in accordance with the order or judgment.]

#### Textual Amendments

- F507** S. 56 substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\), art. 1\(2\), Sch. 1 para. 35](#) (with Sch. 3 para. 11(3)(4))

#### Modifications etc. (not altering text)

- C240** S. 56 applied (with modifications) by the [Oil Taxation Act 1975 \(c. 22\), s. 1, Sch. 2 para. 1\(1\)](#)  
S. 56 applied by [Finance Act 1981 \(c. 35\), s. 134, Sch. 17 para. 18](#) (special tax on banking deposits).
- C241** S. 56 applied (6.4.1990) by [The Lloyd’s Underwriters \(Tax\) \(1987—88\) Regulations 1990 \(S.I. 1990/627\), regs. 1, 9](#)  
S. 56 applied (19.4.1991) by [The Lloyd’s Underwriters \(Tax\) \(1988—89\) Regulations 1991 \(S.I. 1991/851\), regs. 1, 7\(4\)](#)
- C242** S. 56 applied (28.3.1992) by [The Lloyd’s Underwriters \(Tax\) \(1989—90\) Regulations 1992 \(S.I. 1992/511\), reg. 7\(4\)](#)
- C243** S. 56: power to modify conferred (E.W.S.) (25.2.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\), ss. 13\(2\)\(a\)\(iii\)\(b\), 28\(2\); S.I. 1999/527, art. 2\(b\), Sch. 2](#) (with arts. 3-6)
- C244** S. 56 power to apply and modify conferred (N.I.) (26.3.1999 for specified purposes, 1.4.1999 in so far as not already in force) by [The Social Security Contributions \(Transfer of Functions, etc.\) \(Northern Ireland\) Order 1999 \(S.I. 1999/671\), arts. 1\(3\), 12\(2\)\(a\)\(iii\)\(b\); S.R. 1999/149, art. 2\(b\)\(c\), Schs. 1, 2](#) (with arts. 3-6)
- C245** S. 56 applied by [The Social Security Contributions \(Decisions and Appeals\) Regulations 1999 \(S.I. 1999/1027\), reg. 12](#) (as substituted (1.4.2009) by [S.I. 2009/56, art. 1\(2\), Sch. 2 para. 67](#) and subsequently by [S.I. 2009/777, arts. 1, 6](#))

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<sup>F508</sup>**56A Appeals from the Special Commissioners.**

.....

**Textual Amendments**

**F508** Ss. 56A-56D omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 36**

<sup>F508</sup>**56B Regulations about practice and procedure.**

.....

**Textual Amendments**

**F508** Ss. 56A-56D omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 36**

<sup>F508</sup>**56C Power of Special Commissioners to order costs.**

.....

**Textual Amendments**

**F508** Ss. 56A-56D omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 36**

<sup>F508</sup>**56D Power of Special Commissioners to publish reports of decisions.**

.....

**Textual Amendments**

**F508** Ss. 56A-56D omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 36**

*Chargeable gains*

**57 Regulations about appeals.**

- (1) [<sup>F509</sup>The Commissioners for Her Majesty's Revenue and Customs may make regulations]—
- (a) as respects the conduct of appeals against assessments and decisions on claims under the [<sup>F510</sup>1992 Act],
  - (b) entitling persons, in addition to those who would be so entitled apart from the regulations, [<sup>F511</sup>to be parties to] such appeals,
  - (c) regulating the time within which such appeals or claims may be brought or made,



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- (d) where the market value of an asset on a particular date, or an apportionment or any other matter, may affect the liability to capital gains tax of two or more persons, enabling any such person to have the matter determined by the tribunal having jurisdiction to determine that matter if arising on an appeal against an assessment, and prescribing a procedure by which the matter is not determined differently on different occasions,
- (e) authorising [<sup>F512</sup>an officer of Revenue and Customs], notwithstanding the obligation as to secrecy imposed by virtue of this or any other Act, to disclose to a person entitled to appear on such an appeal the market value of an asset as determined by an assessment or decision on a claim, or to disclose to a person whose liability to tax may be affected by the determination of the market value of an asset on a particular date, or an apportionment or any other matter, any decision on the matter made by [<sup>F512</sup>an officer of Revenue and Customs].

[<sup>F513</sup>(1A) Regulations under this section may not make provision for the practice and procedure to be followed in the First-tier Tribunal or Upper Tribunal.]

<sup>F514</sup>(2) .....

(3) Regulations under this section may contain such supplemental and incidental provisions as appear to the Board to be expedient including in particular—

<sup>F515</sup>(a) .....

[<sup>F516</sup>(b) provisions corresponding to section 563 of the Capital Allowances Act (determination of apportionment affecting tax liability of two or more persons), and]

(c) provisions authorising the giving of conditional decisions where, under [<sup>F517</sup>section 46D of this Act or Tribunal Procedure Rules], <sup>F518</sup>... questions on an appeal against an assessment or a decision on a claim may go partly to one tribunal and partly to another.

(4) Regulations under this section—

(a) shall be made by statutory instrument subject to annulment in pursuance of a resolution of the House of Commons, and

(b) shall have effect notwithstanding anything in this Act.

#### Textual Amendments

- F509** Words in s. 57(1) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 37(2)(a)**
- F510** Words in s. 57(1)(a) substituted (6.3.1992 with effect as mentioned in s. 289(1)(2) of the substituting Act) by [Taxation of Chargeable Gains Act 1992 \(c. 12\)](#), ss. 289, 290, **Sch. 10 para. 2(2)** (with ss. 60, 101(1), 171, 201(3)).
- F511** Words in s. 57(1)(b) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 37(2)(b)**
- F512** Words in s. 57(1)(e) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 37(2)(c)**
- F513** S. 57(1A) inserted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 37(3)**
- F514** *Repealed, as regards disposals after 22 July 1970, by Finance Act 1971 ss.55 and 69(7) and Sch.14, Part III, subject to Finance Act 1971, s.55 and Sch.9.*
- F515** S. 57(3)(a) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 37(4)(a)**

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- F516** S. 57(3)(b) substituted (with effect in accordance with s. 579(1) of the amending Act) by [Capital Allowances Act 2001 \(c. 2\)](#), [Sch. 2 para. 2](#) (with Sch. 3)
  - F517** Words in s. 57(3)(c) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), [Sch. 1 para. 37\(4\)\(b\)](#)
  - F518** Words omitted repealed (for 1979-80 et seq.) by [Capital Gains Tax Act 1979 \(c. 14\)](#), s. 158, [Sch. 8](#)
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- Modifications etc. (not altering text)**
- C246** S. 57(1)(d) modified by [Finance Act 1974 \(c. 30\)](#), s. 47, [Sch.10 para. 5\(5\)](#)

<sup>F519</sup>**57A** .....

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**Textual Amendments**

**F519** S. 57A added by [Development Land Tax Act 1976 \(c. 24\)](#), [Sch. 8 para. 16](#). [Development Land Tax Act 1976](#) repealed by [Finance Act 1985 s.98\(6\)](#), [Sch. 27 Pt. X](#).

<sup>F520</sup>**57B** .....

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**Textual Amendments**

**F520** S. 57B repealed and superseded (16.7.1992) by [Finance \(No. 2\) Act 1992 \(c. 48\)](#), ss. 76, 82, [Sch. 16 paras. 4, 5](#), [Sch. 18 Pt.IX](#)

<sup>F521</sup> .....

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**Textual Amendments**

**F521** S. 58 cross-heading omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), [Sch. 1 para. 38](#) (with [Sch. 3 para. 11\(3\)\(5\)](#))

<sup>F522</sup>**58 Proceedings in tax cases in Northern Ireland.**

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**Textual Amendments**

**F522** S. 58 omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), [Sch. 1 para. 38](#) (with [Sch. 3 para. 11\(3\)\(5\)](#))

<sup>F523</sup>**59 Election for county court in Northern Ireland.**

.....

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### Textual Amendments

**F523** S. 59 repealed by [Finance Act 1988 \(c. 39\)](#), ss. 134(2), 148, **Sch. 14 Part IX** from 3 April 1989; S.I. 1989/473

## [<sup>F524</sup>PART VA

### PAYMENT OF TAX

### Textual Amendments

**F524** Pt. 5A inserted (with effect in accordance with s. 199(2)(3) of the amending Act) by [Finance Act 1994 \(c. 9\)](#), s. 192 (with s. 198(1)); S.I. 1998/3173, art. 2

### Modifications etc. (not altering text)

**C247** Pt. 5A modified (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), **Sch. 18 para. 39(2)(a)** (with [Sch. 18 para. 59\(2\)](#)); S.I. 1998/3173, art. 2

## [<sup>F525</sup>Income tax and capital gains tax]

### Textual Amendments

**F525** S. 59A cross-heading inserted (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), **Sch. 19 para. 29(1)**; S.I. 1998/3173, art. 2

## **59A Payments on account of income tax.**

- (1) [<sup>F526</sup>Subject to subsection (9) below,] this section applies to any person (the taxpayer) as regards a year of assessment if as regards the immediately preceding year—
  - (a) he [<sup>F527</sup>is assessed] to income tax under section 9 of this Act in any amount, and
  - (b) that amount (the assessed amount) exceeds the amount of any income tax which has been deducted at source, and
  - (c) the amount of the excess (the relevant amount) is not less than such amount as may be prescribed by regulations made by the Board, and
  - (d) the proportion which the relevant amount bears to the assessed amount is not less than such proportion as may be so prescribed.
- (2) Subject to subsection (3) below, the taxpayer shall make two payments on account of his liability to income tax for the year of assessment—
  - (a) the first on or before the 31st January in that year, and
  - (b) the second on or before the next following 31st July;and, subject to [<sup>F528</sup>subsections [<sup>F529</sup>(4) to (4B)]] below, each of those payments on account shall be of an amount equal to 50 per cent. of the relevant amount.
- (3) If, at any time before the 31st January next following the year of assessment, the taxpayer makes a claim under this subsection stating—

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- (a) his belief that he will not be assessed to income tax for that year, or that the amount in which he will be so assessed will not exceed the amount of income tax deducted at source, and
- (b) his grounds for that belief,
- each of the payments on account shall not be, and shall be deemed never to have been, required to be made.
- (4) If, at any time before the 31st January next following the year of assessment, the taxpayer makes a claim under this subsection stating—
- (a) his belief that the amount in which he will be assessed to income tax for that year will exceed the amount of income tax deducted at source by a stated amount which is less than the relevant amount, and
- (b) his grounds for that belief,
- the amount of each of the payments on account required to be made shall be, and shall be deemed always to have been, equal to 50 per cent. of the stated amount.
- [ If as regards the year immediately preceding the year of assessment—
- <sup>F530</sup>(4A) (a) the taxpayer is assessed to income tax under section 9 of this Act after the date on or before which either payment on account is required to be made, or
- (b) his assessment to income tax under that section is amended after that date,
- then, subject to subsections (3) and (4) above [<sup>F531</sup> and subsection (4B) below] and to any subsequent application of this subsection, the amount of the payment on account shall be, and shall be deemed always to have been, equal to 50 per cent. of the relevant amount as determined on the basis of the assessment or, as the case may be, the assessment as amended.]
- [ If as regards the year immediately preceding the year of assessment the taxpayer is
- <sup>F532</sup>(4B) assessed to income tax under section 29 of this Act in any amount, then, subject to subsections (3) and (4) above and to any subsequent application of this subsection, the amount of each payment on account shall be, and shall be deemed always to have been, the total of—
- (a) the amount which, immediately before the making of the assessment under section 29, is the amount of that payment, and
- (b) an amount equal to 50 per cent. of the amount in which he is assessed under that assessment;
- and if that assessment is varied, the amount in which he is assessed under it shall be taken for the purposes of paragraph (b) above to be the amount of the assessment as varied.]
- (5) Where the taxpayer makes a claim under subsection (3) or (4) above [<sup>F533</sup> or subsection (4A) [<sup>F534</sup> or (4B)] above applies], there shall be made all such adjustments, whether by the repayment of amounts paid on account [<sup>F535</sup>, by the making of payments or further payments on account] or otherwise, as may be required to give effect to the provisions of that subsection.
- (6) Where the taxpayer fraudulently or negligently makes any incorrect statement in connection with a claim under subsection (3) or (4) above, he shall be liable to a penalty not exceeding the difference between—
- (a) the amount which would have been payable on account if he had made a correct statement, and
- (b) the amount of the payment on account (if any) made by him.

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- (7) The provisions of the Income Tax Acts as to the recovery of income tax shall apply to an amount falling to be paid on account of tax in the same manner as they apply to an amount of tax.
- <sup>F536</sup>(8) In this section, in relation to a year of assessment, any reference to the amount of any income tax deducted at source is a reference to the amount by which the aggregate of the following, namely—
- (a) any income tax deducted or treated as deducted from any income, or treated as paid on any income, in respect of the year, and
  - (b) any amounts which, in respect of the year, are to be deducted at source under <sup>F537</sup>[PAYE regulations] in subsequent years, or are tax credits to which <sup>F538</sup>[section 397(1) <sup>F539</sup>or <sup>F540</sup>397A(1)] of ITTOIA 2005] applies,
- exceeds the aggregate of any amounts which, in the year, are deducted at source under <sup>F541</sup>[PAYE regulations] in respect of previous years.
- (9) If, at any time before the 31st January next following a year of assessment, an officer of the Board so directs—
- (a) this section shall not apply, and shall be deemed never to have applied, as regards that year to any person specified in the direction; and
  - (b) there shall be made all such adjustments, whether by the repayment of amounts paid on account or otherwise, as may be required to give effect to the direction.]
- <sup>F542</sup>(10) [<sup>F543</sup>PAYE regulations] may provide that, for the purpose of determining the amount of any such excess as is mentioned in subsection (1) above, any necessary adjustments in respect of matters prescribed by the regulations shall be made to the amount of tax deducted at source under [<sup>F544</sup>PAYE regulations].]

### Textual Amendments

- F526** Words in s. 59A(1) inserted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\)](#), [s. 108\(1\)\(a\)](#) (which amendment is saved (22.7.2004) by [Finance Act 2004 \(c. 12\)](#), [Sch. 17 para. 6\(1\)](#) (with [Sch. 17 para. 6\(2\)](#)))
- F527** Words in s. 59A(1)(a) substituted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\)](#), [s. 108\(1\)\(b\)](#) (which amendment is saved (22.7.2004) by [Finance Act 2004 \(c. 12\)](#), [Sch. 17 para. 6\(1\)](#) (with [Sch. 17 para. 6\(2\)](#)))
- F528** Words in s. 59A(2) substituted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\)](#), [s. 108\(2\)](#) (which amendment is saved (22.7.2004) by [Finance Act 2004 \(c. 12\)](#), [Sch. 17 para. 6\(1\)](#) (with [Sch. 17 para. 6\(2\)](#)))
- F529** Words in s. 59A(2) substituted (with effect in accordance with Sch. 18 para. 17 of the amending Act) by [Finance Act 1996 \(c. 8\)](#), [Sch. 18 para. 2\(2\)](#)
- F530** S. 59A(4A) inserted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\)](#), [s. 108\(3\)](#) (which amendment is saved (22.7.2004) by [Finance Act 2004 \(c. 12\)](#), [Sch. 17 para. 6\(1\)](#) (with [Sch. 17 para. 6\(2\)](#)))
- F531** Words in s. 59A(4A) inserted (with effect in accordance with Sch. 18 para. 17 of the amending Act) by [Finance Act 1996 \(c. 8\)](#), [Sch. 18 para. 2\(3\)](#)
- F532** S. 59A(4B) inserted (with effect in accordance with Sch. 18 para. 17 of the amending Act) by [Finance Act 1996 \(c. 8\)](#), [Sch. 18 para. 2\(4\)](#)
- F533** Words in s. 59A(5) inserted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\)](#), [s. 108\(4\)\(a\)](#) (which amendment is saved (22.7.2004) by [Finance Act 2004 \(c. 12\)](#), [Sch. 17 para. 6\(1\)](#) (with [Sch. 17 para. 6\(2\)](#)))

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- F534** Words in s. 59A(5) inserted (with effect in accordance with Sch. 18 para. 17 of the amending Act) by Finance Act 1996 (c. 8), **Sch. 18 para. 2(5)**
- F535** Words in s. 59A(5) inserted (with effect in accordance with s. 103(7) of the amending Act) by Finance Act 1995 (c. 4), **s. 108(4)(b)** (which amendment is saved (22.7.2004) by Finance Act 2004 (c. 12), **Sch. 17 para. 6(1)** (with Sch. 17 para. 6(2)))
- F536** S. 59A(8)(9) substituted for s. 59A(8) (with effect in accordance with s. 103(7) of the amending Act) by Finance Act 1995 (c. 4), **s. 108(5)** (which amendment is saved (22.7.2004) by Finance Act 2004 (c. 12), **Sch. 17 para. 6(1)** (with Sch. 17 para. 6(2)))
- F537** Words in s. 59A(8)(b) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), **Sch. 6 para. 130(a)** (with Sch. 7)
- F538** Words in s. 59A(8)(b) substituted (with effect in accordance with s. 883(1) of the amending Act) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 376** (with Sch. 2)
- F539** Words in s. 59A(8)(b) inserted (with effect in accordance with s. 34(2) of the amending Act) by Finance Act 2008 (c. 9), **Sch. 12 para. 13**
- F540** Word in s. 59A(8)(b) substituted (with effect in accordance with Sch. 19 para. 14 of the amending Act) by Finance Act 2009 (c. 10), **Sch. 19 para. 9(d)**
- F541** Words in s. 59A(8) substituted (10.7.2003) by Finance Act 2003 (c. 14), **s. 145(7)(a)**
- F542** S. 59A(10) inserted (with effect in accordance with s. 121(8) of the amending Act) by Finance Act 1996 (c. 8), **s. 126(1)**
- F543** Words in s. 59A(10) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), **Sch. 6 para. 130(b)** (with Sch. 7)
- F544** Words in s. 59A(10) substituted (10.7.2003) by Finance Act 2003 (c. 14), **s. 145(7)(b)**

#### Modifications etc. (not altering text)

- C248** S. 59A modified (as respects the year 1996-97) by Finance Act 1995 (c. 4), **Sch. 21 para. 2**
- C249** S. 59A applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by The Taxation of Income from Land (Non-residents) Regulations 1995 (S.I. 1995/2902), regs. 1(1), 20, 21
- C250** S. 59A modified (22.7.2004) by Finance Act 2004 (c. 12), **s. 108(3)**
- C251** S. 59A: power to modify conferred (with effect in accordance with s. 1034(1) of the amending Act) by Income Tax Act 2007 (c. 3), **ss. 972(4), 1034(1)** (with Sch. 2)

### [<sup>F545</sup>59B Payment of income tax and capital gains tax.

- (1) Subject to subsection (2) below, the difference between—
- the amount of income tax and capital gains tax contained in a person's self-assessment under section 9 of this Act for any year of assessment, and
  - the aggregate of any payments on account made by him in respect of that year (whether under section 59A of this Act or otherwise) and any income tax which in respect of that year has been deducted at source,
- shall be payable by him or (as the case may be) repayable to him as mentioned in subsection (3) or (4) below [<sup>F546</sup>but nothing in this subsection shall require the repayment of any income tax treated as deducted or paid by virtue of section <sup>F547</sup>... 246D(1) <sup>F547</sup>... [<sup>F548</sup>of the principal Act<sup>F549</sup>, section 626 of ITEPA 2003 or section 399(2), 400(2), 414(1), 421(1) or 530(1) of ITTOIA 2005]].
- (2) The following, namely—
- any amount which, in the year of assessment, is deducted at source under [<sup>F550</sup>PAYE regulations] in respect of a previous year, and

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- (b) any amount which, in respect of the year of assessment, is to be deducted at source under [F<sup>551</sup>PAYE regulations] in a subsequent year, or is a tax credit to which [F<sup>552</sup>section 397(1) [F<sup>553</sup>or [F<sup>554</sup>397A(1)]] of ITTOIA 2005] applies, shall be respectively deducted from and added to the aggregate mentioned in subsection (1)(b) above.
- (3) In a case where the person—
- (a) gave the notice required by section 7 of this Act within six months from the end of the year of assessment, but
- (b) was not given notice under section 8 or 8A of this Act until after the 31st October next following that year,
- the difference shall be payable or repayable at the end of the period of three months beginning with the day on which the notice under section 8 or 8A was given.
- (4) In any other case, the difference shall be payable or repayable on or before the 31st January next following the year of assessment.
- [ Where in the case of a repayment the return on the basis of which the person's self-
- F<sup>555</sup>(4A) assessment was made under section 9 of this Act is enquired into by an officer of the Board—
- (a) nothing in subsection (3) or (4) above shall require the repayment to be made before the day on which, by virtue of section [F<sup>556</sup>28A(1)] of this Act, [F<sup>557</sup>the enquiry is] completed; but
- (b) the officer may at any time before that day make the repayment, on a provisional basis, to such extent as he thinks fit.]
- [F<sup>558</sup>(5) An amount of tax which is payable or repayable as a result of the amendment or correction of a self-assessment under—
- (a) section 9ZA, 9ZB, 9C or 28A of this Act (amendment or correction of return under section 8 or 8A of this Act), or
- (b) section 12ABA(3)(a), 12ABB(6)(a), 28B(4)(a), 30B(2)(a), 33A(4)(a) or 50(9)(a) of this Act (amendment of partner's return to give effect to amendment or correction of partnership return),
- is payable (or repayable) on or before the day specified by the relevant provision of Schedule 3ZA to this Act.]
- [ Where a determination under section 28C of this Act which has effect as a person's
- F<sup>559</sup>(5A) self-assessment is superseded by his self-assessment under section 9 of this Act, any amount of tax which is payable or repayable by virtue of the supersession shall be payable or (as the case may be) repayable on or before the day given by subsection (3) or (4) above.]
- (6) Any amount of income tax or capital gains tax which is payable by virtue of an assessment made [F<sup>560</sup>otherwise than under section 9 of this Act shall, unless otherwise provided,] be payable on the day following the end of the period of 30 days beginning with the day on which the notice of assessment is given.
- (7) In this section any reference to income tax deducted at source is a reference to income tax deducted or treated as deducted from any income or treated as paid on any income.
- [ [F<sup>562</sup>PAYE regulations] may provide that, for the purpose of determining the amount of
- F<sup>561</sup>(8) the difference mentioned in subsection (1) above, any necessary adjustments in respect of matters prescribed by the regulations shall be made to the amount of tax deducted at source under [F<sup>563</sup>PAYE regulations].]

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### Textual Amendments

- F545** S. 59B inserted (with effect in accordance with s. 199(2)(3) of the amending Act) by [Finance Act 1994 \(c. 9\)](#), [s. 193](#) (with [s. 198\(3\)](#)); S.I. 1998/3173, art. 2
- F546** Words in s. 59B(1) inserted (with effect in accordance with s. 121(8) of the amending Act) by [Finance Act 1996 \(c. 8\)](#), [s. 122\(2\)](#)
- F547** Words in s. 59B(1) repealed (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#), s. 883(1), [Sch. 1 para. 377\(2\)\(a\)](#), [Sch. 3](#) (with [Sch. 2](#))
- F548** Words in s. 59B(1) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), [Sch. 6 para. 131\(2\)](#) (with [Sch. 7](#))
- F549** Words in s. 59B(1) substituted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#), s. 883(1), [Sch. 1 para. 377\(2\)\(b\)](#) (with [Sch. 2](#))
- F550** Words in s. 59B(2)(a) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), [Sch. 6 para. 131\(3\)](#) (with [Sch. 7](#))
- F551** Words in s. 59B(2) substituted (10.7.2003) by [Finance Act 2003 \(c. 14\)](#), [s. 145\(7\)\(b\)](#)
- F552** Words in s. 59B(2)(b) substituted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#), s. 883(1), [Sch. 1 para. 377\(3\)](#) (with [Sch. 2](#))
- F553** Words in s. 59B(2)(b) inserted (with effect in accordance with s. 34(2) of the amending Act) by [Finance Act 2008 \(c. 9\)](#), [Sch. 12 para. 14](#)
- F554** Word in s. 59B(2)(b) substituted (with effect in accordance with [Sch. 19 para. 14](#) of the amending Act) by [Finance Act 2009 \(c. 10\)](#), [Sch. 19 para. 9\(d\)](#)
- F555** S. 59B(4A) inserted (with effect in accordance with s. 121(8) of the amending Act) by [Finance Act 1996 \(c. 8\)](#), [s. 127](#)
- F556** Word in s. 59B(4A)(a) substituted (with effect and application in accordance with s. 88(3), [Sch. 29 para. 16](#) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), [Sch. 29 para. 14\(2\)\(a\)](#)
- F557** Words in s. 59B(4A)(a) substituted (with effect and application in accordance with s. 88(3), [Sch. 29 para. 16](#) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), [Sch. 29 para. 14\(2\)\(b\)](#)
- F558** S. 59B(5) substituted (with effect and application in accordance with s. 88(3), [Sch. 29 para. 16](#) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), [Sch. 29 para. 14\(3\)](#)
- F559** S. 59B(5A) inserted (with effect in accordance with s. 121(8) of the amending Act) by [Finance Act 1996 \(c. 8\)](#), [s. 125\(4\)](#)
- F560** Words in s. 59B(6) substituted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\)](#), [s. 115\(6\)](#)
- F561** S. 59B(8) inserted (with effect in accordance with s. 121(8) of the amending Act) by [Finance Act 1996 \(c. 8\)](#), [s. 126\(2\)](#)
- F562** Words in s. 59B(8) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), [Sch. 6 para. 131\(4\)](#) (with [Sch. 7](#))
- F563** Words in s. 59B(8) substituted (10.7.2003) by [Finance Act 2003 \(c. 14\)](#), [s. 145\(7\)\(b\)](#)

### Modifications etc. (not altering text)

- C252** S. 59B modified (with application in accordance with [Sch. 21 para. 3\(1\)](#) of the amending Act) by [Finance Act 1995 \(c. 4\)](#), [Sch. 21 para. 3\(3\)](#)
- C253** S. 59B modified (22.7.2004) by [Finance Act 2004 \(c. 12\)](#), [s. 108\(3\)](#)
- C254** S. 59B modified (22.7.2004) by [Finance Act 2004 \(c. 12\)](#), [s. 109\(4\)](#)
- C255** S. 59B(4A)(5)(6) applied (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\)](#), regs. 1(1), [30\(4\)](#)
- C256** S. 59B(4A)(5)(6) applied (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\)](#), regs. 1(1), [35\(4\)](#) (with [reg. 1\(4\)\(6\)](#))
- C257** S. 59B(5A)(7)(8) excluded (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\)](#), regs. 1(1), [30\(5\)](#)



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**C258** S. 59B(5A)(7)(8) excluded (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\)](#), regs. 1(1), **35(5)** (with reg. 1(4)(6))

### **[<sup>F564</sup>59C Surcharges on unpaid income tax and capital gains tax.**

- (1) This section applies in relation to any income tax or capital gains tax which has become payable by a person (the taxpayer) in accordance with section 55 or 59B of this Act.
- (2) Where any of the tax remains unpaid on the day following the expiry of 28 days from the due date, the taxpayer shall be liable to a surcharge equal to 5 per cent. of the unpaid tax.
- (3) Where any of the tax remains unpaid on the day following the expiry of 6 months from the due date, the taxpayer shall be liable to a further surcharge equal to 5 per cent. of the unpaid tax.
- (4) Where the taxpayer has incurred a penalty under [<sup>F565</sup>section 7 or 93(5) of this Act or Schedule 24 to the Finance Act 2007], no part of the tax by reference to which that penalty was determined shall be regarded as unpaid for the purposes of subsection (2) or (3) above.
- (5) An officer of the Board may impose a surcharge under subsection (2) or (3) above; and notice of the imposition of such a surcharge—
  - (a) shall be served on the taxpayer, and
  - (b) shall state the day on which it is issued and the time within which an appeal against the imposition of the surcharge may be brought.
- (6) A surcharge imposed under subsection (2) or (3) above shall carry interest at the rate applicable under section 178 of the Finance Act 1989 from the end of the period of 30 days beginning with the day on which the surcharge is imposed until payment.
- (7) An appeal may be brought against the imposition of a surcharge under subsection (2) or (3) above within the period of 30 days beginning with the date on which the surcharge is imposed.
- (8) Subject to subsection (9) below, the provisions of this Act relating to appeals shall have effect in relation to an appeal under subsection (7) above as they have effect in relation to an appeal against an assessment to tax.
- (9) On an appeal under subsection (7) above [<sup>F566</sup>that is notified to the tribunal] section 50(6) to (8) of this Act shall not apply but the [<sup>F567</sup>tribunal] may—
  - (a) if it appears <sup>F568</sup>... that, throughout the period of default, the taxpayer had a reasonable excuse for not paying the tax, set aside the imposition of the surcharge; or
  - (b) if it does not so appear <sup>F568</sup>... , confirm the imposition of the surcharge.
- (10) Inability to pay the tax shall not be regarded as a reasonable excuse for the purposes of subsection (9) above.
- (11) The Board may in their discretion—
  - (a) mitigate any surcharge under subsection (2) or (3) above, or
  - (b) stay or compound any proceedings for the recovery of any such surcharge, and may also, after judgment, further mitigate or entirely remit the surcharge.
- (12) In this section—

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“the due date”, in relation to any tax, means the date on which the tax becomes due and payable;

“the period of default”, in relation to any tax which remained unpaid after the due date, means the period beginning with that date and ending with the day before that on which the tax was paid.]

#### Textual Amendments

- F564** S. 59C inserted (with effect in accordance with s. 199(2)(3) of the amending Act) by Finance Act 1994 (c. 9), s. 194; S.I. 1998/3173, art. 2
- F565** Words in s. 59C(4) substituted (1.4.2009) by The Finance Act 2008, Schedule 40 (Appointed Day, Transitional Provisions and Consequential Amendments) Order 2009 (S.I. 2009/571), art. 1(1), **Sch. 1 para. 2**
- F566** Words in s. 59C(9) inserted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 39(2)**
- F567** Word in s. 59C(9) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 39(3)**
- F568** Words in s. 59C(9)(a)(b) omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 39(4)**

#### Modifications etc. (not altering text)

- C259** S. 59C extended (with effect in accordance with s. 103(7) of the amending Act) by Finance Act 1995 (c. 4), s. 109(2)
- C260** S. 59C applied (E.W.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470), regs. 1(1), **36** (with reg. 1(4)(6))
- C261** S. 59C applied (N.I.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 (S.R. 2009/128), regs. 1(1), **31**
- C262** S. 59C(2) modified (21.7.2009) by Finance Act 2009 (c. 10), s. 68(4)

### <sup>F569</sup> Corporation tax

#### Textual Amendments

- F569** Ss. 59D, 59DA and cross-heading substituted for s. 59D (with effect in accordance with s. 117(4)(5) of the amending Act) by Finance Act 1998 (c. 36), **Sch. 19 para. 29(2)**; S.I. 1998/3173, art. 2

#### **59D General rule as to when corporation tax is due and payable.**

- (1) Corporation tax for an accounting period is due and payable on the day following the expiry of nine months from the end of that period.
- (2) If the tax payable is then exceeded by the total of any relevant amounts previously paid (as stated in the relevant company tax return), the excess shall be repaid.
- (3) The tax payable means the amount computed in accordance with paragraph 8 of Schedule 18 to the Finance Act 1998.
- (4) Relevant amounts previously paid means any of the following, so far as relating to the accounting period in question—
  - (a) any amount of corporation tax paid by the company and not repaid;

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- (b) any corporation tax refund surrendered to the company by another group company;
  - (c) any amount by which the sums available for set off under Step 4 of the calculation in paragraph 8 of Schedule 18 to the Finance Act 1998 (amounts set off against overall tax liability) exceeds the amount against which they may be set off under that provision;
  - (d) any amount treated as corporation tax paid in respect of profits of the company [<sup>F570</sup>by virtue of regulations under section 62 of the Finance Act 2004] (deductions from payments to sub-contractors).
- (5) This section has effect subject to section 59E.

#### Textual Amendments

**F570** Words in s. 59D(4)(d) substituted (with effect in accordance with s. 77 of the amending Act) by Finance Act 2004 (c. 12), **Sch. 12 para. 2(2)**

#### **59DA Claim for repayment in advance of liability being established.**

- (1) This section applies where a company has paid an amount of corporation tax for an accounting period and the circumstances of the company change, so that the company has grounds for believing that the amount paid exceeds its probable tax liability although that liability has not been finally established.
- (2) The company may, by notice given to an officer of the Board, claim repayment of the excess.

No such claim may be made before the date which under section 826 of the principal Act (interest on overpaid tax), subject to regulations under section 826A of that Act, is the material date in relation to that tax.

- (3) The notice must state—
  - (a) the amount which the company considers should be repaid, and
  - (b) its grounds for believing that the amount paid exceeds its probable tax liability.
- (4) If the company has appealed against an amendment of an assessment, or an assessment, relating to the tax liability in question, and the appeal has not been finally determined, it may apply to the [<sup>F571</sup>tribunal] for a determination of the amount which should be repaid to the company pending determination of the liability.

[<sup>F572</sup>(5) Any such application is to be subject to the relevant provisions of Part 5 of this Act (see, in particular, section 48(2)(b)).]

- (6) If the company makes an application under section 55(3) or (4) (application to postpone payment pending determination of appeal), that application may be combined with an application under subsection (4) above.
- (7) If a company makes a claim or application under this section before it has delivered a company tax return for the period in question, any deductions under [<sup>F573</sup>section 61 of the Finance Act 2004] (deductions from payments to certain subcontractors) shall be disregarded in considering whether the amount paid by the company exceeds its probable tax liability.
- (8) This section has effect subject to section 59E.]

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### Textual Amendments

- F571** Word in s. 59DA(4) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), [Sch. 1 para. 40\(2\)](#)
- F572** S. 59DA(5) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), [Sch. 1 para. 40\(3\)](#)
- F573** Words in s. 59DA(7) substituted (with effect in accordance with s. 77 of the amending Act) by [Finance Act 2004 \(c. 12\)](#), [Sch. 12 para. 3\(2\)](#)

### [<sup>F574</sup>59E Further provision as to when corporation tax is due and payable.

- (1) The Treasury may by regulations make provision, in relation to companies of such descriptions as may be prescribed, for or in connection with treating amounts of corporation tax for an accounting period as becoming due and payable on dates which fall on or before the date on which corporation tax for that period would become due and payable apart from this section.
- (2) Without prejudice to the generality of subsection (1) above, regulations under this section may make provision—
  - (a) for or in connection with the determination of amounts of corporation tax which are treated as becoming due and payable under the regulations;
  - (b) for or in connection with the determination of the dates on which amounts of corporation tax are treated as becoming due and payable under the regulations;
  - (c) for or in connection with the making of payments to the Board in respect of amounts of corporation tax which are treated as becoming due and payable under the regulations;
  - (d) for or in connection with the determination of the amount of any such payments as are mentioned in paragraph (c) above;
  - (e) for or in connection with the determination of the dates on which any such payments as are mentioned in paragraph (c) above become due and payable;
  - (f) for or in connection with any assumptions which are to be made for any purposes of the regulations;
  - (g) for or in connection with the payment to the Board of interest on amounts of corporation tax which are treated as becoming due and payable under the regulations;
  - (h) for or in connection with the repayment of amounts paid under the regulations;
  - (i) for or in connection with the payment of interest by the Board on amounts paid or repaid under the regulations;
  - (j) with respect to the furnishing of information to the Board;
  - (k) with respect to the keeping, production or inspection of any books, documents or other records;
  - (l) for or in connection with the imposition of such requirements as the Treasury think necessary or expedient for any purposes of the regulations;
  - (m) for or in connection with appeals in relation to questions arising under the regulations.
- (3) Regulations under this section may make provision—
  - (a) for amounts of corporation tax for an accounting period to be treated as becoming due and payable on dates which fall within the accounting period;

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- (b) for payments in respect of any such amounts of corporation tax for an accounting period as are mentioned in paragraph (a) above to become due and payable on dates which fall within the accounting period.
- (4) Where interest is charged by virtue of regulations under this section on any amounts of corporation tax for an accounting period which are treated as becoming due and payable under the regulations, the company shall, in such circumstances as may be prescribed, be liable to a penalty not exceeding twice the amount of that interest.
- (5) Regulations under this section—
  - (a) may make such modifications of any provisions of the Taxes Acts, or
  - (b) may apply such provisions of the Taxes Acts,as the Treasury think necessary or expedient for or in connection with giving effect to the provisions of this section.
- (6) Regulations under this section which apply any provisions of the Taxes Acts may apply those provisions either without modifications or with such modifications as the Treasury think necessary or expedient for or in connection with giving effect to the provisions of this section.
- (7) Regulations under this section—
  - (a) may make different provision for different purposes, cases or circumstances;
  - (b) may make different provision in relation to companies or accounting periods of different descriptions;
  - (c) may make such supplementary, incidental, consequential or transitional provision as appears to the Treasury to be necessary or expedient.
- (8) Subject to subsection (9) below, regulations under this section may make provision in relation to accounting periods beginning before (as well as accounting periods beginning on or after) the date on which the regulations are made.
- (9) Regulations under this section may not make provision in relation to accounting periods ending before the day appointed under section 199 of the Finance Act 1994 for the purposes of Chapter III of Part IV of that Act (corporation tax self-assessment).
- (10) In this section—
  - “modifications” includes amendments, additions and omissions;
  - “prescribed” means prescribed by regulations made under this section.
- (11) Any reference in this section to corporation tax includes a reference—
  - (a) to any amount due from a company under section 419 of the principal Act (loans to participators etc) as if it were an amount of corporation tax chargeable on the company;
  - (b) to any sum chargeable on a company under section 747(4)(a) of the principal Act (controlled foreign companies) as if it were an amount of corporation tax;
  - <sup>F575</sup>(c) [ to any sum chargeable on a company under section 501A(1) of the principal Act (supplementary charge in respect of ring fence trades) as if it were an amount of corporation tax chargeable on the company].]

#### Textual Amendments

**F574** S. 59E inserted (31.7.1998) by [Finance Act 1998 \(c. 36\), s. 30\(1\)](#)

**F575** S. 59E(11)(c) added (24.7.2002) by [Finance Act 2002 \(c. 23\), s. 92\(2\)](#)

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#### Modifications etc. (not altering text)

- C263** S. 59E restricted by Income and Corporation Taxes Act 1988 (c. 1), s. 826(7E) (as inserted (with effect in accordance with Sch. 4 para. 5(5)(6) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 4 para. 5\(4\)](#); S.I. 1998/3173, art. 2)

VALID FROM 11/07/2019

#### [<sup>F576</sup>59FBCT payment plans for tax on certain transactions with EEA residents

Schedule 3ZC makes provision enabling a company that is liable to pay corporation tax arising in connection with certain transactions to defer payment of the tax by entering into a CT payment plan.]

#### Textual Amendments

- F576** S. 59FB inserted (retrospective and with effect in accordance with [Sch. 7 para. 4\(1\)\(a\)](#) of the amending Act) by [Finance Act 2020 \(c. 14\)](#), [Sch. 7 para. 1](#)

## PART VI

### COLLECTION AND RECOVERY

#### Modifications etc. (not altering text)

- C264** Pt. 6 applied by [The Income Tax \(Entertainers and Sportsmen\) Regulations 1987 \(S.I. 1987/530\)](#), [reg. 11\(3\)](#)
- C265** Pt. 6 modified (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 18 para. 39\(2\)\(a\)](#) (with [Sch. 18 para. 59\(2\)](#)); S.I. 1998/3173, art. 2
- C266** Pt. 6: power to apply conferred (with effect in accordance with s. 114(2) of the amending Act) by [Finance Act 1999 \(c. 16\)](#), [Sch. 17 para. 17\(a\)](#)
- C267** Pt. 6 modified (1.8.2002 for specified purposes, 1.1.2003 for specified purposes, 6.4.2003 for remaining purposes) by [Tax Credits Act 2002 \(c. 21\)](#), s. 61, [Sch. 2 para. 7\(1\)](#); S.I. 2002/1727, art. 2
- C268** Pt. 6 applied (with modifications) (8.12.2002) by [The Statutory Paternity Pay and Statutory Adoption Pay \(Administration\) Regulations 2002 \(S.I. 2002/2820\)](#), regs. 1, [8\(4\)](#) (with reg. 8(5)(6))
- C269** Pt. 6 applied (with modifications) (N.I.) (8.12.2002) by [The Employment \(Northern Ireland\) Order 2002 \(S.I. 2002/2836\)](#), art. 1(2), [Sch. 1 paras. 2\(2\), 4\(3\)](#); S.R. 2002/356, art. 2(2), Sch. 1 Pt. 2
- C270** Pt. 6 applied (with modifications) (E.W.S.) (8.12.2002) by [Employment Act 2002 \(c. 22\)](#), s. 55(2), [Sch. 1 paras. 2\(2\), 4\(3\)](#); S.I. 2002/2866, art. 2(2), Sch. 1 Pt. 2
- C271** Pt. 6 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Working Tax Credit \(Payment by Employers\) Regulations 2002 \(S.I. 2002/2172\)](#), regs. 1(1), [14\(4\)](#)
- C272** Pt. 6 applied (with modifications) by [The Statutory Maternity Pay \(Compensation of Employers\) and Miscellaneous Amendment Regulations 1994 \(S.I. 1994/1882\)](#), reg. 7A(4) (as inserted (6.4.2003) by S.I. 2003/672, regs. 1(1), [6](#))
- C273** Pt. 6 applied (with modifications) by [The Statutory Maternity Pay \(Compensation of Employers\) and Miscellaneous Amendment Regulations \(Northern Ireland\) 1994 \(S.I. 1994/271\)](#), reg. 7A(4) (as inserted (6.4.2003) by S.I. 2003/672, regs. 1(1), [11](#))
- C274** Pt. 6 modified (6.4.2003 for specified purposes) by [Tax Credits Act 2002 \(c. 21\)](#), [ss. 29\(3\)](#), 61; S.I. 2002/1727, art. 2

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- C275** Pt. 6 applied (6.4.2004) by [The Income Tax \(Pay As You Earn\) Regulations 2003 \(S.I. 2003/2682\)](#), regs. 1, **84(2)**
- C276** Pt. 6 applied (with modifications) (6.4.2004) by [The Income Tax \(Pay As You Earn\) Regulations 2003 \(S.I. 2003/2682\)](#), regs. 1, **80(5)**
- C277** Pt. 6 applied (6.4.2004) by [The Income Tax \(Pay As You Earn\) Regulations 2003 \(S.I. 2003/2682\)](#), regs. 1, **204(7)**
- C278** Pt. 6 modified (1.1.2005 for specified purposes, 6.4.2005 in so far as not already in force) by [Child Trust Funds Act 2004 \(c. 6\)](#), ss. **21(11)**, 27; S.I. 2004/2422, art. 2; S.I. 2004/3369, art. 2(1)(2)(4)
- C279** Pt. 6 applied (with modifications) (6.4.2007) by [The Income Tax \(Construction Industry Scheme\) Regulations 2005 \(S.I. 2005/2045\)](#), regs. 1, **16(2)(3)** (with reg. 60, Sch. 1)
- C280** Pt. 6 applied (with modifications) by [The Social Security \(Contributions\) Regulations 2001 \(S.I. 2001/1004\)](#), Sch. 4 para. 29K (as inserted (6.8.2007) by S.I. 2007/2068, regs. 1, 2)
- C281** Pt. 6 applied (with modifications) by [The Income Tax \(Pay as You Earn\) Regulations 2003 \(S.I. 2003/2682\)](#), reg. **97K** (as inserted (6.8.2007) by S.I. 2007/2069, regs. 1, 2)
- C282** Pt. 6 modified by [Social Security Administration Act 1992 \(c. 5\)](#), Sch. 3A para. 5 (as inserted (21.7.2008 for specified purposes, 1.1.2009 in so far as not already in force) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. **133(2)**, 170; S.I. 2008/3137, art. 2)
- C283** Pt. 6 applied (with modifications) (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\)](#), regs. 1(1), **62(4)** (with reg. 1(4)(6))
- C284** Pt. 6 applied (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\)](#), regs. 1(1), **37** (with reg. 1(4)(6))
- C285** Pt. 6 applied (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\)](#), regs. 1(1), **32**

## 60 Issue of demand notes and receipts.

- (1) Every collector shall, when the tax becomes due and payable, make demand of the respective sums given to him in charge to collect, from the persons charged therewith, or at the places of their last abode, or on the premises in respect of which the tax is charged, as the case may require.
- (2) On payment of the tax, the collector shall if so requested give a receipt.

### Modifications etc. (not altering text)

- C286** S. 60 applied (with modifications) by the [Oil Taxation Act 1975 \(c. 22\)](#), s. 1, **Sch. 2 para. 1(1)**
- C287** S. 60 applied (with modifications) by [Finance Act 1981 \(c. 35\)](#), s. 134, **Sch. 17 para. 18** (special tax on banking deposits).
- C288** S. 60(1)(2) applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Stamp Duty \(Collection and Recovery of Penalties\) Regulations 1999 \(S.I. 1999/2537\)](#), regs. 1(1), 3(1), **Sch. Pt. I**

## *Distraint and pouding*

## 61 Distraint by collectors.

- (1) If a person neglects or refuses to pay the sum charged, upon demand made by the collector, [<sup>F577</sup>the collector may distraint upon the goods and chattels of the person charged (in this section referred to as “the person in default”).]

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- (2) For the purpose of levying any such distress, [<sup>F578</sup>a justice of the peace, on being satisfied by information on oath that there is reasonable ground for believing that a person is neglecting or refusing to pay a sum charged, may issue a warrant in writing authorising a collector to] break open, in the daytime, any house or premises, calling to his assistance any constable.

Every such constable shall, when so required, aid and assist the collector in the execution of the warrant and in levying the distress in the house or premises.

- (3) A levy or warrant to break open shall be executed by, or under the direction of, and in the presence of, the collector.
- (4) A distress levied by the collector shall be kept for five days, at the costs and charges of a person [<sup>F579</sup>in default].
- (5) If the person [<sup>F580</sup>in default] does not pay the sum due, together with the costs and charges <sup>F581</sup> . . . , the distress shall be appraised by [<sup>F582</sup>one or more independent persons appointed by the collector], and shall be sold by public auction by the collector for payment of the sum due and all costs and charges.

<sup>F583</sup> . . . Any overplus coming by the distress, after the deduction of the costs and charges and of the sum due, shall be restored to the owner of the goods distrained.

- [<sup>F584</sup>(6) The Treasury may by regulations make provision with respect to—
- (a) the fees chargeable on or in connection with the levying of distress, and
  - (b) the costs and charges recoverable where distress has been levied;
- and any such regulations shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of the House of Commons.]

#### Textual Amendments

- F577** Words in s. 61(1) substituted (1.2.1994) by [Finance Act 1989 \(c. 26\), s. 152\(2\)\(7\)](#); S.I. 1994/87, [art. 2](#)
- F578** Words in s. 61(2) substituted (1.2.1994) by [Finance Act 1989 \(c. 26\), s. 152\(3\)\(7\)](#); S.I. 1994/87, [art. 2](#)
- F579** Words in s. 61(4) substituted (1.2.1994) by [Finance Act 1989 \(c. 26\), s. 152\(4\)\(7\)](#); S.I. 1994/87, [art. 2](#)
- F580** Words in s. 61(5) substituted (1.2.1994) by [Finance Act 1989 \(c. 26\), s. 152\(5\)\(a\)\(7\)](#); S.I. 1994/87, [art. 2](#)
- F581** Words in s. 61(5) omitted (1.2.1994) by virtue of [Finance Act 1989 \(c. 26\), s. 152\(5\)\(b\)\(7\)](#); S.I. 1994/87, [art. 2](#)
- F582** Words in s. 61(5) substituted (1.2.1994) by [Finance Act 1989 \(c. 26\), s. 152\(5\)\(c\)\(7\)](#); S.I. 1994/87, [art. 2](#)
- F583** Words in s. 61(5) omitted (1.2.1994) by virtue of [Finance Act 1989 \(c. 26\), s. 152\(5\)\(d\)\(7\)](#); S.I. 1994/87, [art. 2](#)
- F584** S. 61(6) added (1.2.1994) by [Finance Act 1989 \(c. 26\), s. 152\(6\)\(7\)](#); S.I. 1994/87, [art. 2](#)

#### Modifications etc. (not altering text)

- C289** S. 61 applied (with modifications) by the [Oil Taxation Act 1975 \(c. 22\), s. 1, Sch. 2 para. 1\(1\)](#)
- C290** S. 61 applied (with modifications) (31.7.1997) by [Finance \(No. 2\) Act 1997 \(c. 58\), Sch. 2 para. 15\(1\)-\(3\)](#)
- C291** S. 61 applied (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Stamp Duty \(Collection and Recovery of Penalties\) Regulations 1999 \(S.I. 1999/2537\), regs. 1\(1\), 3\(1\), Sch. Pt. I](#)



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## 62 Priority of claim for tax.

- (1) <sup>F585</sup>If at any time at which any goods or chattels belonging to any person (in this section referred to as “the person in default”) are] liable to be taken by virtue of any execution or other process, warrant, or authority whatever, or by virtue of any assignment, on any account or pretence whatever, except at the suit of the landlord for rent, <sup>F585</sup>the person in default is in arrears in respect of any such claims as are referred to in subsection (1A) below, the goods or chattels may not be so taken unless on demand made by the collector] the person at whose suit the execution or seizure is made, or to whom the assignment was made, pays or causes to be paid to the collector, before the sale or removal of the goods or chattels, all <sup>F585</sup>such sums as have fallen due at or before the date of seizure].

<sup>F586</sup>(1A) The sums referred to in subsection (1) above are—

- (a) sums due from the person in default on account of deductions of income tax from <sup>F587</sup>taxable earnings (as defined by section 10 of ITEPA 2003)] paid during the period of twelve months next before the date of seizure, being deductions which the person in default was liable to make under <sup>F588</sup>PAYE regulations] less the amount of the repayments of income tax which he was liable to make during that period; and
- (b) sums due from the person in default in respect of deductions required to be made by him for that period under <sup>F589</sup>section 61 of the Finance Act 2004] (sub-contractors in the construction industry).]
- (2) <sup>F590</sup>If the sums referred to in subsection (1) above are not paid within ten days of the date of the demand referred to in that subsection, the collector may] distrain the goods and chattels notwithstanding the seizure or assignment, and <sup>F590</sup>may proceed] to the sale thereof, as prescribed by this Act, for the purpose of obtaining payment of the whole of <sup>F590</sup>those sums], and the reasonable costs and charges attending such distress and sale, and every collector so doing shall be indemnified by virtue of this Act.

<sup>F591</sup>(3) . . . . .

### Textual Amendments

- F585** Words in s. 62(1) substituted by [Finance Act 1989 \(c. 26\), s. 153\(2\)](#).
- F586** S. 62(1A) inserted by [Finance Act 1989 \(c. 26\), s. 153\(3\)](#).
- F587** Words in s. 62(1A)(a) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 132\(a\)](#) (with [Sch. 7](#))
- F588** Words in s. 62(1A)(a) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\), Sch. 6 para. 132\(b\)](#) (with [Sch. 7](#))
- F589** Words in s. 62(1A)(b) substituted (with effect in accordance with s. 77 of the amending Act) by [Finance Act 2004 \(c. 12\), Sch. 12 para. 4\(2\)](#)
- F590** Words in s. 62(2) substituted by [Finance Act 1989 \(c. 26\), s. 153\(4\)](#).
- F591** A development land tax provision added by [Development Land Tax Act 1976 \(c. 24\) Sch.8 para.17](#).  
Development Land Tax Act 1976 repealed by [Finance Act 1985 \(c. 54\), s.98\(6\), Sch.27 Part X](#).

## <sup>F592</sup>63 Recovery of tax in Scotland

- (1) Subject to subsection (3) below, in Scotland, where any tax is due and has not been paid, the sheriff, on an application by the collector accompanied by a certificate by the collector—

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- (a) stating that none of the persons specified in the application has paid the tax due by him;
  - (b) stating that the collector has demanded payment under section 60 of this Act from each such person of the amount due by him;
  - (c) stating that 14 days have elapsed since the date of such demand without payment of the said amount; and
  - (d) specifying the amount due and unpaid by each such person,
- shall grant a summary warrant in a form prescribed by Act of Sederunt authorising the recovery, by way of the diligences mentioned in subsection (2) below, of the amount remaining due and unpaid.
- (2) The diligences referred to in subsection (1) above are—
- [<sup>F593</sup>(a) an attachment;]
  - (b) an earnings arrestment;
  - (c) an arrestment and auction of furthcoming or sale.
- (3) Paragraph (c) of subsection (1) above shall not apply to an application under that subsection [<sup>F594</sup>insofar as it relates to sums due in respect of—
- (a) deductions of income tax which any person specified in the application was liable to make under [<sup>F595</sup>PAYE regulations]; or
  - (b) deductions required to be made under [<sup>F596</sup>section 61 of the Finance Act 2004] (sub-contractors in the construction industry) by any person specified in the application.]
- <sup>F597</sup>(4) In this section references to amounts of tax due and references to sums due in respect of deductions include references to amounts which are deemed to be—
- (a) amounts of tax which the person is liable to pay by virtue of the Income Tax (Employments) Regulations 1973; or
  - (b) amounts which the person is liable to pay by virtue of the Income Tax (Sub-Contractors in the Construction Industry) Regulations 1975.]]

#### Subordinate Legislation Made

**P1** S. 63(1): s. 63(1) power exercised by [S.I.1991/1920](#)

#### Textual Amendments

**F592** Ss 63, 63A substituted for s. 63 (30.11.1988) by [Debtors \(Scotland\) Act 1987 \(c. 18\)](#), s. 74(1), Sch. 4 para. 2; [S.I. 1988/1818 \(C. 66\)](#).

**F593** S. 63(2)(a) substituted (S.) (30.12.2002) by [Debt Arrangement and Attachment \(Scotland\) Act 2002 \(asp 17\)](#), s. 64(2), [Sch. 3 para. 11\(2\)](#)

**F594** [Finance Act 1989 \(c. 26\)](#), [s. 154\(2\)](#).

**F595** Words in s. 63(3)(a) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), [Sch. 6 para. 133](#) (with [Sch. 7](#))

**F596** Words in s. 63(3)(b) substituted (with effect in accordance with s. 77 of the amending Act) by [Finance Act 2004 \(c. 12\)](#), [Sch. 12 para. 5\(2\)](#)

**F597** [Finance Act 1989 \(c. 26\)](#), [s. 154\(3\)](#).

#### Modifications etc. (not altering text)

**C292** S. 63 applied (with modifications) (31.7.1997) by [Finance \(No. 2\) Act 1997 \(c. 58\)](#), [Sch. 2 para. 15\(1\)-\(3\)](#)

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**C293** S. 63 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Stamp Duty \(Collection and Recovery of Penalties\) Regulations 1999 \(S.I. 1999/2537\)](#), regs. 1(1), 3(1), **Sch. Pt. I**

#### **[<sup>F592</sup>63A Sheriff officer's fees and outlays.**

- (1) Subject to subsection (2) below and without prejudice to [<sup>F598</sup>section 39(1) of the Debt Arrangement and Attachment (Scotland) Act 2002 (asp 17) (expenses of attachment)], the sheriff officer's fees, together with the outlays necessarily incurred by him, in connection with the execution of a summary warrant shall be chargeable against the debtor.
- (2) No fee shall be chargeable by the sheriff officer against the debtor for collecting, and accounting to the collector for, sums paid to him by the debtor in respect of the amount owing.]

#### **Textual Amendments**

**F592** Ss 63, 63A substituted for s. 63 (30.11.1988) by [Debtors \(Scotland\) Act 1987 \(c. 18\)](#), s. 74(1), Sch. 4 para. 2; [S.I. 1988/1818 \(C. 66\)](#).

**F598** Words in s. 63A(1) substituted (S.) (30.12.2002) by [Debt Arrangement and Attachment \(Scotland\) Act 2002 \(asp 17\)](#), s. 64(2), **Sch. 3 para. 11(3)**

#### **Modifications etc. (not altering text)**

**C294** S. 63A applied (with modifications) (31.7.1997) by [Finance \(No. 2\) Act 1997 \(c. 58\)](#), **Sch. 2 para. 15(1)-(3)**

**C295** S. 63A applied (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Stamp Duty \(Collection and Recovery of Penalties\) Regulations 1999 \(S.I. 1999/2537\)](#), regs. 1(1), 3(1), **Sch. Pt. I**

#### **64 Priority of claim for tax in Scotland.**

- (1) [<sup>F599</sup>If at any time at which any movable goods and effects belonging to any person (in this section referred to as “the person in default”) are] liable to be taken by virtue of any <sup>F600</sup>... diligence whatever, or by any assignation, [<sup>F601</sup>the person in default is in arrears in respect of any such sums as are referred to in subsection (1A) below, the goods and effects may not be so taken unless on demand made by the collector] the person proceeding to take the said goods and effects pays [<sup>F601</sup>such sums as have fallen due at or before the date of poinding or, as the case may be, other diligence or assignation].

[<sup>F602</sup>(1A) The sums referred to in subsection (1) above are—

- (a) sums due from the person in default on account of deductions of income tax from [<sup>F603</sup>taxable earnings (as defined by section 10 of ITEPA 2003)] paid during the period of twelve months next before the date of poinding, being deductions which the person in default was liable to make under [<sup>F604</sup>PAYE regulations] less the amount of the repayments of income tax which he was liable to make during that period; and
  - (b) sums due from the person in default in respect of deductions required to be made by him for that period under [<sup>F605</sup>section 61 of the Finance Act 2004] (sub-contractors in the construction industry).]
- (2) [<sup>F606</sup>If the sums referred to in subsection (1) above are not paid within ten days of the date of the demand referred to in that subsection, the sums shall], notwithstanding

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any [<sup>F606</sup>proceedings] for the purpose of taking the said moveable goods and effects, be recoverable by pointing and selling the said moveable goods and effects under warrant obtained in conformity with the provisions contained in section 63 above.

<sup>F607</sup>(3) .....

#### Textual Amendments

**F599** Words in s. 64(1) substituted by [Finance Act 1989 \(c. 26\)](#), s. 155(2)(a).

**F600** Words in s. 64(1) repealed (S.) (22.4.2009) by [Bankruptcy and Diligence etc. \(Scotland\) Act 2007 \(asp 3\)](#), s. 227(3), [Sch. 6 Pt. 1](#) (with s. 223); S.S.I. 2009/67, art. 3(2)(3), [Sch. 2](#) (with arts. 4-6) (as amended (31.1.2011) by S.S.I. 2011/31, art. 5(b))

**F601** Words in s. 64(1) substituted by [Finance Act 1989 \(c. 26\)](#), [s. 155\(2\)\(b\)\(c\)](#).

**F602** S. 64(1A) inserted by [Finance Act 1989 \(c. 26\)](#), s. 155(3)

**F603** Words in s. 64(1A)(a) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), [Sch. 6 para. 134\(a\)](#) (with [Sch. 7](#))

**F604** Words in s. 64(1A)(a) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), [Sch. 6 para. 134\(b\)](#) (with [Sch. 7](#))

**F605** Words in s. 64(1A)(b) substituted (with effect in accordance with s. 77 of the amending Act) by [Finance Act 2004 \(c. 12\)](#), [Sch. 12 para. 6\(2\)](#)

**F606** Words in s. 64(2) substituted by [Finance Act 1989 \(c. 26\)](#), [s. 155\(4\)\(a\)\(b\)](#).

**F607** *A development land tax provision added by* [Development Land Tax Act 1976 \(c. 24\)](#) [Sch.8 para.18](#).  
*Development Land Tax Act 1976 repealed by* [Finance Act 1985 \(c. 54\)](#), s.98(6), [Sch.27 Part X](#).

### *Court proceedings*

#### 65 Magistrates' courts.

- (1) [<sup>F608</sup>Any amount due and payable by way of income tax, capital gains tax or corporation tax which does not exceed £2,000] shall, without prejudice to any other remedy, be recoverable summarily as a civil debt by proceedings commenced in the name of a collector.
- (2) All or any of the sums due in respect of tax from any one person and payable to any one collector (being sums which are by law recoverable summarily) may, whether or not they are due under one assessment, be included in the same complaint, summons, order, warrant or other document required by law to be laid before justices or to be issued by justices, and every such document as aforesaid shall, as respects each such sum, be construed as a separate document and its invalidity as respects any one such sum shall not affect its validity as respects any other such sum.
- (3) Proceedings under this section <sup>F609</sup>... may be brought in England and Wales at any time within one year from the time when the matter complained of arose.
- (4) It is hereby declared that in subsection (1) above the expression “recoverable summarily as a civil debt” in respect of proceedings in Northern Ireland means recoverable [<sup>F610</sup>in proceedings under Article 62 of the Magistrates’ Courts (Northern Ireland) Order 1981].
- [<sup>F611</sup>(5) The Treasury may by order made by statutory instrument increase the [<sup>F612</sup>sum] specified in sub-section (1) above; and any such statutory instrument shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.]

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### Subordinate Legislation Made

- P2** S. 65: power exercised (11.9.1989) by [S.I. 1989/1300](#).  
**P3** S. 65(5): power exercised (16.7.1991) by [S.I.1991/1625](#).

### Textual Amendments

- F608** Words in s. 65(1) substituted (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 19 para. 30\(2\)](#); [S.I. 1998/3173](#), art. 2  
**F609** Words in s. 65(3) repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 19 para. 30\(3\), Sch. 27 Pt. 3\(28\)](#); [S.I. 1998/3173](#), art. 2  
**F610** [Finance Act 1984 \(c. 43\), s. 57\(1\)](#).  
**F611** [Finance Act 1984 \(c. 43\), s.57\(1\)\(c\)](#).  
**F612** Word in s. 65(5) substituted (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 19 para. 30\(4\)](#); [S.I. 1998/3173](#), art. 2

### Modifications etc. (not altering text)

- C296** S. 65 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Stamp Duty \(Collection and Recovery of Penalties\) Regulations 1999 \(S.I. 1999/2537\)](#), regs. 1(1), 3(1), [Sch. Pt. I](#)  
**C297** Ss. 65, 66, 67 modified (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Working Tax Credit \(Payment by Employers\) Regulations 2002 \(S.I. 2002/2172\)](#), regs. 1(1), [14\(6\)](#) (with [reg. 14\(7\)](#))

## 66 County courts.

- (1) [<sup>F613</sup>Tax due and payable <sup>F614</sup>... may, in England and Wales, and in Northern Ireland where the amount does not exceed the limit specified in Article 10(1) of the County Courts (Northern Ireland) Order 1980,] without prejudice to any other remedy, be sued for and recovered from the person charged therewith as a debt due to the Crown by proceedings in a county court <sup>F615</sup>... .

<sup>F616</sup>(2) .....

<sup>F617</sup>(2A) .....

- [<sup>F618</sup>(3) In this section as it applies in Northern Ireland the expression “county court” shall mean a county court held for a division under the County Courts (Northern Ireland) Order 1980.]

- (4) Sections 21 and 42(2) of the Interpretation Act (Northern Ireland) 1954 shall apply as if any reference in those provisions to any enactment included a reference to this section, and Part III of the County Courts [<sup>F619</sup>(Northern Ireland) Order 1980] (general civil jurisdiction) shall apply for the purposes of this section in Northern Ireland.

### Textual Amendments

- F613** Words in s. 66(1) substituted by [S.I. 1991/724](#), art. 2(8), [Sch. Pt. I](#)  
**F614** Words in s. 66(1) repealed (11.5.2001) by [Finance Act 2001 \(c. 9\)](#), s. 89(1), [Sch. 33 Pt. 2\(14\)](#) Note 1 (with [s. 89\(1\)](#))  
**F615** Words in s. 66(1) omitted (21.7.2008) by virtue of [Finance Act 2008 \(c. 9\)](#), [s. 137\(2\)\(a\)](#) (with [s. 137\(7\)](#))  
**F616** S. 66(2) omitted (21.7.2008) by virtue of [Finance Act 2008 \(c. 9\)](#), [s. 137\(2\)\(b\)](#) (with [s. 137\(7\)](#))

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- F617** S. 66(2A) repealed by S.I. 1991/724, art. 2(8), **Sch. Pt. I**  
**F618** S. 66(3) substituted by S.I. 1991/724, art. 2(8), **Sch. Pt. I**  
**F619** S.I. 1980/397 (N.I.3), art 68(2), **Sch. 1 Part II** with effect from 19 April 1980.

**Modifications etc. (not altering text)**

- C297** Ss. 65, 66, 67 modified (with effect in accordance with reg. 1(2) of the amending S.I.) by **The Working Tax Credit (Payment by Employers) Regulations 2002** (S.I. 2002/2172), regs. 1(1), **14(6)** (with reg. 14(7))  
**C298** S. 66 applied (with modifications) by the **Oil Taxation Act 1975** (c. 22), s. 1, **Sch. 2 para. 1(1)**  
 S. 66 applied by **Finance Act 1981** (c. 35), s.134, **Sch.17 para.18** (special tax on banking deposits)  
**C299** S. 66 extended by S.I. 1991/724, **art. 2(1)(f)**  
**C300** Ss. 66-68 applied (with modifications) (31.7.1997) by **Finance (No. 2) Act 1997** (c. 58), **Sch. 2 para. 15(1)-(3)**  
**C301** S. 66 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by **The Stamp Duty (Collection and Recovery of Penalties) Regulations 1999** (S.I. 1999/2537), regs. 1(1), 3(1), **Sch. Pt. I**

**67 Inferior courts in Scotland.**

- (1) In Scotland, [<sup>F620</sup>tax due and payable <sup>F621</sup>...] may, without prejudice to any other remedy, be sued for and recovered from the person charged therewith as a debt due to the Crown by proceedings commenced in the name of a collector in the sheriff court <sup>F622</sup> ... .
- [<sup>F623</sup>(1A) An officer of the Board who is authorised by the Board to do so may address the court in any proceedings under this section.]
- (2) Sections 65 and 66 above shall not apply in Scotland.

**Textual Amendments**

- F620** Words in s. 67(1) substituted (with application in accordance with s. 156(4) of the amending Act) by **Finance Act 1995** (c. 4), **s. 156(2)**  
**F621** Words in s. 67(1) repealed (11.5.2001) by **Finance Act 2001** (c. 9), s. 89(1), **Sch. 33 Pt. 2(14)** Note 1 (with s. 89(1))  
**F622** Sheriff's small debt court abolished from 1 September 1976 by **Sheriff Courts (Scotland) Act 1971** (c.58), **s.35(2)**. Words omitted repealed by **Finance Act 1976** (c. 40), s.58(1), **Sch.15 Part III** from that date..  
**F623** S. 67(1A) inserted (with application in accordance with s. 156(4) of the amending Act) by **Finance Act 1995** (c. 4), **s. 156(3)**

**Modifications etc. (not altering text)**

- C297** Ss. 65, 66, 67 modified (with effect in accordance with reg. 1(2) of the amending S.I.) by **The Working Tax Credit (Payment by Employers) Regulations 2002** (S.I. 2002/2172), regs. 1(1), **14(6)** (with reg. 14(7))  
**C300** Ss. 66-68 applied (with modifications) (31.7.1997) by **Finance (No. 2) Act 1997** (c. 58), **Sch. 2 para. 15(1)-(3)**  
**C302** S. 67 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by **The Stamp Duty (Collection and Recovery of Penalties) Regulations 1999** (S.I. 1999/2537), regs. 1(1), 3(1), **Sch. Pt. I**

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## 68 High Court, etc.

- (1) Any tax may be sued for and recovered from the person charged therewith in the High Court as a debt due to the Crown, or by any other means whereby any debt of record or otherwise due to the Crown can, or may at any time, be sued for and recovered, as well as by the other means specially provided by this Act for levying the tax.
- (2) All matters within the jurisdiction of the High Court under this section shall be assigned in Scotland to the Court of Session sitting as the Court of Exchequer .

### Modifications etc. (not altering text)

**C300** Ss. 66-68 applied (with modifications) (31.7.1997) by [Finance \(No. 2\) Act 1997 \(c. 58\)](#), [Sch. 2 para. 15\(1\)-\(3\)](#)

**C303** S. 68 applied (with modifications) by the [Oil Taxation Act 1975 \(c. 22\)](#), s. 1, [Sch. 2 para. 1\(1\)](#)  
S. 68 applied by [Finance Act 1981 \(c. 35\)](#), s.134, [Sch.17 para.18](#) (special tax on banking deposits).

**C304** S. 68 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Stamp Duty \(Collection and Recovery of Penalties\) Regulations 1999 \(S.I. 1999/2537\)](#), regs. 1(1), 3(1), [Sch. Pt. I](#)

## Supplemental

### [<sup>F624</sup>69 Recovery of penalty, surcharge or interest

- (1) This section applies to—
  - (a) penalties imposed under Part 2, 5A or 10 of this Act or Schedule 18 to the Finance Act 1998;
  - (b) surcharges imposed under Part 5A of this Act; and
  - (c) interest charged under any provision of this Act (or recoverable as if it were interest so charged).
- (2) An amount by way of penalty, surcharge or interest to which this section applies shall be treated for the purposes of the following provisions as if it were an amount of tax.
- (3) Those provisions are—
  - (a) sections 61, 63 and 65 to 68 of this Act;
  - (b) section 35(2)(g)(i) of the Crown Proceedings Act 1947 (rules of court: restriction of set-off or counterclaim where proceedings, or set-off or counterclaim, relate to tax) and any rules of court imposing any such restriction;
  - (c) section 35(2)(b) of that Act as set out in section 50 of that Act (which imposes corresponding restrictions in Scotland).]

### Textual Amendments

**F624** S. 69 substituted (11.5.2001) by [Finance Act 2001 \(c. 9\)](#), [s. 89\(2\)](#) (with [s. 89\(2\)](#))

### Modifications etc. (not altering text)

**C305** S. 69 applied (with modifications) by the [Oil Taxation Act 1975 \(c. 22\)](#), s. 1, [Sch. 2 para. 1\(1\)](#)

**C306** S. 69 applied (with modifications) by [Finance Act 1981 \(c. 35\)](#), s.134, [Sch.17 para.18](#) (special tax on banking deposits).

*Status: Point in time view as at 13/08/2009. This version of this Act contains provisions that are not valid for this point in time.*

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- C307** S. 69 modified by [Finance Act 1989 \(c. 26\), s. 157\(5\)](#)
- C308** S. 69 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Stamp Duty \(Collection and Recovery of Penalties\) Regulations 1999 \(S.I. 1999/2537\)](#), regs. 1(1), 3(1), [Sch. Pt. I](#)
- C309** S. 69 applied (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\)](#), regs. 1(1), **69** (with reg. 1(4)(6))
- C310** S. 69 applied (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\)](#), regs. 1(1), **64**

## 70 Evidence.

<sup>F625</sup>(1) .....

<sup>F626</sup>(2) .....

[<sup>F627</sup>(3) [<sup>F628</sup>A certificate of the inspector or any other officer of the Board that it has been determined that tax carries interest under section 88 of this Act, together with a certificate of the collector that payment of the interest has not been made to him, or, to the best of his knowledge and belief, to any other collector, or to any person acting on his behalf or on behalf of another collector, shall be sufficient evidence—

(a) that interest is chargeable on the tax from the date when for the purposes of section 88 of this Act the tax ought to have been paid, and

(b) that the sum mentioned in the certificate is unpaid and is due to the Crown; and any document purporting to be such a certificate as is mentioned in this subsection shall be deemed to be such a certificate unless the contrary is proved.]]

(4) A written statement as to the wages, salaries, fees, and other [<sup>F629</sup>earnings or amounts treated as earnings] paid for any period to the person against whom proceedings are brought under section 65, 66 or 67 of this Act, purporting to be signed by his employer for that period or by any responsible person in the employment of the employer, shall in such proceedings be prima facie evidence that the wages, salaries, fees and other [<sup>F629</sup>earnings or amounts treated as earnings] therein stated to have been paid to the person charged have in fact been so paid.

<sup>F630</sup>(5) .....

[<sup>F631</sup>(5) In subsection (4) “earnings or amounts treated as earnings” means earnings or amounts treated as earnings which constitute employment income (see section 7(2)(a) or (b) of ITEPA 2003).]

### Textual Amendments

**F625** S. 70(1) omitted (21.7.2008) by virtue of [Finance Act 2008 \(c. 9\)](#), [Sch. 44 para. 1](#)

**F626** S. 70(2) omitted (21.7.2008) by virtue of [Finance Act 2008 \(c. 9\)](#), [Sch. 44 para. 1](#)

**F627** [Finance Act 1989 \(c. 26\), s. 160\(3\)](#).

**F628** S. 70(3) ceases to have effect (with effect in accordance with s. 199(2)(3) of the amending Act) by virtue of [Finance Act 1994 \(c. 9\)](#), [Sch. 19 para. 21\(2\)](#); S.I. 1998/3173, [art. 2](#)

**F629** Words in s. 70(4) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), [Sch. 6 para. 135\(3\)](#) (with [Sch. 7](#))

**F630** S. 70(5) repealed by [Finance Act 1989 \(c. 26\)](#), s. 187, [Sch. 17 Part VIII](#)

**F631** S. 70(5) inserted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), [Sch. 6 para. 135\(4\)](#) (with [Sch. 7](#))



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**Modifications etc. (not altering text)**

- C311** S. 70 applied (with modifications) by the [Oil Taxation Act 1975 \(c. 22\)](#), s. 1, [Sch. 2 para. 1\(1\)](#)  
S. 70 applied (with modifications) by [Finance Act 1981 \(c. 35\)](#), s. 134, Sch. 17 para. 18 (special tax on banking deposits).

[<sup>F632</sup>**70A Payments by cheque.**

- (1) For the purposes of this Act and the provisions mentioned in subsection (2) below, where—
- (a) any payment to an officer of the Board or the Board is made by cheque, and
  - (b) the cheque is paid on its first presentation to the banker on whom it is drawn, the payment shall be treated as made on the day on which the cheque was received by the officer or the Board.
- (2) The provisions are—
- (a) sections 824 to 826 of the principal Act (repayment supplements and interest on tax overpaid); and
  - (b) section 283 of the 1992 Act (repayment supplements).

[ This section is subject to regulations under section 95(1) of the Finance Act 2007  
<sup>F633</sup>(3) (payment by cheque).]

**Textual Amendments**

- F632** S. 70A inserted (with effect in accordance with s. 199(2)(3), Sch. 19 para. 22(2) of the amending Act) by [Finance Act 1994 \(c. 9\)](#), [Sch. 19 para. 22\(1\)](#); S.I. 1998/3173, art. 2  
**F633** S. 70A(3) inserted (19.7.2007) by [Finance Act 2007 \(c. 11\)](#), [s. 95\(7\)](#)

**Modifications etc. (not altering text)**

- C312** S. 70A applied (with modifications) (31.7.1997) by [Finance \(No. 2\) Act 1997 \(c. 58\)](#), [Sch. 2 para. 15\(1\)-\(3\)](#)

**PART VII**

PERSONS CHARGEABLE IN A REPRESENTATIVE CAPACITY, ETC.

*Income Tax*

**71 Bodies of persons.**

- (1) <sup>F634</sup>... Every body of persons shall be chargeable to income tax in like manner as any person is chargeable under the Income Tax Acts.
- (2) Subject to section 108 of this Act, the chamberlain or other officer acting as treasurer, auditor or receiver for the time being of any body of persons chargeable to income tax shall be answerable for doing all such acts as are required to be done under the Income Tax Acts for the purpose of the assessment of the body and for payment of the tax.

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- (3) Every such officer as aforesaid may from time to time retain, out of any money coming into his hands on behalf of the body, so much thereof as is sufficient to pay the income tax charged upon the body, and shall be indemnified for all such payments made in pursuance of the Income Tax Acts .

#### Textual Amendments

**F634** Words in s. 71(1) repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), Sch. 1 para. 304, **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

#### Modifications etc. (not altering text)

**C313** S. 71 applied by [Finance Act 1981 \(c. 35\)](#), s. 134, **Sch. 17 para. 18** (special tax on banking deposits).

## 72 Trustees, guardians, etc., of incapacitated persons.

- (1) The trustee, guardian, tutor, curator or committee of any incapacitated person having the direction, control or management of the property or concern of any such person, whether such person resides in the United Kingdom or not, shall be assessable and chargeable to income tax in like manner and to the like amount as that person would be assessed and charged if he were not an incapacitated person.
- (2) The person who is chargeable in respect of an incapacitated person shall be answerable for all matters required to be done under the Income Tax Acts for the purpose of assessment and payment of income tax.
- (3) Any person who has been charged under the Income Tax Acts in respect of any incapacitated person as aforesaid may retain, out of money coming into his hands on behalf of any such person, so much thereof from time to time as is sufficient to pay the tax charged, and shall be indemnified for all such payments made in pursuance of the Income Tax Acts.

#### Modifications etc. (not altering text)

**C314** S. 72 restricted (N.I.) (1.7.1992) by [Social Security Contributions and Benefits \(Northern Ireland\) Act 1992 \(c. 7\)](#), ss. 15(3), 173(4), **Sch. 2 para. 5(a)**

**C315** S. 72 applied (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\)](#), regs. 1(1), **33**

**C316** S. 72 applied (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\)](#), regs. 1(1), **38** (with reg. 1(4)(6))

## 73 Further provision as to infants.

If a person chargeable to income tax is an infant, then his [<sup>F635</sup>parent , guardian or tutor][<sup>F635</sup>parent or guardian]—

- (a) shall be liable for the tax in default of payment by the infant, and
- (b) on neglect or refusal of payment, may be proceeded against in like manner as any other defaulter, and
- (c) if he makes such payment, shall be allowed all sums so paid in his accounts.

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### Textual Amendments

**F635** Words in s. 73 substituted (S.) (25.9.1991) by [Age of Legal Capacity \(Scotland\) Act 1991 \(c. 50, SIF 49:8\)](#), ss. 10(1), 11(2), [Sch. 1 para.33](#) (with s. 1(3))

## 74 Personal representatives.

- (1) If a person chargeable to income tax dies, the executor or administrator of the person deceased shall be liable for the tax chargeable on such deceased person, and may deduct any payments made under this section out of the assets and effects of the person deceased .
- (2) On neglect or refusal of payment, any person liable under this section may be proceeded against in like manner as any other defaulter .

### Modifications etc. (not altering text)

- C317** S. 74 applied by [Finance Act 1981 \(c. 35\)](#), s. 134, [Sch. 17 para. 18](#) (special tax on banking deposits).
- C318** S. 74 applied (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\)](#), regs. 1(1), [38](#) (with reg. 1(4)(6))
- C319** Ss. 74, 75, 76 applied (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\)](#), regs. 1(1), [33](#)

## 75 Receivers appointed by a court.

- (1) A receiver appointed by any court in the United Kingdom which has the direction and control of any property in respect of which income tax is charged in accordance with the provisions of the Income Tax Acts shall be assessable and chargeable with the tax in like manner and to the like amount as would be assessed and charged if the property were not under the direction and control of the court.
- (2) Every such receiver shall be answerable for doing all matters and things required to be done under the Income Tax Acts for the purpose of assessment and payment of income tax .

### Modifications etc. (not altering text)

- C319** Ss. 74, 75, 76 applied (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\)](#), regs. 1(1), [33](#)
- C320** S. 75 applied by [Finance Act 1981 \(c. 35\)](#), s. 134, [Sch. 17 para. 18](#) (special tax on banking deposits).
- C321** S. 75 applied (with modifications) (31.7.1997) by [Finance \(No. 2\) Act 1997 \(c. 58\)](#), [Sch. 2 para. 18](#)
- C322** S. 75 restricted (24.2.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), [Sch. 10 para. 1](#); S.I. 2003/120, art. 2, [Sch.](#) (with arts. 3, 4)
- C323** S. 75 applied (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\)](#), regs. 1(1), [38](#) (with reg. 1(4)(6))

## 76 Protection for certain trustees, agents and receivers.

- (1) A trustee who has authorised the receipt of profits arising from trust property by, or by the agent of, the person entitled thereto shall not, if—

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- (a) that person or agent actually received the profits under that authority, and
- (b) the trustee makes a return, as required by section 13 of this Act, of the name, address and profits of that person,

be required to do any other act for the purpose of the assessment of that person to income tax.

- (2) An agent or receiver of any person resident in the United Kingdom, other than an incapacitated person, shall not, if he makes a return, as required by section 13 of this Act, of the name, address and profits of that person, be required to do any other act for the purpose of the assessment of that person to income tax.

**Modifications etc. (not altering text)**

**C319** Ss. 74, 75, 76 applied (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\)](#), regs. 1(1), **33**

**C324** S. 76 applied (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\)](#), regs. 1(1), **38** (with reg. 1(4)(6))

*Capital gains tax*

**77 Application of Part VII to capital gains tax.**

- (1) This Part of this Act (except section 76 above) shall apply in relation to capital gains tax as it applies in relation to income tax <sup>F636</sup>. . . , and subject to any necessary modifications.

- (2) This Part of this Act as applied by this section shall not affect the question of who is the person to whom chargeable gains accrue, or who is chargeable to capital gains tax, so far as that question is relevant for the purposes of any exemption, or of any provision determining the rate at which capital gains tax is chargeable.

**Textual Amendments**

**F636** Words omitted repealed for 1973—74 et seq. by [Finance Act 1971 \(c. 68\)](#), ss. 37, 38, **Sch.14 Part II**.

**Modifications etc. (not altering text)**

**C325** S. 77 restricted (24.2.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), s. 458(1), **Sch. 10 para. 1**; [S.I. 2003/120](#), art. 2, **Sch.** (with arts. 3, 4)

<sup>F637</sup>**77A** .....

**Textual Amendments**

**F637** S. 77A added by [Development Land Tax Act 1976 \(c. 24\)](#) Sch.8 para.19. Development Land Tax Act 1976 repealed by [Finance Act 1985 \(c. 54\)](#), s.98(6), **Sch.27 Part X**.

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## PART VIII

### CHARGES ON NON-RESIDENTS

#### *Income tax*

**F638**~~78~~ **78 Method of charging non-residents.**

.....

**Textual Amendments**

**F638** Ss. 78-85 repealed (with effect in accordance with Sch. 29 Pt. 8(16) Note 5 of the amending Act) by Finance Act 1995 (c. 4), **Sch. 29 Pt. 8(16)**

**F638**~~79~~ **79 Profits from branch or agency.**

.....

**Textual Amendments**

**F638** Ss. 78-85 repealed (with effect in accordance with Sch. 29 Pt. 8(16) Note 5 of the amending Act) by Finance Act 1995 (c. 4), **Sch. 29 Pt. 8(16)**

**F638**~~80~~ **80 Charge on percentage of turnover.**

.....

**Textual Amendments**

**F638** Ss. 78-85 repealed (with effect in accordance with Sch. 29 Pt. 8(16) Note 5 of the amending Act) by Finance Act 1995 (c. 4), **Sch. 29 Pt. 8(16)**

**F638**~~81~~ **81 Taxation on basis of merchanting profit.**

.....

**Textual Amendments**

**F638** Ss. 78-85 repealed (with effect in accordance with Sch. 29 Pt. 8(16) Note 5 of the amending Act) by Finance Act 1995 (c. 4), **Sch. 29 Pt. 8(16)**

**F638**~~82~~ **82 Savings.**

.....

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**Textual Amendments**  
**F638** Ss. 78-85 repealed (with effect in accordance with Sch. 29 Pt. 8(16) Note 5 of the amending Act) by Finance Act 1995 (c. 4), **Sch. 29 Pt. 8(16)**

**<sup>F638</sup>83 Responsibilities and indemnification of persons in whose name a non-resident person is chargeable.**

.....

**Textual Amendments**  
**F638** Ss. 78-85 repealed (with effect in accordance with Sch. 29 Pt. 8(16) Note 5 of the amending Act) by Finance Act 1995 (c. 4), **Sch. 29 Pt. 8(16)**

*Capital gains tax*

**<sup>F638</sup>84 Gains from branch or agency.**

.....

**Textual Amendments**  
**F638** Ss. 78-85 repealed (with effect in accordance with Sch. 29 Pt. 8(16) Note 5 of the amending Act) by Finance Act 1995 (c. 4), **Sch. 29 Pt. 8(16)**

*Corporation tax*

**<sup>F638</sup>85 Application of Part VIII to corporation tax.**

.....

**Textual Amendments**  
**F638** Ss. 78-85 repealed (with effect in accordance with Sch. 29 Pt. 8(16) Note 5 of the amending Act) by Finance Act 1995 (c. 4), **Sch. 29 Pt. 8(16)**

**<sup>F639</sup>85A .....**

**Textual Amendments**  
**F639** S. 85A added by [Development Land Tax Act 1976 \(c. 24\)](#) Sch.8 para.20. Development Land Tax Act 1976 repealed by [Finance Act 1985 \(c. 54\)](#), s.98(6), Sch.27 Part X.

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## PART IX

### INTEREST ON OVERDUE TAX

#### Modifications etc. (not altering text)

**C326** Pt. IX modified by [The Income Tax \(Entertainers and Sportsmen\) Regulations 1987 \(S.I. 1987/530\), reg. 11\(3\)](#)

**C327** Pt. IX applied (27.7.1993 with effect in relation to the year 1993-94 and subsequent years of assessment) by [Finance Act 1993 \(c. 34\), s. 122\(2\)\(3\)](#)

**C328** Pt. 9 applied by Taxation of Chargeable Gains Act 1992 (c. 12), s. 281(5)(a) (as substituted (with effect in accordance with Sch. 18 para. 17 of the amending Act) by [Finance Act 1996 \(c. 8\), Sch. 18 paras. 15\(2\), 17](#))

**C329** Pt. 9 modified (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 18 para. 39\(2\)\(a\)](#) (with [Sch. 18 para. 59\(2\)](#)); [S.I. 1998/3173](#), art. 2

#### <sup>F640</sup>86 Interest on overdue income tax and capital gains tax.

- (1) The following, namely—
  - (a) any amount on account of income tax which becomes due and payable in accordance with section 59A(2) of this Act, and
  - (b) any income tax or capital gains tax which becomes due and payable in accordance with section 55 or 59B of this Act,shall carry interest at the rate applicable under section 178 of the Finance Act 1989 from the relevant date until payment.
- (2) For the purposes of subsection (1)(a) above the relevant date is whichever of the dates mentioned in section 59A(2) of this Act is applicable; and for the purposes of subsection (1)(b) above the relevant date is—
  - (a) in any such case as is mentioned in subsection (3) of section 59B of this Act, the last day of the period of three months mentioned in that subsection; and
  - (b) in any other case, the date mentioned in subsection (4) of that section.
- (3) Subsection (1) above applies even if the relevant date is a non-business day within the meaning of <sup>F641</sup>section 92] of the Bills of Exchange Act 1882.
- (4) Subsection (5) below applies where as regards a year of assessment—
  - (a) any person makes a claim under subsection (3) or (4) of section 59A of this Act in respect of the amounts (the section 59A amounts) payable by him in accordance with subsection (2) of that section, and
  - (b) an amount (the section 59B amount) becomes payable by him
    - <sup>F642</sup>(i) in accordance with section 59B(3), (4) or (5) of this Act <sup>F643</sup>or
    - (ii) in accordance with section 59B(6) of this Act in respect of income tax assessed under section 29 of this Act].
- (5) Interest shall be payable under this section as if each of the section 59A amounts had been equal to—
  - (a) the aggregate of that amount and 50 per cent. of the section 59B amount, or
  - (b) the amount which would have been payable in accordance with subsection (2) of section 59A of this Act if the claim under subsection (3) or (4) of that section had not been made,

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whichever is the less.

- (6) In determining for the purposes of subsections (4) and (5) above what amount (if any) is payable by any person in accordance with section 59B(3), (4) or (5) of this Act [<sup>F644</sup>or, in respect of income tax assessed under section 29 of this Act, in accordance with section 59B(6) of this Act]—
- (a) it shall be assumed that both of the section 59A amounts have been paid, and
  - (b) no account shall be taken of any amount which has been paid on account otherwise than under section 59A(2) of this Act or is payable by way of capital gains tax.
- (7) Subsection (8) below applies where as regards any person and a year of assessment—
- (a) amounts (the section 59A amounts) become payable by him in accordance with section 59A(2) of this Act, and
  - (b) an amount (the section 59B amount) becomes repayable to him in accordance with section 59B (3), (4) or (5) of this Act.
- (8) So much of any interest payable under this section on either of the section 59A amounts as is not attributable to the amount by which that amount exceeds 50 per cent. of the section 59B amount shall be remitted.
- (9) In determining for the purposes of subsections (7) and (8) above what amount (if any) is repayable to any person in accordance with section 59B(3), (4) or (5) of this Act, no account shall be taken of any amount which has been paid on account otherwise than under section 59A(2) of this Act or is payable by way of capital gains tax.]

#### Textual Amendments

- F640** S. 86 substituted (with effect in accordance with ss. 103(7), 110(2)-(4) of the amending Act) by [Finance Act 1995 \(c. 4\), s. 110\(1\)](#)
- F641** Words in s. 86(3) substituted (29.4.1996) by [Finance Act 1996 \(c. 8\), s. 131\(2\)](#)
- F642** Words in s. 86(4)(b) renumbered as s. 86(4)(b)(i) (with effect in accordance with Sch. 18 para. 17 of the amending Act) by [Finance Act 1996 \(c. 8\), Sch. 18 para. 3\(2\)](#)
- F643** S. 86(4)(b)(ii) and preceding word inserted (with effect in accordance with Sch. 18 para. 17 of the amending Act) by [Finance Act 1996 \(c. 8\), Sch. 18 para. 3\(2\)](#)
- F644** Words in s. 86(6) inserted (with effect in accordance with Sch. 18 para. 17 of the amending Act) by [Finance Act 1996 \(c. 8\), Sch. 18 para. 3\(3\)](#)

#### Modifications etc. (not altering text)

- C330** S. 86 modified by [Income and Corporation Taxes Act 1988 \(c. 1\), s. 767B\(1\)\(a\)](#) (as inserted (with effect in accordance with s. 135(6) of the amending Act) by [Finance Act 1994 \(c. 9\), s. 135\(1\)\(6\)](#))
- C331** S. 86 applied (with modifications) by [Social Security Contributions and Benefits Act 1992 \(c. 4\), Sch. 2 para. 6\(1\)](#) (as amended (8.9.1998) by [Social Security Act 1998 \(c. 14\), ss. 59\(5\)\(a\)\(b\)\(6\), 87\(2\)](#); S.I. 1998/2209, art. 2(a)-(c), [Sch. Pt. 1](#) (with art. 3))
- C332** S. 86 applied (N.I.) (1.7.1992) by [Social Security Contributions and Benefits \(Northern Ireland\) Act 1992 \(c. 7\), ss. 15\(3\), 173\(4\), Sch. 2 para. 6\(1\)](#)
- C333** S. 86 power to apply (with modifications) conferred by [Finance Act 1995 \(c. 4\), s. 73\(4\)\(c\)](#) (as amended (with effect in accordance with Sch. 18 para. 17 of the amending Act) by [Finance Act 1996 \(c. 8\), Sch. 18 para. 16\(b\)\(c\)](#))
- C334** S. 86 (so far as it has effect without the substitutions made by [Finance Act 1994, Sch. 19 para. 23](#) and [Finance Act 1995, s. 110](#)) amended (with effect in accordance with [Sch. 6 para. 28](#) of the amending Act) by [Finance Act 1996 \(c. 8\), Sch. 6 para. 1](#)



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- C335** S. 86 modified (6.4.1999) by [The Individual Savings Account Regulations 1998 \(S.I. 1998/1870\)](#), regs. 1, **35(3)(4)**
- C336** S. 86 modified (6.4.2006) by [The Registered Pension Schemes \(Relief at Source\) Regulations 2005 \(S.I. 2005/3448\)](#), regs. 1, **14(3)**
- C337** S. 86 modified (with effect in accordance with ss. 156(3), 1034(1)(3) of the amending Act) by [Income Tax Act 2007 \(c. 3\)](#), **ss. 239(1), 1034(1)** (with Sch. 2)

<sup>F645</sup>**86A** .....

#### Textual Amendments

**F645** S. 86A added by [Development Land Tax Act 1976 \(c. 24\)](#) Sch.8 para.21. Development Land Tax Act 1976 repealed by Finance Act 1985 (c. 54), s.98(6), Sch.27 Part X.

#### <sup>F646</sup>**87 Interest on overdue income tax deducted at source**

- (1) Income tax which is assessable under Chapter 15 of Part 15 of ITA 2007 carries interest at the rate applicable under section 178 of the Finance Act 1989 from the date when it was due under section 951 of ITA 2007 until payment.
- (2) Subsection (1) applies—
  - (a) whether or not an assessment is made, and
  - (b) whether or not income tax which is assessed has been paid when the assessment is made.
- (3) Subsection (1) applies even if the date when the income tax should have been paid is a non-business day as defined by section 92 of the Bills of Exchange Act 1882.
- (4) Subsection (5) applies to any income tax which—
  - (a) was payable under Chapter 15 of Part 15 of ITA 2007 (collection: deposit-takers, building societies and certain companies) in respect of payments within section 946 of that Act made in a return period,
  - (b) was not paid on the date when it was due under section 951 of that Act, and
  - (c) has subsequently been discharged or repaid under section 953 of that Act because the person who made the payments received payments on which it suffered income tax by deduction in a later return period.
- (5) The income tax carries interest under subsection (1) from the date when it was due under section 951 of ITA 2007 until the earliest of—
  - (a) the date when the income tax was paid,
  - (b) the date when the person delivered a return for the later return period, and
  - (c) the expiry of 14 days after the end of that period,but subsection (1) does not otherwise apply to the income tax.
- (6) In this section “return period” means a period for which a return is required to be made under Chapter 15 of Part 15 of ITA 2007.]

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**Textual Amendments**

**F646** S. 87 substituted (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\), s. 1034\(1\), Sch. 1 para. 258](#) (with Sch. 2)

**Modifications etc. (not altering text)**

**C338** S. 87 applied (1.1.2007) by [The Real Estate Investment Trusts \(Assessment and Recovery of Tax\) Regulations 2006 \(S.I. 2006/2867\), regs. 1\(1\), 10\(4\)](#)

**C339** S. 87 applied by [The Authorised Investment Funds \(Tax\) Regulations 2006 \(S.I. 2006/964\), reg. 69Z33\(4\)](#) (as inserted (6.4.2008) by [S.I. 2008/705, regs. 1, 5](#))

**[<sup>F647</sup>87A Interest on overdue corporation tax etc.**

- (1) Corporation tax shall carry interest at the [<sup>F648</sup>rate applicable under section 178 of the Finance Act 1989] from the date when the tax becomes due and payable (in accordance with [<sup>F649</sup>section 59D of this Act]) until payment.
- (2) Subsection (1) above applies even if the date when the tax becomes due and payable (as mentioned in that subsection) is a non-business day within the meaning of section 92 of the <sup>M1</sup>Bills of Exchange Act 1882.
- (3) In relation to corporation tax assessed [<sup>F650</sup>or treated as assessed] by virtue of section [<sup>F651</sup>346(2) or 347(1) of the principal Act, [<sup>F652</sup>137(4), 139(7) [<sup>F653</sup>or 190]<sup>F654</sup>... of the 1992 Act <sup>F655</sup>... [<sup>F656</sup>paragraph 75A(2) of Schedule 18 to the Finance Act 1998]] [<sup>F657</sup>Schedule 28 to the Finance Act 2000 or paragraph 69 of Schedule 29 to the Finance Act 2002] (which enable unpaid corporation tax assessed on a company to be assessed on other persons in certain circumstances), the reference in subsection (1) above to the date when the tax becomes due and payable is a reference to the date when it became due and payable by the company.

<sup>F658</sup>(4) .....

[ In a case where—

- <sup>F659</sup>(4A) (a) there is for an accounting period of a company (“the later period”) [<sup>F660</sup>a non-trading deficit on the company’s loan relationships,]
- (b) as a result of a claim under [<sup>F661</sup>[<sup>F662</sup>section 389(1) or 459(1)(b) of CTA 2009] the whole or part of the deficit for the later period is set off against profits] of an earlier accounting period (“the earlier period”), and
- [<sup>F663</sup>(c) if the claim had not been made, there would be an amount or, as the case may be, an additional amount of corporation tax for the earlier period which would carry interest in accordance with this section,]

[<sup>F664</sup>then, for the purposes of the determination at any time of whether any interest is payable under this section or of the amount of interest so payable, the amount mentioned in paragraph (c) above shall be taken to be an amount of unpaid corporation tax for the earlier period except so far as concerns interest for any time after the date on which any corporation tax for the later period became (or, as the case may be, would have become) due and payable [<sup>F665</sup>as mentioned in subsection (8) below].]

<sup>F666</sup>(4B) .....

- (5) A sum assessed on a company by such an assessment as is referred to in [<sup>F667</sup>section 252(5) of the principal Act] (recovery of payment of tax credit or interest on such a payment) shall carry interest at the [<sup>F668</sup>rate applicable under section 178 of

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the Finance Act 1989] from the date when the payment of tax credit or interest was made until the sum assessed is paid.

<sup>F669</sup> [ In any case where—

- (6) (a) on a claim under section 393A(1) of the principal Act, the whole or any part of a loss incurred in an accounting period (“the later period”) has been set off [<sup>F670</sup>(whether under section 393A(1) or 393B(3))] for the purposes of corporation tax against profits of a preceding accounting period (“the earlier period”);
- (b) the earlier period does not fall wholly within the period of twelve months immediately preceding the later period; and
- (c) if the claim had not been made, there would be an amount or, as the case may be, an additional amount of corporation tax for the earlier period which would carry interest in accordance with this section,

then, for the purposes of the determination at any time of whether any interest is payable under this section or of the amount of interest so payable, the amount mentioned in paragraph (c) above shall be taken to be an amount of unpaid corporation tax for the earlier period except so far as concerns interest for any time after the date on which any corporation tax for the later period became (or, as the case may be, would have become) due and payable [<sup>F671</sup>as mentioned in subsection (8) below].

<sup>F672</sup>(7) . . . . . ]

<sup>F673</sup> [ In subsections (4), (4A) and (6) above, any reference to the date on which corporation tax for an accounting period became, or would have become, due and payable shall be construed on the basis that corporation tax for an accounting period becomes due and payable on the day following the expiry of nine months from the end of the accounting period.]

<sup>F674</sup> [ The power conferred by section 59E of this Act (alteration of date on which corporation tax becomes due and payable) does not include power to make provision in relation to subsection (4), (4A), (6) or (8) above the effect of which would be to change the meaning of references in subsection (4), (4A) or (6) above to the date on which corporation tax for an accounting period became, or would have become, due and payable (as mentioned in subsection (8) above).]]

### Textual Amendments

**F647** S. 87A inserted by [Finance \(No. 2\) Act 1987 \(c. 51\)](#), **ss. 85, 95(2)**

**F648** Finance Act 1989, s. 179(1)(b) and S.I. 1989/1298.

**F649** Words in s. 87A(1) substituted (with effect in accordance with s. 199(2)(3) of the amending Act) by [Finance Act 1994 \(c. 9\)](#), **Sch. 19 para. 24**; S.I. 1998/3173, art. 2

**F650** Words in s. 87A(3) inserted (with effect in accordance with s. 98(2), Sch. 29 para. 9(3)) of the amending Act) by [Finance Act 2000 \(c. 17\)](#), **Sch. 28 para. 3(4)(a)**, Sch. 29 para. 9(2)(a) (with Sch. 29 para. 46(5))

**F651** [Income and Corporation Taxes Act 1988 \(c. 1\)](#), s. 844, **Sch. 29 para. 10(4)(b)**.

**F652** Words in s. 87A(3) substituted (6.3.1992 with effect as mentioned in s. 289(1)(2) of the substituting Act) by [Taxation of Chargeable Gains Act 1992 \(c. 12\)](#), ss. 289, 290, **Sch. 10 para. 2(9)** (with ss. 60, 101(1), 171, 201(3))

**F653** Words in s. 87A(3) inserted (with effect in accordance with Sch. 29 para. 9(3) of the amending Act) by [Finance Act 2000 \(c. 17\)](#), **Sch. 29 para. 9(2)(b)** (with Sch. 29 para. 46(5))

**F654** Words in s. 87A(3) repealed (with effect in accordance with Sch. 29 para. 4(7) of the amending Act) by [Finance Act 2000 \(c. 17\)](#), **Sch. 40 Pt. 2(12)**

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- F655** Word in s. 87A(3) repealed (with effect in accordance with s. 98(2) of the amending Act) by [Finance Act 2000 \(c. 17\)](#), [Sch. 40 Pt. 2\(11\)](#)
- F656** Words in s. 87A(3) substituted (with effect in accordance with s. 92(7) of the amending Act) by [Finance Act 1999 \(c. 16\)](#), [s. 92\(5\)](#)
- F657** Words in s. 87A(3) substituted (with effect in accordance with s. 84(1) of the amending Act) by [Finance Act 2002 \(c. 23\)](#), [Sch. 29 para. 69\(4\)](#)
- F658** S. 87A(4) repealed (with effect in accordance with Sch. 3 para. 4(4) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 3 para. 4\(2\)](#), [Sch. 27 Pt. 3\(2\)](#)
- F659** S. 87A(4A) inserted (27.7.1993) by 1993 c. 34, s. 170, [Sch. 18 para.1](#)
- F660** Words in s. 87A(4A)(a) substituted (with effect in accordance with s. 105(1) of the amending Act) by [Finance Act 1996 \(c. 8\)](#), [Sch. 14 para. 1\(1\)\(a\)](#) (with [Sch. 15](#))
- F661** Words in s. 87A(4A)(b) substituted (with effect in accordance with s. 105(1) of the amending Act) by [Finance Act 1996 \(c. 8\)](#), [Sch. 14 para. 1\(1\)\(b\)](#) (with [Sch. 15](#))
- F662** Words in s. 87A(4A)(b) substituted (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), [Sch. 1 para. 305](#) (with [Sch. 2 Pts. 1, 2](#))
- F663** S. 87A(4A)(c) substituted (23.3.1995) by [Finance Act 1995 \(c. 4\)](#), [Sch. 24 paras. 7, 8\(a\)](#); S.I. 1994/3224, art. 2
- F664** Words in s. 87A(4A) substituted (23.3.1995) by [Finance Act 1995 \(c. 4\)](#), [Sch. 24 paras. 7, 8\(b\)](#); S.I. 1994/3224, art. 2
- F665** Words in s. 87A(4A) substituted (with effect in accordance with Sch. 4 para. 4(5)(6) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 4 para. 4\(2\)](#); S.I. 1998/3173, art. 2
- F666** S. 87A(4B) repealed (with effect in accordance with Sch. 3 para. 4(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 3 para. 4\(3\)](#), [Sch. 27 Pt. 3\(2\)](#)
- F667** [Income and Corporation Taxes Act 1988 \(c. 1\)](#), s. 844, [Sch. 29 para. 10\(4\)\(d\)](#).
- F668** [Finance Act 1989](#), s. 179(1)(b), S.I. 1989/1298.
- F669** S. 87A(6)(7) substituted (27.7.1993) for s. 87A(6) by 1993 c. 34, s. 120, [Sch. 14 para. 4\(2\)](#)
- F670** Words in s. 87A(6)(a) inserted (with effect in accordance with s. 111(3) of the amending Act) by [Finance Act 2008 \(c. 9\)](#), [Sch. 35 para. 1](#)
- F671** Words in s. 87A(6) substituted (with effect in accordance with Sch. 4 para. 4(5)(6) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 4 para. 4\(2\)](#); S.I. 1998/3173, art. 2
- F672** S. 87A(7) repealed (with effect in accordance with Sch. 3 para. 4(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 3 para. 4\(3\)](#), [Sch. 27 Pt. 3\(2\)](#)
- F673** S. 87A(8) inserted (with effect in accordance with Sch. 4 para. 4(5)(6) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 4 para. 4\(3\)](#); S.I. 1998/3173, art. 2
- F674** S. 87A(9) inserted (with effect in accordance with Sch. 4 para. 4(5)(6) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 4 para. 4\(4\)](#); S.I. 1998/3173, art. 2

#### Modifications etc. (not altering text)

- C340** S. 87A modified by [Income and Corporation Taxes Act 1988 \(c. 1\)](#), s. 767B(1)(b) (as inserted (with effect in accordance with s. 135(6) of the amending Act) by [Finance Act 1994 \(c. 9\)](#), [s. 135\(1\)\(6\)](#))
- C341** S. 87A modified (3.5.1994) by [Finance Act 1994 \(c. 9\)](#), [s. 250\(4\)\(5\)](#)
- C342** S. 87A applied (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 18 para. 52\(6\)](#) (with [Sch. 18 para. 59\(2\)](#)); S.I. 1998/3173, art. 2
- C343** S. 87A applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Corporation Tax \(Instalment Payments\) Regulations 1998 \(S.I. 1998/3175\)](#), [regs. 1\(1\), 7](#)
- C344** S. 87A modified (with effect in accordance with s. 63(4) of the amending Act) by [Finance Act 2000 \(c. 17\)](#), [Sch. 15 para. 63\(2\)](#)

#### Marginal Citations

- M1** 1882 c. 61.

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**F675 88 Interest on tax recovered to make good loss due to taxpayer’s fault.**

**Textual Amendments**

**F675** S. 88 repealed (with effect in accordance with Sch. 18 para. 17 of the amending Act) by [Finance Act 1996 \(c. 8\)](#), [Sch. 18 para. 4\(1\)](#), [Sch. 41 Pt. 5\(8\)](#)

**F676 88A Determinations under section 88.**

**Textual Amendments**

**F676** S. 88A repealed (with effect in accordance with Sch. 18 para. 17 of the amending Act) by [Finance Act 1996 \(c. 8\)](#), [Sch. 18 para. 4\(2\)\(a\)](#), [Sch. 41 Pt. 5\(8\)](#)

**F677 89 The prescribed rate of interest.**

**Textual Amendments**

**F677** S. 89 repealed (18.8.1989) by [Finance Act 1989 \(c. 26\)](#), ss. 178(7), 187(1), Sch. 17 Part X

**90 [F678 Interest on tax payable gross]**

[F679(1)] Interest payable under this Part of this Act

[F679(a)] shall be paid without any deduction of income tax <sup>F680</sup> ...

<sup>F680</sup>(b) .....

<sup>F681</sup>(2) .....

**Textual Amendments**

**F678** S. 90 heading substituted (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), [Sch. 1 para. 306\(4\)](#) (with Sch. 2 Pts. 1, 2)

**F679** S. 90(1)(a)(b) renumbered (31.7.1998) by [Finance Act 1998 \(c. 36\)](#), s. 33(2)

**F680** S. 90(1)(b) and preceding word repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), Sch. 1 para. 306(2), [Sch. 3 Pt. 1](#) (with Pts. 1, 2, Sch. 2 para. 142)

**F681** S. 90(2) repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), Sch. 1 para. 306(3), [Sch. 3 Pt. 1](#) (with Sch. 2 Pts. 1, 2)

**Modifications etc. (not altering text)**

**C345** S. 90 applied (27.7.1993) by 1993 c. 34, s. 173, [Sch. 19 Pt. II para.11\(5\)](#)

**C346** S. 90 applied (with modifications) by the [Oil Taxation Act 1975 \(c. 22\)](#), s. 1, Sch. 2 para. 1(1)

**C347** S. 90 applied by [Finance Act 1988 \(c. 39\)](#), [Sch. 5 para. 3\(4\)](#) (repealed (31.1.2013) by Statute Law (Repeals) Act 2013 (c. 2), s. 3(2), Sch. 1 Pt. 10 Group 1)

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- C348** Ss. 90, 91 applied (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\)](#), regs. 1(1), **34(2)**
- C349** S. 90 applied (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\)](#), regs. 1(1), **39(2)** (with reg. 1(4)(6))

**91 Effect on interest of reliefs.**

- (1) Where any amount of interest is payable under section 86<sup>F682</sup> ... of this Act in relation to an assessment, and relief from tax charged by the assessment is given to any person by a discharge of any of that tax, such adjustment shall be made of the said amount, and such repayment shall be made of any amounts previously paid under [<sup>F683</sup>that section] in relation to the assessment, as are necessary to secure that the total sum, if any, paid or payable under [<sup>F683</sup>that section] in relation to the assessment is the same as it would have been if the tax discharged had never been charged.
  
- [<sup>F684</sup>(1A) Where interest is payable under section 87A of this Act in respect of an amount of corporation tax for an accounting period, and relief from tax is given by a discharge of any of that corporation tax—
  - (a) such adjustment shall be made of the amount of interest payable under that section in respect of corporation tax for that accounting period, and
  - (b) such repayment shall be made of any amounts of interest previously paid under that section in respect of that corporation tax,
 as are necessary to secure that the total sum (if any) paid or payable under that section in respect of corporation tax for that accounting period is the same as it would have been if the tax discharged had never been charged.
  
- (1B) Subsection (1A) above has effect subject to section 87A(4)[<sup>F685</sup>, (4A), (4B),][<sup>F686</sup>(6) and (7)] of this Act.]
  
- (2) [<sup>F687</sup>Subject to subsection (2A) below] Where relief from tax<sup>F688</sup> ... paid for any chargeable period is given to any person by repayment, he shall be entitled to require that the amount repaid shall be treated for the purposes of this section, so far as it will go, as if it were a discharge of the tax charged on him (whether alone or together with other persons) by or by virtue of any assessment for or relating to the same chargeable period, so, however, that it shall not be applied to any assessment made after the relief was given and that it shall not be applied to more than one assessment so as to reduce, without extinguishing, the amount of tax charged thereby.
  
- [<sup>F689</sup>(2A) In any case where—
  - (a) relief from corporation tax is given to any person by repayment, and
  - (b) that tax was paid for an accounting period ending after the day which is the appointed day for the purposes of section [<sup>F690</sup>10 of the principal Act],
 that person shall be entitled to require that the amount repaid shall be treated for the purposes of this section, so far as it will go, as if it were a discharge of the corporation tax charged on him for that period.]
  
- (3) Notwithstanding anything in the preceding provisions of this section, no relief, whether given by way of discharge or repayment, shall be treated for the purposes of this section as—
  - <sup>F691</sup>(a) .....
  - (b) affecting tax charged by any assessment to income tax made under Schedule A or Schedule D if either—

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- <sup>F691</sup>(i) . . . . .
- (ii) it arises in connection with income taxable otherwise than under Schedule A or Schedule D, or
- (iii) it relates to a source income from which is taxable otherwise than under Schedule A or Schedule D [<sup>F692</sup>or
- (c) affecting tax charged at a rate other than the basic rate [<sup>F693</sup>or the starting rate for savings] on income from which tax has been deducted (otherwise than under [<sup>F694</sup>PAYE regulations]) or is treated as having been deducted, unless it is a relief from the tax so charged].
- (4) For the purposes of this section a relief from corporation tax or capital gains tax shall not be treated as affecting tax charged by any assessment unless the assessment is to the same tax .

**Textual Amendments**

- F682** Words in s. 91(1) repealed (with effect in accordance with Sch. 18 para. 17 of the amending Act) by Finance Act 1996 (c. 8), Sch. 18 para. 4(2)(b)(i), **Sch. 41 Pt. 5(8)**
- F683** Words in s. 91(1) substituted (with effect in accordance with Sch. 18 para. 17 of the amending Act) by Finance Act 1996 (c. 8), **Sch. 18 para. 4(2)(b)(ii)**
- F684** S. 91(1A)(1B) inserted (23.7.1987 with effect with respect to accounting periods ending after 30.9.1993) by 1987 c. 51, s. 86(5)(7); S.I. 1992/3066, **art.2(2)(a)**.
- F685** Words in s. 91(1B) inserted (23.3.1995) by Finance Act 1995 (c. 4), Sch. 24 paras. 7, **10**; S.I. 1994/3224, art. 2
- F686** Words in s. 91(1B) inserted (27.7.1993) by 1993 c. 34, s. 120, **Sch. 14 para.5**
- F687** Words in s. 91(2) added (23.7.1987 with effect with respect to accounting periods ending after 30.9.1993) by 1987 c. 51, s. 86(6)(7); S.I. 1992/3066, **art.2(2)(a)**.
- F688** *Amended in relation to development land tax by Development Land Tax Act 1976 Sch.8 para.24 and amendment repealed by 1985 s.98(6) and Sch.27 Part X.*
- F689** S. 91(2A) added (23.7.1987 with effect with respect to accounting periods ending after 30.9.1993) by 1987 c. 51, s. 86(6)(7); S.I. 1992/3066, **art.2(2)(a)**.
- F690** Income and Corporation Taxes Act 1988 (c. 1, SIF 63:1), s. 844, **Sch. 29 para. 10(6)**.
- F691** *Words omitted repealed for 1973—74 et seq. by Finance Act 1971 ss. 37, 38, Sch.6 para.88, Sch.14 Part II.*
- F692** Finance Act 1971 (c. 68), ss.37, 38, **Sch.6 para.88**, with effect for 1973—74 et seq.
- F693** Words in s. 91(3)(c) substituted (with effect in accordance with Sch. 1 para. 65 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 1 para. 39**
- F694** Words in s. 91(3)(c) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), **Sch. 6 para. 136** (with Sch. 7)

**Modifications etc. (not altering text)**

- C348** Ss. 90, 91 applied (N.I.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 (S.R. 2009/128), regs. 1(1), **34(2)**
- C350** S. 91 applied (E.W.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470), regs. 1(1), **39(2)** (with reg. 1(4)(6))
- C351** S. 91 excluded by Income and Corporation Taxes Act 1988 (c. 1), s. 306

<sup>F695</sup>91A . . . . .

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### Textual Amendments

**F695** S. 91A added by [Development Land Tax Act 1976 \(c. 24\)](#) Sch.8 para.25. Development Land Tax Act 1976 repealed by Finance Act 1985 (c. 54), s.98(6), Sch.27 Part X.

## 92 Remission in certain cases of interest on tax in arrear by reason of exchange restrictions.

- (1) The provisions of this section shall have effect where the Board are satisfied as respects any tax carrying interest under section 86 of this Act—
- (a) that the tax is in respect of income or chargeable gains arising in a country outside the United Kingdom, and
  - (b) that, as the result of action of the government of that country, it is impossible for the income or gains to be remitted to the United Kingdom, and
  - (c) that having regard to the matters aforesaid and to all the other circumstances of the case it is reasonable that the tax should for the time being remain uncollected,
- and the Board allow the tax to remain uncollected accordingly.

(2) Interest on the said tax shall, subject to subsection (3) below, cease to run under the said section 86 as from the date on which the Board were first in possession of the information necessary to enable them to be satisfied as aforesaid and, if the said date is not later than three months from the time when the tax became due and payable, the interest thereon under the said section 86 in respect of the period before the said date shall be remitted.

(3) Where, under subsection (2) above, interest has ceased to run on any tax and thereafter demand is made by the collector or other proper officer for payment of all or any of that tax, interest under the said section 86 shall again begin to run from the date of the demand in respect of the amount demanded:

Provided that where all or any part of the amount demanded is paid not later than three months from the date of the demand, the interest under the said section 86 on the amount so paid running from the date of the demand shall be remitted.

### Modifications etc. (not altering text)

**C352** S. 92 modified by [Finance \(No. 2\) Act 1987 \(c. 51\)](#), s. 86(3)  
S. 92 modified by [Finance Act 1988 \(c. 39\)](#), Sch. 5 para. 11(2)

## PART X

### PENALTIES, ETC.

### Modifications etc. (not altering text)

**C353** Part X (ss. 93-107) applied (with modifications) (1.7.1992) by [Social Security Contributions and Benefits Act 1992 \(c. 4\)](#), ss. 16(1)(b), 177(4), [Sch. 2](#)  
**C354** Part X (ss 93-107) applied (27.7.1993 with effect in relation to the year 1993-94 and subsequent years of assessment) by [1993 c. 34](#), s. 122(2)(3)



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- C355** Pt. 10 modified (with effect in accordance with s. 117(4)(5) of the amending Act) by Finance Act 1998 (c. 36), s. 117(1)(b), **Sch. 18**; S.I. 1998/3173, art. 2
- C356** Pt. 10 power to apply conferred (N.I.) by Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7), **Sch. 1 para. 7B(5A)** (as inserted (28.7.2000) by Child Support, Pensions and Social Security Act 2000 (c. 19), **ss. 80(4)**, 86 (with s. 83(6)))
- C357** Pt. 10 applied (with modifications) (E.W.S.) (1.5.2007) by The National Insurance Contributions (Application of Part 7 of the Finance Act 2004) Regulations 2007 (S.I. 2007/785), regs. 1, **15**

### **[<sup>F696</sup>93 Failure to make return for income tax and capital gains tax.**

- (1) This section applies where—
  - (a) any person (the taxpayer) has been required by a notice served under or for the purposes of section 8 or 8A of this Act <sup>F697</sup>... to deliver any return, and
  - (b) he fails to comply with the notice.
- (2) The taxpayer shall be liable to a penalty which shall be £100.
- (3) If, on an application made to [<sup>F698</sup>it] by an officer of the Board, the [<sup>F699</sup>tribunal so directs], the taxpayer shall be liable to a further penalty or penalties not exceeding £60 for each day on which the failure continues after the day on which he is notified of the direction (but excluding any day for which a penalty under this subsection has already been imposed).
- (4) If—
  - (a) the failure by the taxpayer to comply with the notice continues after the end of the period of six months beginning with the filing date, and
  - (b) no application is made under subsection (3) above before the end of that period,the taxpayer shall be liable to a further penalty which shall be £100.
- (5) Without prejudice to any penalties under subsections (2) to (4) above, if—
  - (a) the failure by the taxpayer to comply with the notice continues after the anniversary of the filing date, and
  - (b) there would have been a liability to tax shown in the return,the taxpayer shall be liable to a penalty of an amount not exceeding the liability to tax which would have been so shown.
- (6) No penalty shall be imposed under subsection (3) above in respect of a failure at any time after the failure has been remedied.
- (7) If the taxpayer proves that the liability to tax shown in the return would not have exceeded a particular amount, the penalty under subsection (2) above, together with any penalty under subsection (4) above, shall not exceed that amount.
- (8) On an appeal against the determination under section 100 of this Act of a penalty under subsection (2) or (4) above [<sup>F700</sup>that is notified to the tribunal], neither section 50(6) to (8) nor section 100B(2) of this Act shall apply but the [<sup>F701</sup>tribunal] may—
  - (a) if it appears <sup>F702</sup>... that, throughout the period of default, the taxpayer had a reasonable excuse for not delivering the return, set the determination aside; or
  - (b) if it does not so appear <sup>F702</sup>... , confirm the determination.
- (9) References in this section to a liability to tax which would have been shown in the return are references to an amount which, if a proper return had been delivered on the

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filing date, would have been payable by the taxpayer under section 59B of this Act for the year of assessment.

(10) In this section—

[<sup>F703</sup>“the filing date” in respect of a return for a year of assessment (Year 1) means—

(a) 31st January of Year 2, or

(b) if the notice under section 8 or 8A was given after 31st October of Year 2, the last day of the period of three months beginning with the day on which the notice is given.]

“the period of default”, in relation to any failure to deliver a return, means the period beginning with the filing date and ending with the day before that on which the return was delivered.]

#### Textual Amendments

**F696** S. 93 substituted (with effect in accordance with s. 199(2)(3) of the amending Act) by Finance Act 1994 (c. 9), **Sch. 19 para. 25**; S.I. 1998/3173, art. 2

**F697** Words in s. 93(1)(a) omitted (13.8.2009) by virtue of The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, **Sch. para. 7**

**F698** Word in s. 93(3) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 41(2)(a)**

**F699** Words in s. 93(3) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 41(2)(b)**

**F700** Words in s. 93(8) inserted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 41(3)(a)**

**F701** Word in s. 93(8) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 41(3)(b)**

**F702** Words in s. 93(8)(a)(b) omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 41(3)(c)**

**F703** Words in s. 93(10) substituted (with effect in accordance with s. 92 of the amending Act) by Finance Act 2007 (c. 11), **s. 91(7)**

#### Modifications etc. (not altering text)

**C358** S. 93 applied (N.I.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 (S.R. 2009/128), regs. 1(1), **35(1)**

**C359** S. 93 applied (with modifications) (E.W.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470), regs. 1(1), **40(1)(2)** (with reg. 1(4)(6))

#### [<sup>F704</sup>93A Failure to make partnership return.

(1) This section applies where, in the case of a trade, profession or business carried on by two or more persons in partnership—

(a) a partner (the representative partner) has been required by a notice served under or for the purposes of section 12AA(2) or (3) of this Act to deliver any return, and

(b) he [<sup>F705</sup>or a successor of his] fails to comply with the notice.

(2) Each relevant partner shall be liable to a penalty which shall be £100.

(3) If, on an application made to [<sup>F706</sup>it] by an officer of the Board, the [<sup>F707</sup>tribunal so directs], each relevant partner shall be liable, for each day on which the failure

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continues after the day on which the representative partner [<sup>F708</sup>or a successor of his] is notified of the direction (but excluding any day for which a penalty under this subsection has already been imposed), to a further penalty or penalties not exceeding £60.

- (4) If—
- (a) the failure by the representative partner [<sup>F708</sup>or a successor of his] to comply with the notice continues after the end of the period of six months beginning with the filing date, and
  - (b) no application is made under subsection (3) above before the end of that period,
- each relevant partner shall be liable to a further penalty which shall be £100.
- (5) No penalty shall be imposed under subsection (3) above in respect of a failure at any time after the failure has been remedied.
- (6) Where, in respect of the same failure to comply, penalties under subsection (2), (3) or (4) above are determined under section 100 of this Act as regards two or more relevant partners—
- (a) no appeal against the determination of any of those penalties shall be brought otherwise than by the representative partner [<sup>F709</sup>or a successor of his];
  - (b) any appeal by that partner [<sup>F710</sup>or successor] shall be a composite appeal against the determination of each of those penalties; and
  - (c) section 100B(3) of this Act shall apply as if that partner [<sup>F710</sup>or successor] were the person liable to each of those penalties.
- (7) On an appeal against a determination under section 100 of this Act of a penalty under subsection (2) or (4) above [<sup>F711</sup>that is notified to the tribunal], neither section 50(6) to (8) nor section 100B(2) of this Act shall apply but the [<sup>F712</sup>tribunal] may—
- (a) if it appears <sup>F713</sup>... that, throughout the period of default, [<sup>F714</sup>the person for the time being required to deliver the return (whether the representative partner or a successor of his) had a reasonable excuse for not delivering it], set the determination aside; or
  - (b) if it does not so appear <sup>F713</sup>... , confirm the determination.

[ For the purposes of this section the filing date for a year of assessment (Year 1) in the <sup>F715</sup>(7A) case of a partnership which includes one or more individuals is—

- (a) 31st January of Year 2, or
- (b) if the notice under section 12AA was given after 31st October of Year 2, the last day of the period of three months beginning with the date of the notice.

(7B) For the purposes of this section the filing date for a year of assessment (Year 1) in the case of a partnership which includes one or more companies is—

- (a) the first anniversary of the period for which the return is required, or
- (b) where the notice is given more than nine months after the end of the period for which the return is required, the last day of the period of three months beginning with the date of the notice.]

(8) In this section—

<sup>F716</sup>  
.....

“the period of default”, in relation to any failure to deliver a return, means the period beginning with the filing date and ending with the day before that on which the return was delivered;

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“relevant partner” means a person who was a partner at any time during the period in respect of which the return was required.]

#### Textual Amendments

- F704** S. 93A inserted (with effect in accordance with s. 199(2)(3) of the amending Act) by [Finance Act 1994 \(c. 9\)](#), [Sch. 19 para. 26](#); S.I. 1998/3173, art. 2
- F705** Words in s. 93A(1)(b) inserted (with effect in accordance with s. 121(8) of the amending Act) by [Finance Act 1996 \(c. 8\)](#), [s. 123\(8\)](#)
- F706** Word in s. 93A(3) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), [Sch. 1 para. 42\(2\)\(a\)](#)
- F707** Words in s. 93A(3) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), [Sch. 1 para. 42\(2\)\(b\)](#)
- F708** Words in s. 93A(3)(4) inserted (with effect in accordance with s. 121(8) of the amending Act) by [Finance Act 1996 \(c. 8\)](#), [s. 123\(9\)](#)
- F709** Words in s. 93A(6) inserted (with effect in accordance with s. 121(8) of the amending Act) by [Finance Act 1996 \(c. 8\)](#), [s. 123\(10\)\(a\)](#)
- F710** Words in s. 93A(6) inserted (with effect in accordance with s. 121(8) of the amending Act) by [Finance Act 1996 \(c. 8\)](#), [s. 123\(10\)\(b\)](#)
- F711** Words in s. 93A(7) inserted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), [Sch. 1 para. 42\(3\)\(a\)](#)
- F712** Word in s. 93A(7) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), [Sch. 1 para. 42\(3\)\(b\)](#)
- F713** Words in s. 93A(7)(a)(b) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), [Sch. 1 para. 42\(3\)\(c\)](#)
- F714** Words in s. 93A(7) substituted (with effect in accordance with s. 121(8) of the amending Act) by [Finance Act 1996 \(c. 8\)](#), [s. 123\(11\)](#)
- F715** S. 93A(7A)(7B) inserted (with effect in accordance with s. 92 of the amending Act) by [Finance Act 2007 \(c. 11\)](#), [s. 91\(8\)](#)
- F716** Words in s. 93A(8) repealed (with effect in accordance with s. 92 of the amending Act) by [Finance Act 2007 \(c. 11\)](#), s. 91(9), [Sch. 27 Pt. 5\(3\)](#)

#### <sup>F717</sup>94 Failure to make return for corporation tax.

.....

#### Textual Amendments

- F717** S. 94 repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 19 para. 33](#), [Sch. 27 Pt. 3\(28\)](#); S.I. 1998/3173, art. 2

#### <sup>F718</sup>95 Incorrect return or accounts for income tax or capital gains tax.

.....

#### Textual Amendments

- F718** S. 95 repealed (1.4.2008 for specified purposes, 1.7.2008 for specified purposes, 1.1.2009 for specified purposes, 1.4.2009 so far as not already in force) by [Finance Act 2007 \(c. 11\)](#), s. 97(2), [Sch. 24 para. 29\(a\)](#), [Sch. 27 Pt. 5\(5\)](#); S.I. 2008/568, art. 2(a)(b)(c)(d)(e)(f) (with art. 3)

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**F719 95A Incorrect partnership return or accounts.**

.....

**Textual Amendments**

**F719** S. 95A repealed (1.4.2008 for specified purposes, 1.7.2008 for specified purposes, 1.1.2009 for specified purposes, 1.4.2009 in so far as not already in force) by [Finance Act 2007 \(c. 11\), s. 97\(2\), Sch. 24 para. 29\(a\), Sch. 27 Pt. 5\(5\); S.I. 2008/568, art. 2\(a\)\(b\)\(c\)\(d\)\(e\)\(f\) \(with art. 3\)](#)

**F720 96 Incorrect return or accounts for corporation tax.**

.....

**Textual Amendments**

**F720** S. 96 repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 19 para. 34, Sch. 27 Pt. 3\(28\); S.I. 1998/3173, art. 2](#)

**F721 97 Incorrect return or accounts: supplemental.**

.....

**Textual Amendments**

**F721** S. 97 repealed (1.4.2008 for specified purposes, 1.7.2008 for specified purposes, 1.1.2009 for specified purposes, 1.4.2009 so far as not already in force) by [Finance Act 2007 \(c. 11\), s. 97\(2\), Sch. 24 para. 29\(a\), Sch. 27 Pt. 5\(5\); S.I. 2008/568, art. 2\(a\)\(b\)\(c\)\(d\)\(e\)\(f\) \(with art. 3\)](#)

**F722 97A Failure to produce documents under section 19A.**

.....

**Textual Amendments**

**F722** S. 97AA omitted (1.4.2009) by virtue of [Finance Act 2008 \(c. 9\), s. 113\(2\), Sch. 36 para. 72 \(with Sch. 36 para. 38\); S.I. 2009/404, art. 2 \(with arts. 3, 5\)](#)

**[F723 97A Two or more tax-geared penalties in respect of the same tax.**

Where two or more penalties—

- (a) are incurred by any person and fall to be determined by reference to any income tax or capital gains tax with which he is chargeable for a year of assessment; <sup>F724</sup> ...

<sup>F724</sup>(b) .....

each penalty after the first shall be so reduced that the aggregate amount of the penalties, so far as determined by reference to any particular part of the tax, does not

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exceed whichever is or, but for this section, would be the greater or greatest of them, so far as so determined.]

#### Textual Amendments

**F723** S. 97A inserted by [Finance Act 1988 \(c. 39\)](#), [s. 129](#) (s. 97A(a) has effect for the year 1988-89 and subsequent years, and s. 97A(b) has effect for accounting periods ending after 31 March 1989).

**F724** S. 97A(b) and preceding word repealed (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 19 para. 37](#), [Sch. 27 Pt. 3\(28\)](#); [S.I. 1998/3173](#), art. 2

### 98 Special returns, etc.

(1) [<sup>F725</sup>Subject to [<sup>F726</sup>the provisions of this section and] section 98A below, where] any person—

- (a) has been required, by a notice served under or for the purposes of any of the provisions specified in the first column of the Table below, to deliver any return or other document, to furnish any particulars, to produce any document, or to make anything available for inspection, and he fails to comply with the notice, or
- (b) fails to furnish any information, give any certificate or produce any document or record in accordance with any of the provisions specified in the second column of the Table below,

he shall be liable, subject to [<sup>F725</sup>subsections (3) and (4) below—

- (i) to a penalty not exceeding £300, and
- (ii) if the failure continues after a penalty is imposed under paragraph (i) above, to a further penalty or penalties not exceeding £60 for each day on which the failure continues after the day on which the penalty under paragraph (i) above was imposed (but excluding any day for which a penalty under this paragraph has already been imposed)].

(2) [<sup>F727</sup>Subject to section 98A below, where] a person fraudulently or negligently furnishes, gives, produces or makes any incorrect information, certificate, document, record or declaration of a kind mentioned in any of the provisions specified in either column of the Table below, he shall be liable to a penalty not exceeding [<sup>F727</sup>£3000].

[<sup>F728</sup>(3) No penalty shall be imposed under subsection (1) above in respect of a failure within paragraph (a) of that subsection at any time after the failure has been remedied.

(4) No penalty shall be imposed under paragraph (ii) of subsection (1) above in respect of a failure within paragraph (b) of that subsection at any time after the failure has been remedied.]

[<sup>F729</sup>(4A) If—

- (a) a failure to comply with [<sup>F730</sup>Chapter 15 or 16 of Part 15 of ITA 2007] arises from a person's failure to deliver an account, or show the amount, of a payment, and
- (b) the payment is within subsection (4B)[<sup>F731</sup>, (4D)[<sup>F732</sup>, (4DA)] or (4E)] below, subsection (1) above shall have effect as if for “£300” there were substituted “£3,000” and as if for “£60” there were substituted “£600”.

(4B) A payment is within this subsection if—

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- [<sup>F733</sup>(a) the payment is made by a company, local authority or qualifying partnership (within the meaning of section 932 of ITA 2007) without an amount representing income tax on the payment being deducted from it,
- (b) at the time the payment is made, the company, authority or partnership—
  - (i) does not believe that the payment is an excepted payment for the purposes of Chapter 11 of Part 15 of ITA 2007 (payments between companies etc: exception from duties to deduct), or
  - (ii) if it does so believe, cannot reasonably do so,
- (c) the payment is one from which tax is deductible under Part 15 of ITA 2007 unless the company, authority or partnership reasonably believes that it is an excepted payment for the purposes of Chapter 11 of that Part, and
- (d) the payment is not an excepted payment at the time the payment is made.]

<sup>F734</sup>(4C) . . . . . ]

[<sup>F735</sup>(4D) A payment is within this subsection if—

- (a) it is a payment from which a sum representing income tax must be deducted under Chapter 6 (deduction from annual payments and patent royalties) or 7 (deduction from other payments connected with intellectual property) of Part 15 of ITA 2007,
- (b) a company, purporting to rely on section 911 of that Act (double taxation arrangements: deduction at treaty rate), deducts less from the payment than required by those Chapters, and
- (c) at the time the payment is made the payee (as defined in section 913 of that Act) is not entitled to relief under double taxation arrangements (as defined in section 1023 of that Act) and the company—
  - (i) does not believe that it is entitled to such relief, or
  - (ii) if it does so believe, cannot reasonably do so.]

[<sup>F736</sup>(4DA) A payment is within this subsection if—

- (a) it is a payment from which a sum representing income tax must be deducted under Chapter 6 (deduction from annual payments and patent royalties) or 7 (deduction from other payments connected with intellectual property) of Part 15 of ITA 2007,
- (b) a company, purporting to rely on section 914 of ITA 2007 (EU companies: discretion to make payment gross), makes the payment without deducting a sum representing income tax, and
- (c) at the time the payment is made the payment is not exempt from income tax as a result of section 758 of ITTOIA 2005 (exemption for certain interest and royalty payments) and the company—
  - (i) does not believe that the payment is so exempt, or
  - (ii) if it does so believe, cannot reasonably do so.]

[<sup>F737</sup>(4E) A payment is within this subsection if—

- (a) it is an interest distribution made to a unit holder by the trustees of an authorised unit trust,
- (b) the trustees, in purported reliance on the reputable intermediary condition being fulfilled with respect to the unit holder, do not comply with the obligation under [<sup>F738</sup>section 874 of ITA 2007] to make a deduction from the interest distribution,
- (c) that obligation would apply if that condition were not so fulfilled, and

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- (d) the trustees did not believe that the unit holder was not ordinarily resident in the United Kingdom or could not reasonably have so believed (so that that condition was not so fulfilled).

Expressions used in this subsection have the same meaning as in [<sup>F739</sup>regulations made under section 17(3) of the Finance (No. 2) Act 2005 (as at 1st April 2006, see the Authorised Investment Funds (Tax) Regulations 2006 (S.I. 2006/964)].]

<sup>F740</sup>(5) .....

[<sup>F741</sup>TABLE

1.	2.
Part III of this Act, <sup>F742</sup>	In the principal Act—
...	
[ <sup>F743</sup> regulations under section 59E of this Act;]	<sup>F744</sup>
<sup>F745</sup>	...
...	<sup>F746</sup>
In the principal Act—	...
<sup>F748</sup>	<sup>F747</sup>
...	...
<sup>F750</sup>	<sup>F749</sup>
[section 42];	...
<sup>F751</sup>	<sup>F752</sup>
...	...
<sup>F749</sup>	<sup>F753</sup>
...	...
<sup>F749</sup>	<sup>F754</sup>
...	...
<sup>F755</sup>	<sup>F756</sup>
...	...
<sup>F757</sup>	<sup>F755</sup>
...	...
[ <sup>F758</sup> section 217(4);]	<sup>F759</sup>
...	...
[ <sup>F760</sup> section 226(4)]	<sup>F761</sup>
...	...
section 234(7)(b), (8) and (9);	section 216;
<sup>F762</sup>	section 226(1) and (2);
...	
[ <sup>F763</sup> section 250(6)]	section 234(5), (6) and (7)(a);
<sup>F762</sup>	section 250(1) to (5);



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...		
section 310(4) and (5);		section 310(1), (2) <sup>[F764]</sup> , (2A)] and (3);
F765		F766
...		...
regulations under section 333;		F767
F768		...
...		Regulations under section 333;
[ <sup>F769</sup>	regulations under section 431E(1)	F768
F770		...
... ;]		
F771		F772
...		...
F773		section 375(5);
...		
F774		[ <sup>F775</sup>
...		F770 regulations under section 431E(1)
		... ;]
F776		[ <sup>F777</sup> regulations under section 444BB;]
...		
F778		[ <sup>F777</sup> regulations under section 444BD;]
...		
F779		F780
...		...
F781		F782
...		...
F783		F784
...		...
F785		F786
...		...
F787		[ <sup>F788</sup> section 552;]
...		
F789		[ <sup>F790</sup> regulations under section 552ZA(6);]
...		
F791		F792
...		...
F791		F793
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F791		F794
...		...
F791		F795
...		...

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F791	F791
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F791	F791
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F796	F791
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F797	F791
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F762	F791
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F762	F791
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F762	F798
. . .	. . .
F799	[ <sup>F800</sup> section 76ZE(4);]
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F801	F802
. . .	. . .
F803	F804
. . .	. . .
F805	F806
. . .	. . .
F762	F806
. . .	. . .
F807	regulations under paragraph 7 of Schedule 14;
. . .	
F808	Schedule 15, paragraph 14(4);
. . .	
F762	F809
. . .	. . .
section 768(9);	F810
	. . .
F802	F811
. . .	. . .
F762	Regulations under section [ <sup>F812</sup> 151 of the 1992 Act].
. . .	
section 778;	[ <sup>F813</sup> Sections <sup>F814</sup>
	... [ <sup>F815</sup> 45B(5) and (6),][ <sup>F816</sup> 45G(4) and (5)][ <sup>F817</sup> , 45I(5) and (6)],] 118 to 120, 145(2) and (3) and 203 of the Capital Allowances Act]

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F762	Regulations 16 and 17 of the Income Tax (Interest Relief) Regulations 1982.
. . .	
F818	F819
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F820	F821
. . .	. . .
F822	F823
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F824	F825
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F826	F827
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F828	F829
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F830	F831
. . .	. . .
F832	F833
. . .	. . .
F834	[ <sup>F835</sup> paragraph 12 of Schedule 4ZA to the 1992 Act]
. . .	
Paragraph 2 of Schedule 15 to the Finance Act 1973.	[ <sup>F836</sup> Paragraphs 2 to 6 of Schedule 5A to the 1992 Act.]
Regulations under section [ <sup>F837</sup> 151 of the 1992 Act].	[ <sup>F838</sup> regulations under section 73 of the Finance Act 1995;]
Paragraph [ <sup>F839</sup> 2(9) of Schedule 1 to the 1992 Act].	F840
F841	F840
. . .	. . .
Section [ <sup>F842</sup> 98 of the 1992 Act].	[ <sup>F843</sup> Section 86(4) of the Finance Act 1999.]
F844	F845
. . .	. . .
F846	[ <sup>F847</sup> paragraph 64 or 65 of Schedule 15 to the Finance Act 2000]
. . .	
F848	[ <sup>F849</sup> Paragraph 93(2) of Schedule 22 to the Finance Act 2000]
. . .	
F850	[ <sup>F851</sup> Paragraph 129 of Schedule 22 to the Finance Act 2000]
. . .	
F852	[ <sup>F853</sup> paragraph 6 of Schedule 34 to the Finance Act 2002]
[Section 73 of the Finance Act 1989 ]	
[ <sup>F854</sup> paragraphs 3 and 4 of Schedule 12 to the Finance Act 1989]	[ <sup>F855</sup> paragraph 7 of Schedule 35 to the Finance Act 2002]

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F848	F856
...	...
F857	[ <sup>F858</sup> paragraph 42 of Schedule 16 to the Finance Act 2002]
...	
F848	[ <sup>F859</sup> Section 421J(3) of ITEPA 2003.]
...	
[ <sup>F860</sup> Paragraph 1(7) of Schedule 1 to the 1992 Act.]	[ <sup>F861</sup> Regulations under section 589 of ITEPA 2003.]
F862	[ <sup>F861</sup> Regulations under section 715 of ITEPA 2003.]
...	
F863	[ <sup>F861</sup> PAYE regulations.]
...	
F864	[ <sup>F861</sup> Paragraph 52 of Schedule 5 to ITEPA 2003.]
...	
F865	[ <sup>F866</sup> section 55 of the Finance Act 2004]
...	
[ <sup>F867</sup> paragraph 66 of Schedule 15 to the Finance Act 2000]	[ <sup>F868</sup> Regulations under section 65(2), 69(1), 70(1)(a) or (c) or 71 of the Finance Act 2004.]
F869	[ <sup>F870</sup> regulations under section 251(1)(a) or (4) of the Finance Act 2004;]
...	
[ <sup>F871</sup> paragraph 10 of Schedule 34 to the Finance Act 2002]	[ <sup>F872</sup> Section 75(4) of ITTOIA 2005.]
[ <sup>F873</sup> paragraph 11 of Schedule 35 to the Finance Act 2002]	[ <sup>F872</sup> Regulations under Chapter 3 of Part 6 of ITTOIA 2005.]
F874	[ <sup>F875</sup> section 37(3) of the Finance Act 2005;]
...	
[ <sup>F876</sup> Section 421J(4) of ITEPA 2003.]	[ <sup>F875</sup> section 37(6) of the Finance Act 2005;]
F877	[ <sup>F878</sup> Section 106 of FA 2006 as modified by Schedule 17 to that Act.]
...	
[ <sup>F879</sup> Regulations under section 715 of ITEPA 2003.]	[ <sup>F878</sup> Section 116 of FA 2006. ]
[ <sup>F879</sup> Paragraph 93 of Schedule 2 to ITEPA 2003.]	[ <sup>F878</sup> Regulations under section 116 of FA 2006. ]
[ <sup>F879</sup> Paragraph 45 of Schedule 3 to ITEPA 2003.]	F880
	...
[ <sup>F879</sup> Paragraph 33 of Schedule 4 to ITEPA 2003.]	[ <sup>F878</sup> Section 130 of FA 2006.]
[ <sup>F879</sup> Paragraph 51 of Schedule 5 to ITEPA 2003.]	[ <sup>F881</sup> sections 240 and 241 of ITA 2007;]

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[ <sup>F882</sup> Regulations under section 70(3) of the Finance Act 2004.]	[ <sup>F881</sup> section 271(1) of ITA 2007;]
F883	[ <sup>F881</sup> regulations under Chapter 5 of Part 6 of ITA 2007;]
...	
F883	[ <sup>F881</sup> section 373 of ITA 2007;]
...	
F883	[ <sup>F881</sup> regulations under section 871(1) of ITA 2007;]
...	
[ <sup>F884</sup> Section 647 of ITTOIA 2005. ]	[ <sup>F881</sup> Chapter 15 of Part 15 of ITA 2007;]
[ <sup>F884</sup> Regulations under Chapter 3 of Part 6 of ITTOIA 2005.]	[ <sup>F881</sup> Chapter 16 of Part 15 of ITA 2007;]
[ <sup>F885</sup> section 40(1) of the Finance Act 2005]	[ <sup>F881</sup> regulations under section 969(1) of ITA 2007;]
[ <sup>F886</sup> regulations under section 17(3) of the Finance (No. 2) Act 2005]	[ <sup>F881</sup> regulations under section 971(1) of ITA 2007;]
[ <sup>F887</sup> sections 242 and 243(1) and (2) of ITA 2007;]	[ <sup>F881</sup> regulations under section 973(1) of ITA 2007.]
F888	[ <sup>F889</sup> Section 75(4) of CTA 2009.]
...	
[ <sup>F887</sup> regulations under Chapter 5 of Part 6 of ITA 2007;]	[ <sup>F890</sup> paragraph 4 of Schedule 17 to FA 2009.]
F891	
...	
F892	
...	
[ <sup>F887</sup> section 748(1) and (2) of ITA 2007;]	
[ <sup>F887</sup> section 771 of ITA 2007;]	
F892	
...	
F892	
...	
[ <sup>F887</sup> regulations under section 871(1) of ITA 2007;]	
[ <sup>F887</sup> regulations under section 969(1) of ITA 2007;]	
[ <sup>F887</sup> regulations under section 971(1) of ITA 2007;]	
F893	
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F894	

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[<sup>F895</sup>Section 241 of CTA 2009; ]

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[<sup>F896</sup>regulations under paragraph 24, 25, 26, 36 or 38 of Schedule 15 to FA 2009.]

The references in this Table to regulations under section 602 have effect only for the purpose of giving effect to any provision mentioned in paragraphs (a) and (b) of subsection (2) of that section]

[<sup>F897</sup>References in this Table to sections 240, 241, 242 and 243(1) and (2) of ITA 2007 are to provisions that apply only in relation to shares issued after 5 April 2007.]

#### Textual Amendments

- F725** Finance Act 1989 (c. 26), s. 164(2), (7) in relation to failures beginning, or information etc. furnished, on or after 27 July 1989.
- F726** Finance Act 1990 (c. 29), s. 68(3)(a) for transactions carried out on or after 1 July 1990.
- F727** Finance Act 1989 (c. 26), s. 164(3), (7) in relation to failures beginning, or information etc. furnished, on or after 27 July 1989.
- F728** Finance Act 1989 (c. 26), s. 164(4), (7) in relation to failures beginning, or information etc. furnished, on or after 27 July 1989.
- F729** S. 98(4A)-(4C) inserted (with effect in accordance with s. 85(4) of the amending Act) by Finance Act 2001 (c. 9), s. 85(2)
- F730** Words in s. 98(4A)(a) substituted (with effect in accordance with s. 1034(1) of the amending Act) by Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 260(2) (with Sch. 2)
- F731** Words in s. 98(4A)(b) substituted (with effect in accordance with s. 203(14) of the amending Act) by Finance Act 2003 (c. 14), s. 203(11)
- F732** Words in s. 98(4A)(b) inserted (with effect in accordance with s. 97(5)(6) of the amending Act) by Finance Act 2004 (c. 12), s. 105(2) (with s. 106)
- F733** S. 98(4B)(a)-(d) substituted (with effect in accordance with s. 1034(1) of the amending Act) by Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 260(3) (with Sch. 2)
- F734** S. 98(4C) repealed (with effect in accordance with s. 1034(1) of the amending Act) by Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 260(4), Sch. 3 Pt. 1 (with Sch. 2)
- F735** S. 98(4D) substituted (with effect in accordance with s. 1034(1) of the amending Act) by Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 260(5) (with Sch. 2)
- F736** S. 98(4DA) substituted (with effect in accordance with s. 1034(1) of the amending Act) by Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 260(6) (with Sch. 2)
- F737** S. 98(4E) inserted (with effect in accordance with s. 203(14) of the amending Act) by Finance Act 2003 (c. 14), s. 203(12)
- F738** Words in s. 98(4E)(b) substituted (with effect in accordance with s. 1034(1) of the amending Act) by Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 260(7) (with Sch. 2)
- F739** Words in s. 98(4E) substituted (with effect in accordance with reg. 1(2) of the amending S.I.) by The Authorised Investment Funds (Tax) Regulations 2006 (S.I. 2006/964), regs. 1(1), 87(2)(a)
- F740** S. 98(5) omitted (with effect in accordance with Sch. 17 para. 13 of the amending Act) by virtue of Finance Act 2009 (c. 10), Sch. 17 para. 2(a)
- F741** Table substituted by Income and Corporation Taxes Act 1988 (c. 1), Sch. 29 para. 9 (see also Finance Act 1988 (c. 39), Sch. 14 Part VI).

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- F742** Words repealed by Finance Act 1989 (c. 26), ss. 164(5)(a) and 187 and Sch. 17 Part VIII in relation to any failure to comply with a notice etc. on or after 27 July 1989.
- F743** Words in s. 98 inserted (with effect in accordance with s. 89(3) of the amending Act) by Finance Act 1999 (c. 16), s. 89(1)
- F744** Words in s. 98 repealed (with effect in accordance with s. 38(2)(3) of the amending Act) by Finance Act 1998 (c. 36), Sch. 27 Pt. 3(4)
- F745** Words in s. 98 repealed (with effect in accordance with reg. 1(1) of the amending S.I.) by The General and Special Commissioners (Amendment of Enactments) Regulations 1994 (S.I. 1994/1813), Sch. 1 para. 13, Sch. 2 Pt. I
- F746** Words in s. 98 repealed (with effect in accordance with s. 1034(1) of the amending Act) by Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 260(9)(a), Sch. 3 Pt. 1 (with Sch. 2)
- F747** Words in s. 98 repealed (with effect in accordance with s. 37(3) of the amending Act) by Finance Act 1998 (c. 36), Sch. 27 Pt. 3(3)
- F748** Words in s. 98 repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 307(2)(a), Sch. 3 Pt. 1 (with Sch. 2 Pts. 1, 2, Sch. 2 para. 138)
- F749** Words in s. 98 repealed (28.7.2000) by Finance Act 2000 (c. 17), Sch. 40 Pt. 2(17)
- F750** Entries transferred to column 1 from column 2 by Finance Act 1989 (c. 26), s. 164(5)(b) in relation to any failure to comply with a notice etc. on or after 27 July 1989.
- F751** Words in s. 98 repealed (with effect in accordance with s. 1034(1) of the amending Act) by Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 260(8)(a), Sch. 3 Pt. 1 (with Sch. 2)
- F752** Words in s. 98 omitted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by virtue of Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 137(4)(a), Sch. 8 Pt. 1 (with Sch. 7)
- F753** Words in s. 98 omitted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by virtue of Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 137(4)(b), Sch. 8 Pt. 1 (with Sch. 7)
- F754** Repealed by Finance Act 1988 (c. 39), s. 148 and Sch. 14 Part VI in relation to acquisitions on or after 26 October 1987.
- F755** Words in s. 98 repealed (with effect in accordance with s. 61(2)(3) of the amending Act) by Finance Act 1997 (c. 16), Sch. 18 Pt. 6(3) Note 2
- F756** Words in s. 98 repealed (with application in accordance with s. 58(4) of the amending Act) by Finance Act 1998 (c. 36), Sch. 27 Pt. 3(9)
- F757** Words in s. 98 repealed (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 137(2)(a), Sch. 8 Pt. 1 (with Sch. 7)
- F758** Words in s. 98 substituted (13.8.2009) by The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, Sch. para. 8(2)(a)
- F759** Words in s. 98 omitted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by virtue of Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 137(4)(c), Sch. 8 Pt. 1 (with Sch. 7)
- F760** Words in s. 98 substituted (13.8.2009) by The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, Sch. para. 8(2)(b)
- F761** Words in s. 98 omitted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by virtue of Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 137(4)(d), Sch. 8 Pt. 1 (with Sch. 7)
- F762** Words in s. 98 omitted (13.8.2009) by virtue of The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, Sch. para. 8(3)(a)
- F763** Words in s. 98 substituted (13.8.2009) by The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, Sch. para. 8(2)(c)
- F764** Word in s. 98 inserted (with effect in accordance with Sch. 15 para. 39(2) of the amending Act) by Finance Act 2001 (c. 9), Sch. 15 para. 39(1)
- F765** Words in s. 98 repealed (with effect in accordance with s. 883(1) of the amending Act) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), Sch. 1 para. 379(3)(a), Sch. 3 (with Sch. 2)

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- F766** Words in s. 98 omitted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by virtue of *Income Tax (Earnings and Pensions) Act 2003* (c. 1), **Sch. 6 para. 137(4)(e)**, Sch. 8 Pt. 1 (with Sch. 7)
- F767** Words in s. 98 repealed (with effect in accordance with s. 883(1) of the amending Act) by *Income Tax (Trading and Other Income) Act 2005* (c. 5), s. 883(1), Sch. 1 para. 379(4)(a), **Sch. 3** (with Sch. 2)
- F768** Words in s. 98 repealed (with effect in accordance with s. 38(2) of the amending Act) by *Finance Act 2007* (c. 11), Sch. 7 para. 1, **Sch. 27 Pt. 2(7)** (with Sch. 7 Pt. 2)
- F769** Words in s. 98 Table inserted (with effect in accordance with Sch. 8 paras. 55, 57 of the amending Act) by *Finance Act 1995* (c. 4), **Sch. 8 para. 50(a)**
- F770** Words in s. 98 repealed (19.7.2007) by *Finance Act 2007* (c. 11), Sch. 10 para. 16(2), **Sch. 27 Pt. 2(10)**
- F771** Words in s. 98 omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of *The Authorised Investment Funds (Tax) Regulations 2006* (S.I. 2006/964), regs. 1(1), **87(2)(b)(i)**
- F772** Words in s. 98 repealed (with effect in accordance with s. 1034(1) of the amending Act) by *Income Tax Act 2007* (c. 3), s. 1034(1), Sch. 1 para. 260(9)(b), **Sch. 3 Pt. 1** (with Sch. 2)
- F773** Words in s. 98 omitted (with effect in accordance with reg. 1(2) of the amending S.I.) by virtue of *The Authorised Investment Funds (Tax) Regulations 2006* (S.I. 2006/964), regs. 1(1), **87(2)(b)(ii)**
- F774** Words in s. 98 repealed (with effect in accordance with s. 1034(1) of the amending Act) by *Income Tax Act 2007* (c. 3), s. 1034(1), Sch. 1 para. 260(8)(b), **Sch. 3 Pt. 1** (with Sch. 2)
- F775** Words in s. 98 Table inserted (with effect in accordance with Sch. 8 paras. 55, 57 of the amending Act) by *Finance Act 1995* (c. 4), **Sch. 8 para. 50(b)**
- F776** Words in s. 98 repealed (with effect in accordance with s. 1034(1) of the amending Act) by *Income Tax Act 2007* (c. 3), s. 1034(1), Sch. 1 para. 260(8)(c), **Sch. 3 Pt. 1** (with Sch. 2)
- F777** S. 98 entries inserted (29.4.1996) by *Finance Act 1996* (c. 8), **Sch. 32 para. 2**
- F778** *Words repealed by Finance Act 1989* (c. 26), **ss. 164(5)(c)**, 187, Sch. 17 Part VIII in relation to any failure to comply with a notice etc. on or after 27 July 1989.
- F779** Words in s. 98 repealed (with effect in accordance with s. 1034(1) of the amending Act) by *Income Tax Act 2007* (c. 3), s. 1034(1), Sch. 1 para. 260(8)(d), **Sch. 3 Pt. 1** (with Sch. 2)
- F780** Words in s. 98 repealed (with effect in accordance with s. 1034(1) of the amending Act) by *Income Tax Act 2007* (c. 3), s. 1034(1), Sch. 1 para. 260(9)(c), **Sch. 3 Pt. 1** (with Sch. 2)
- F781** Words in s. 98 repealed (with effect in accordance with s. 1034(1) of the amending Act) by *Income Tax Act 2007* (c. 3), s. 1034(1), Sch. 1 para. 260(8)(e), **Sch. 3 Pt. 1** (with Sch. 2)
- F782** Words in s. 98 repealed (with effect in accordance with s. 1034(1) of the amending Act) by *Income Tax Act 2007* (c. 3), s. 1034(1), Sch. 1 para. 260(9)(d), **Sch. 3 Pt. 1** (with Sch. 2)
- F783** Words in s. 98 repealed (with effect in accordance with s. 1034(1) of the amending Act) by *Income Tax Act 2007* (c. 3), s. 1034(1), Sch. 1 para. 260(8)(f), **Sch. 3 Pt. 1** (with Sch. 2)
- F784** Words in s. 98 repealed (with effect in accordance with s. 1034(1) of the amending Act) by *Income Tax Act 2007* (c. 3), s. 1034(1), Sch. 1 para. 260(9)(e), **Sch. 3 Pt. 1** (with Sch. 2)
- F785** Words in s. 98 repealed (with effect in accordance with s. 1034(1) of the amending Act) by *Income Tax Act 2007* (c. 3), s. 1034(1), Sch. 1 para. 260(8)(g), **Sch. 3 Pt. 1** (with Sch. 2)
- F786** Words in s. 98 repealed (with effect in accordance with s. 1034(1) of the amending Act) by *Income Tax Act 2007* (c. 3), s. 1034(1), Sch. 1 para. 260(9)(f), **Sch. 3 Pt. 1** (with Sch. 2)
- F787** Words in s. 98 repealed (with effect in accordance with s. 77 of the amending Act) by *Finance Act 2004* (c. 12), Sch. 12 para. 7(2), **Sch. 42 Pt. 2(7)**
- F788** Words in s. 98 substituted (with effect in accordance with s. 83(3) of the amending Act) by *Finance Act 2001* (c. 9), **Sch. 28 para. 20(a)**
- F789** Words in s. 98 repealed (with effect in accordance with s. 1329(1) of the amending Act) by *Corporation Tax Act 2009* (c. 4), s. 1329(1), Sch. 1 para. 307(2)(c), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2, Sch. 2 para. 138)
- F790** Words in s. 98 substituted (with effect in accordance with s. 83(3) of the amending Act) by *Finance Act 2001* (c. 9), **Sch. 28 para. 20(b)**
- F791** Words in s. 98 repealed (6.4.2006) by *Finance Act 2004* (c. 12), **Sch. 42 Pt. 3** (with Sch. 36 and S.I. 2006/572, arts. 1(1), 38(5), 40(5))



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- F792** Words in s. 98 repealed (with effect in accordance with s. 1034(1) of the amending Act) by **Income Tax Act 2007 (c. 3)**, s. 1034(1), **Sch. 1 para. 260(9)(g)**, **Sch. 3 Pt. 1** (with Sch. 2)
- F793** Words in s. 98 repealed (with effect in accordance with s. 77 of the amending Act) by **Finance Act 2004 (c. 12)**, **Sch. 12 para. 7(3)**, **Sch. 42 Pt. 2(7)**
- F794** Words in s. 98 repealed (with effect in accordance with s. 1329(1) of the amending Act) by **Corporation Tax Act 2009 (c. 4)**, s. 1329(1), **Sch. 1 para. 307(3)(b)**, **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2, Sch. 2 para. 138)
- F795** Words in s. 98 repealed (with effect in accordance with s. 1329(1) of the amending Act) by **Corporation Tax Act 2009 (c. 4)**, s. 1329(1), **Sch. 1 para. 307(3)(c)**, **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2, Sch. 2 para. 138)
- F796** S. 98 entry repealed (1.10.2000) by **Finance Act 1998 (c. 36)**, s. 96(3)(b)(4), **Sch. 27 Pt. III(21)**; S.I. 2000/2319, art. 2
- F797** Words in s. 98 repealed (with effect in accordance with s. 883(1) of the amending Act) by **Income Tax (Trading and Other Income) Act 2005 (c. 5)**, s. 883(1), **Sch. 1 para. 379(3)(b)**, **Sch. 3** (with Sch. 2)
- F798** Words in s. 98 omitted (with effect in accordance with Sch. 17 para. 13 of the amending Act) by virtue of **Finance Act 2009 (c. 10)**, **Sch. 17 para. 2(c)**
- F799** S. 98 entry repealed (with effect in accordance with s. 159(1) of the amending Act) by **Finance Act 1996 (c. 8)**, **Sch. 41 Pt. 5(21)**
- F800** Words in s. 98 inserted (with effect in accordance with s. 1329(1) of the amending Act) by **Corporation Tax Act 2009 (c. 4)**, s. 1329(1), **Sch. 1 para. 307(3)(a)** (with Sch. 2 Pts. 1, 2, Sch. 2 para. 138)
- F801** Words in s. 98 omitted (with effect in accordance with Sch. 25 para. 10 of the amending Act) by virtue of **Finance Act 2009 (c. 10)**, **Sch. 25 para. 9(3)(a)**
- F802** Words in s. 98 repealed (with effect in accordance with s. 108(5) of the amending Act) by **Finance Act 1998 (c. 36)**, **Sch. 27 Pt. 3(25)**
- F803** Words in s. 98 repealed (with effect in accordance with Sch. 10 para. 16(3) by the amending Act) by **Finance Act 1997 (c. 16)**, **Sch. 18 Pt. 6(10)**
- F804** Words in s. 98 repealed (with effect in accordance with Sch. 7 para. 32 of the amending Act) by **Finance Act 1996 (c. 8)**, **Sch. 7 para. 29(b)**, **Sch. 41 Pt. 5(2)** (with Sch. 7 paras. 33-35)
- F805** Words in s. 98 repealed (with effect in accordance with s. 1034(1) of the amending Act) by **Income Tax Act 2007 (c. 3)**, s. 1034(1), **Sch. 1 para. 260(8)(h)**, **Sch. 3 Pt. 1** (with Sch. 2)
- F806** Words in s. 98 repealed (with effect in accordance with Sch. 3 by the amending Act) by **Finance Act 1998 (c. 36)**, **Sch. 27 Pt. 3(2)**
- F807** Words in s. 98 omitted (with effect in accordance with Sch. 17 para. 13 of the amending Act) by virtue of **Finance Act 2009 (c. 10)**, **Sch. 17 para. 2(b)**
- F808** Words in s. 98 omitted (1.4.2009) by virtue of **Finance Act 2008 (c. 9)**, s. 113(2), **Sch. 36 para. 73(a)** (with Sch. 36 para. 38); S.I. 2009/404, art. 2 (with art. 6)
- F809** Words in s. 98 repealed (with effect in accordance with s. 1034(1) of the amending Act) by **Income Tax Act 2007 (c. 3)**, s. 1034(1), **Sch. 1 para. 260(9)(h)**, **Sch. 3 Pt. 1** (with Sch. 2)
- F810** Words in s. 98 repealed (with effect in accordance with s. 1034(1) of the amending Act) by **Income Tax Act 2007 (c. 3)**, s. 1034(1), **Sch. 1 para. 260(9)(i)**, **Sch. 3 Pt. 1** (with Sch. 2)
- F811** Words in s. 98 omitted (13.8.2009) by virtue of **The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035)**, art. 1, **Sch. para. 8(4)(a)**
- F812** Words in s. 98 Table substituted (6.3.1992 with effect as mentioned in s. 289(1)(2) of the substituting Act) by **Taxation of Chargeable Gains Act 1992 (c. 12)**, ss. 289, 290, **Sch. 10 para. 2(10)(b)(i)** (with ss. 60, 101(1), 171, 201(3)).
- F813** Words in s. 98 substituted (with effect in accordance with s. 579(1) of the amending Act) by **Capital Allowances Act 2001 (c. 2)**, **Sch. 2 para. 4(2)** (with Sch. 3)
- F814** Words in s. 98 omitted (21.7.2008) by virtue of **Finance Act 2008 (c. 9)**, s. 76(6)(a) (with s. 76(7)(8))
- F815** Words in s. 98 inserted (with effect in accordance with s. 65 of the amending Act) by **Finance Act 2001 (c. 9)**, **Sch. 17 para. 5**
- F816** Words in s. 98 inserted (with effect in accordance with s. 63(3) of the amending Act) by **Finance Act 2002 (c. 23)**, **Sch. 21 para. 7(2)**

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- F817** Words in s. 98 inserted (with effect in accordance with s. 167 of the amending Act) by Finance Act 2003 (c. 14), **Sch. 30 para. 6**
- F818** Words in s. 98 repealed (with effect in accordance with Sch. 7 para. 32 of the amending Act) by Finance Act 1996 (c. 8), Sch. 7 para. 29(a), **Sch. 41 Pt. 5(2)** (with Sch. 7 paras. 33-35)
- F819** Words in s. 98 omitted (13.8.2009) by virtue of The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, **Sch. para. 8(4)(b)**
- F820** Words in s. 98 repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 307(2)(d), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2, Sch. 2 para. 138)
- F821** Repealed by Capital Allowances Act 1990 (c. 1), s. 164(4), Sch. 2
- F822** Words in s. 98 omitted (13.8.2009) by virtue of The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, **Sch. para. 8(3)(b)**
- F823** Words in s. 98 omitted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by virtue of Income Tax (Earnings and Pensions) Act 2003 (c. 1), **Sch. 6 para. 137(4)(f)**, Sch. 8 Pt. 1 (with Sch. 7)
- F824** Words in s. 98 omitted (13.8.2009) by virtue of The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, **Sch. para. 8(3)(c)**
- F825** Words in s. 98 omitted (13.8.2009) by virtue of The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, **Sch. para. 8(4)(c)**
- F826** Words in s. 98 repealed (with effect in accordance with s. 1034(1) of the amending Act) by Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 260(8)(i), **Sch. 3 Pt. 1** (with Sch. 2)
- F827** Words in s. 98 Table repealed (16.7.1992 with application in relation to claims made after 16.7.1992) by Finance (No. 2) Act 1992 (c. 48), ss. 28, 82, **Sch. 18 Pt. VII**.
- F828** Repealed by Finance Act 1989 (c. 26), **s. 187** and Sch. 17 Part Von and after 27 July 1989.
- F829** Words in s. 98 omitted (13.8.2009) by virtue of The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, **Sch. para. 8(4)(d)**
- F830** Words in s. 98 omitted (13.8.2009) by virtue of The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, **Sch. para. 8(3)(d)**
- F831** Words in s. 98 repealed (with effect in accordance with s. 97 of the repealing Act) by Finance Act 1994 (c. 9), **Sch. 26 Pt. 5(10)**
- F832** Words in s. 98 repealed (with effect in accordance with s. 1034(1) of the amending Act) by Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 260(8)(j), **Sch. 3 Pt. 1** (with Sch. 2)
- F833** Words in s. 98 omitted (1.4.2009) by virtue of Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 73(b)** (with Sch. 36 para. 38); S.I. 2009/404, art. 2
- F834** Words in s. 98 omitted (13.8.2009) by virtue of The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, **Sch. para. 8(3)(e)**
- F835** Words in s. 98 inserted (retrospective to 6.4.2006) by Finance Act 2006 (c. 25), **Sch. 12 para. 46(2)(3)**
- F836** Words in s. 98 inserted (3.5.1994) by Finance Act 1994 (c. 9), **s. 97(6)**
- F837** Words in s. 98 Table substituted (6.3.1992 with effect as mentioned in s. 289(1)(2) of the substituting Act) by Taxation of Chargeable Gains Act 1992 (c. 12), ss. 289, 290, **Sch. 10 para. 2(10)(a)(i)** (with ss. 60, 101(1), 171, 201(3)).
- F838** Words in s. 98 Table inserted (1.5.1995) by Finance Act 1995 (c. 4), **s. 73(5)**
- F839** Words in s. 98 Table substituted (6.3.1992 with effect as mentioned in s. 289(1)(2) of the substituting Act) by Taxation of Chargeable Gains Act 1992 (c. 12), ss. 289, 290, **Sch. 10 para. 2(10)(a)(ii)** (with ss. 60, 101(1), 171, 201(3)).
- F840** Words in s. 98 repealed (6.4.2005) by National Insurance Contributions and Statutory Payments Act 2004 (c. 3), s. 13, **Sch. 2 Pt. 1**; S.I. 2004/1943, art. 6(b)(i)
- F841** Words in s. 98 repealed (with effect in accordance with s. 579(1) of the amending Act) by Capital Allowances Act 2001 (c. 2), Sch. 2 para. 4(1), **Sch. 4** (with Sch. 3)
- F842** Words in s. 98 Table substituted (6.3.1992 with effect as mentioned in s. 289(1)(2) of the substituting Act) by Taxation of Chargeable Gains Act 1992 (c. 12), ss. 289, 290, **Sch. 10 para. 2(10)(a)(iii)** (with ss. 60, 101(1), 171, 201(3)).
- F843** Words in s. 98 inserted (27.7.1999) by Finance Act 1999 (c. 16), **s. 86(9)**

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- F844** Words in s. 98 omitted (13.8.2009) by virtue of The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, **Sch. para. 8(3)(f)**
- F845** Words in s. 98 omitted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by virtue of Income Tax (Earnings and Pensions) Act 2003 (c. 1), **Sch. 6 para. 137(4)(g)**, Sch. 8 Pt. 1 (with Sch. 7)
- F846** Words in s. 98 omitted (13.8.2009) by virtue of The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, **Sch. para. 8(3)(g)**
- F847** Words in s. 98 inserted (with effect in accordance with s. 63(4) of the amending Act) by Finance Act 2000 (c. 17), **Sch. 16 para. 1(2)**
- F848** Words in s. 98 omitted (13.8.2009) by virtue of The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, **Sch. para. 8(3)(j)**
- F849** Words in s. 98 inserted (28.7.2000) by Finance Act 2000 (c. 17), **Sch. 22 para. 93(4)**
- F850** Words in s. 98 omitted (13.8.2009) by virtue of The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, **Sch. para. 8(3)(h)**
- F851** Words in s. 98 inserted (28.7.2000) by Finance Act 2000 (c. 17), **Sch. 22 para. 129(3)**
- F852** Finance Act 1989 (c. 26), **s. 73(9)**.
- F853** Words in s. 98 inserted (retrospective and with application in accordance with s. 111(1)(2)(7)-(9) of the amending Act) by Finance Act 2002 (c. 23), s. 111(10), **Sch. 34 para. 6(3)**
- F854** Words in s. 98 substituted (13.8.2009) by The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, **Sch. para. 8(2)(d)**
- F855** Words in s. 98 inserted (retrospective and with application in accordance with s. 113(1)(2)(6)-(8) of the amending Act) by Finance Act 2002 (c. 23), s. 113(9), **Sch. 35 para. 7(3)**
- F856** Words in s. 98 repealed (with effect in accordance with s. 1034(1) of the amending Act) by Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 260(9)(j), **Sch. 3 Pt. 1** (with Sch. 2)
- F857** Words in s. 98 omitted (13.8.2009) by virtue of The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, **Sch. para. 8(3)(i)**
- F858** Words in s. 98 inserted (23.1.2003) by Finance Act 2002 (c. 23), s. 57(3), **Sch. 17 para. 1**; S.I. 2003/88, art. 2
- F859** Words in s. 98 substituted (with effect in accordance with Sch. 22 para. 47(2) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 22 para. 47(1)(b)**
- F860** Words in s. 98 inserted (with effect in accordance with Sch. 28 para. 9 of the amending Act) by Finance Act 2003 (c. 14), **Sch. 28 para. 6**
- F861** Words in s. 98 omitted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by virtue of Income Tax (Earnings and Pensions) Act 2003 (c. 1), **Sch. 6 para. 137(5)** (with Sch. 7)
- F862** Words in s. 98 omitted (13.8.2009) by virtue of The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, **Sch. para. 8(3)(k)**
- F863** Words in s. 98 omitted (13.8.2009) by virtue of The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, **Sch. para. 8(3)(l)**
- F864** Words in s. 98 repealed (with effect in accordance with s. 1034(1) of the amending Act) by Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 260(8)(k), **Sch. 3 Pt. 1** (with Sch. 2)
- F865** Words in s. 98 repealed (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 137(2)(b), **Sch. 8 Pt. 1** (with Sch. 7)
- F866** Words in s. 98 inserted (with effect in accordance with s. 55(7) of the amending Act) by Finance Act 2004 (c. 12), **s. 55(6)**
- F867** Words in s. 98 inserted (with effect in accordance with s. 63(4) of the amending Act) by Finance Act 2000 (c. 17), **Sch. 16 para. 1(3)**
- F868** Words in s. 98 inserted (with effect in accordance with s. 77 of the amending Act) by Finance Act 2004 (c. 12), **Sch. 12 para. 7(5)**
- F869** Words in s. 98 repealed (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 137(2)(c), **Sch. 8 Pt. 1** (with Sch. 7)
- F870** Words in s. 98 inserted (6.4.2006) by Finance Act 2004 (c. 12), **ss. 258(1), 284(1)** (with Sch. 36)
- F871** Words in s. 98 inserted (retrospective and with application in accordance with s. 111(1)(2)(7)-(9) of the amending Act) by Finance Act 2002 (c. 23), s. 111(10), **Sch. 34 para. 10(3)**

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- F872** Words in s. 98 inserted (with effect in accordance with s. 883(1) of the amending Act) by **Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), Sch. 1 para. 379(4)(b)** (with Sch. 2)
- F873** Words in s. 98 inserted (retrospective and with application in accordance with s. 113(1)(2)(6)-(8) of the amending Act) by **Finance Act 2002 (c. 23), s. 113(9), Sch. 35 para. 11(3)**
- F874** Words in s. 98 repealed (with effect in accordance with s. 1034(1) of the amending Act) by **Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 260(8)(l), Sch. 3 Pt. 1** (with Sch. 2)
- F875** Words in s. 98 inserted (with effect in accordance with s. 45 of the amending Act) by **Finance Act 2005 (c. 7), s. 43(3)**
- F876** Words in s. 98 inserted (with effect in accordance with Sch. 22 para. 47(2) of the amending Act) by **Finance Act 2003 (c. 14), Sch. 22 para. 47(1)(a)**
- F877** Words in s. 98 omitted (13.8.2009) by virtue of **The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, Sch. para. 8(3)(m)**
- F878** Words in s. 98 added (19.7.2006) by **Finance Act 2006 (c. 25), s. 140**
- F879** Words in s. 98 inserted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by **Income Tax (Earnings and Pensions) Act 2003 (c. 1), Sch. 6 para. 137(3)** (with Sch. 7)
- F880** Words in s. 98 repealed (with effect in accordance with s. 1034(1) of the amending Act) by **Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 260(9)(k), Sch. 3 Pt. 1** (with Sch. 2)
- F881** Words in s. 98 inserted (with effect in accordance with s. 1034(1) of the amending Act) by **Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 260(9)(l)** (with Sch. 2)
- F882** Words in s. 98 inserted (with effect in accordance with s. 77 of the amending Act) by **Finance Act 2004 (c. 12), Sch. 12 para. 7(4)**
- F883** Words in s. 98 omitted (13.8.2009) by virtue of **The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, Sch. para. 8(3)(n)**
- F884** Words in s. 98 inserted (with effect in accordance with s. 883(1) of the amending Act) by **Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), Sch. 1 para. 379(3)(c)** (with Sch. 2)
- F885** Words in s. 98 inserted (with effect in accordance with s. 45 of the amending Act) by **Finance Act 2005 (c. 7), s. 43(2)**
- F886** Words in s. 98 inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by **The Authorised Investment Funds (Tax) Regulations 2006 (S.I. 2006/964), regs. 1(1), 87(2)(b)(iii)**
- F887** Words in s. 98 inserted (with effect in accordance with s. 1034(1) of the amending Act) by **Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 260(8)(m)** (with Sch. 2)
- F888** Words in s. 98 omitted (13.8.2009) by virtue of **The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, Sch. para. 8(3)(o)**
- F889** Words in s. 98 inserted (with effect in accordance with s. 1329(1) of the amending Act) by **Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 307(3)(d)** (with Sch. 2 Pts. 1, 2, Sch. 2 para. 138)
- F890** Words in s. 98 inserted (with effect in accordance with Sch. 17 para. 13 of the amending Act) by **Finance Act 2009 (c. 10), Sch. 17 para. 10**
- F891** Words in s. 98 omitted (13.8.2009) by virtue of **The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, Sch. para. 8(3)(p)**
- F892** Words in s. 98 omitted (13.8.2009) by virtue of **The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, Sch. para. 8(3)(q)**
- F893** Words in s. 98 omitted (13.8.2009) by virtue of **The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, Sch. para. 8(3)(r)**
- F894** Words in s. 98 omitted (13.8.2009) by virtue of **The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, Sch. para. 8(3)(s)**
- F895** Words in s. 98 inserted (with effect in accordance with s. 1329(1) of the amending Act) by **Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 307(2)(e)** (with Sch. 2 Pts. 1, 2, Sch. 2 para. 138)
- F896** Words in s. 98 inserted (with effect in accordance with Sch. 15 paras. 97, 98 of the amending Act) by **Finance Act 2009 (c. 10), Sch. 15 para. 95** (with Sch. 15 para. 99)
- F897** Words in s. 98 inserted (with effect in accordance with s. 1034(1) of the amending Act) by **Income Tax Act 2007 (c. 3), s. 1034(1), Sch. 1 para. 260(10)** (with Sch. 2)

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#### Modifications etc. (not altering text)

- C360** S. 98 applied (with modifications) by Oil Taxation Act 1975 (c. 22), s. 1, **Sch. 2 para. 1(1)**.  
S. 98 applied by Finance Act 1981 (c. 35), s. 134, Sch. 17 para. 18 (special tax on banking deposits).
- C361** S. 98 applied (E.W.S.) (1.7.1992) by Social Security Contributions and Benefits Act 1992 (c. 4), ss. 1(4), 173(4), **Sch. 1 para. 6(7)**.  
S. 98 applied (N.I.) (1.7.1992) by Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7), ss. 1(4), 173(4), **Sch. 1 para. 6(7)**
- C362** S. 98 amended (27.7.1993) by 1993 c. 34, s. 187(8)
- C363** S. 98 applied (with modifications) (1.10.1993) by The Income Tax (Manufactured Overseas Dividends) Regulations 1993 (S.I. 1993/2004), **reg. 11(12)(13)**
- C364** S. 98 applied (with modifications) (1.7.1997) by The Manufactured Dividends (Tax) Regulations 1997 (S.I. 1997/993), regs. 1, **8(5)(6)**
- C365** S. 98 modified by Social Security Administration Act 1992 (c. 5), s. 111(4) (as inserted (1.4.1999) by Social Security Contributions (Transfer of Functions, etc.) Act 1999 (c. 2), s. 28(3), **Sch. 5 para. 4(3)**); S.I. 1999/527, art. 2(b), Sch. 2 (with arts. 3-6))
- C366** S. 98 modified (with effect in accordance with s. 45 of the amending Act) by Finance Act 2005 (c. 7), s. 43(4)
- C367** S. 98 applied by The Authorised Investment Funds (Tax) Regulations 2006 (S.I. 2006/964), reg. 69Z25(5) (as inserted (6.4.2008) by S.I. 2008/705, regs. 1, 5)
- C368** S. 98 modified (with application in accordance with reg. 1(2) of the amending S.I.) by The Income Tax (Purchased Life Annuities) Regulations 2008 (S.I. 2008/562), regs. 1(1), **26** (with reg. 27)
- C369** S. 98 applied (with modifications) (E.W.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470), regs. 1(1), **13(1)** (with reg. 1(4)(6))
- C370** S. 98 applied (with modifications) (N.I.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 (S.R. 2009/128), regs. 1(1), **9(1)**
- C371** S. 98(1) modified (31.7.1997) by Finance (No. 2) Act 1997 (c. 58), **Sch. 2 para. 13(3)**
- C372** S. 98(2) modified (31.7.1997) by Finance (No. 2) Act 1997 (c. 58), **Sch. 2 para. 14(3)(a)**

#### [<sup>F898</sup>98A Special penalties in the case of certain returns.

- (1) [<sup>F899</sup>PAYE regulations or regulations under][<sup>F900</sup>section 70(1)(a) or 71 of the Finance Act 2004 (sub-contractors)] may provide that this section shall apply in relation to any specified provision of the regulations.
- (2) Where this section applies in relation to a provision of regulations, any person who fails to make a return in accordance with the provision shall be liable—
  - (a) to a penalty or penalties of the relevant monthly amount for each month (or part of a month) during which the failure continues, but excluding any month after the twelfth or for which a penalty under this paragraph has already been imposed, and
  - (b) if the failure continues beyond twelve months, without prejudice to any penalty under paragraph (a) above, to a penalty not exceeding  
[ in the case of a provision of PAYE regulations,] so much of the amount  
<sup>F901</sup>(i) payable by him in accordance with the regulations for the year of assessment to which the return relates as remained unpaid at the end of 19th April after the end of that year[<sup>F902</sup>, or  
(ii) in the case of a provision of regulations under section 70(1)(a) or 71 of the Finance Act 2004, £3,000.]
- (3) For the purposes of subsection (2)(a) above, the relevant monthly amount in the case of a failure to make a return—

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- (a) where the number of persons in respect of whom particulars should be included in the return is fifty or less, is £100, and
- (b) where the number is greater than fifty, is £100 for each fifty such persons and an additional £100 where that number is not a multiple of fifty.

<sup>F903</sup>(4) . . . . .]

#### Textual Amendments

- F898** S. 98A inserted by [Finance Act 1989 \(c. 26\)](#), **s. 165(1)** (with [s. 165\(2\)](#); [S.I. 1994/2508](#), art. 2)
- F899** Words in s. 98A(1) substituted (with effect in accordance with [s. 723\(1\)\(a\)\(b\)](#) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), **Sch. 6 para. 138** (with [Sch. 7](#))
- F900** Words in s. 98A(1) substituted (with effect in accordance with [s. 77](#) of the amending Act) by [Finance Act 2004 \(c. 12\)](#), **Sch. 12 para. 8(2)**
- F901** Words in s. 98A(2)(b) inserted (with effect in accordance with [s. 77](#) of the amending Act) by [Finance Act 2004 \(c. 12\)](#), **Sch. 12 para. 8(3)(a)**
- F902** S. 98A(2)(b)(ii) and preceding word inserted (with effect in accordance with [s. 77](#) of the amending Act) by [Finance Act 2004 \(c. 12\)](#), **Sch. 12 para. 8(3)(b)**
- F903** S. 98A(4) repealed (1.4.2008 for specified purposes, 1.7.2008 for specified purposes, 1.1.2009 for specified purposes, 1.4.2009 in so far as not already in force) by [Finance Act 2007 \(c. 11\)](#), [s. 97\(2\)](#), [Sch. 24 para. 29\(a\)](#), **Sch. 27 Pt. 5(5)**; [S.I. 2008/568](#), art. 2(a)(b)(c)(d)(e)(f) (with art. 3)

#### Modifications etc. (not altering text)

- C373** S. 98A power to apply conferred (E.W.S.) (1.7.1992) by [Social Security Contributions and Benefits Act 1992 \(c. 4\)](#), ss. 1(4), 177(4), [Sch. 1 para. 7](#) (as amended (4.3.1999 for specified purposes, 6.4.1999 in so far as not already in force) by [Social Security Contributions \(Transfer of Functions, etc.\) Act 1999 \(c. 2\)](#), [s. 28\(3\)](#), **Sch. 7 para. 10**; [S.I. 1999/527](#), art. 2(a)(c), [Schs. 1, 3](#) (with art. 3-6))
- C374** S. 98A power to apply conferred (N.I.) (1.7.1992) by [Social Security Contributions and Benefits \(Northern Ireland\) Act 1992 \(c. 7\)](#), ss. 1(4), 173(4), **Sch. 1**, para. 7(2)(9)-(12)
- C375** S. 98A applied (with modifications) (6.4.2001) by [The Social Security \(Contributions\) Regulations 2001 \(S.I. 2001/1004\)](#), reg. 1(1), [Sch. 4 paras. 22\(7\), 31\(9\)](#) (as amended (6.4.2008) by [S.I. 2008/636](#), regs. 1(3)(b), 7)
- C376** S. 98A applied (6.4.2004) by [The Income Tax \(Pay As You Earn\) Regulations 2003 \(S.I. 2003/2682\)](#), regs. 1, **73(10)**
- C377** S. 98A applied (6.4.2004) by [The Income Tax \(Pay As You Earn\) Regulations 2003 \(S.I. 2003/2682\)](#), regs. 1, **146(5)**
- C378** S. 98A applied (6.4.2007) by [The Income Tax \(Construction Industry Scheme\) Regulations 2005 \(S.I. 2005/2045\)](#), regs. 1, **4(12)(13)** (with reg. 60, [Sch. 1](#))

#### [<sup>F904</sup>98B European Economic Interest Groupings.

- (1) In this section “grouping” means a European Economic Interest Grouping formed in pursuance of Council Regulation ([EEC](#)) No. 2137/85 of 25th July 1985, whether registered in Great Britain, in Northern Ireland or elsewhere.
- [<sup>F905</sup>(2) Subsections (2A) to (4) below apply where a grouping or member of a grouping required by a notice given under section 12A of this Act to deliver a return or other document fails to comply with the notice.
- (2A) The grouping or member shall be liable to a penalty not exceeding £300 multiplied by the number of members of the grouping at the time of the failure to comply.

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- (2B) If, on an application made to [<sup>F906</sup>it] by an officer of the Board, the [<sup>F907</sup>tribunal so directs], the grouping or member shall be liable, for each day on which the failure continues after the day on which the grouping or member is notified of the direction (but excluding any day for which a penalty under this subsection has already been imposed), to a further penalty or penalties not exceeding £60 multiplied by the number of members of the grouping at the end of that day.]
- (3) No penalty shall be imposed under [<sup>F908</sup>subsection (2A) or (2B)] above in respect of a failure at any time after the failure has been remedied.
- (4) If a grouping to which, or member to whom, a notice is given proves that there was no income or chargeable gain to be included in the return, the penalty under [<sup>F909</sup>subsections (2A) and (2B)] above shall not exceed £100.
- (5) Where a grouping or member fraudulently or negligently delivers an incorrect return, accounts or statement, or makes an incorrect declaration in a return delivered, under section 12A above, the grouping or member shall be liable to a penalty not exceeding £3000 multiplied by the number of members of the grouping at the time of delivery.]

#### Textual Amendments

- F904** S. 98B inserted (on and after 1 July 1989) by [Finance Act 1990 \(c. 29\)](#), s. 69, Sch. 11 para. 3(1)
- F905** S. 98B(2)(2A)(2B) substituted for s. 98B(2) (with effect in accordance with s. 199(2)(3) of the amending Act) by [Finance Act 1994 \(c. 9\)](#), [Sch. 19 para. 30\(1\)](#); S.I. 1998/3173, art. 2
- F906** Word in s. 98B(2B) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), [Sch. 1 para. 44\(a\)](#)
- F907** Words in s. 98B(2B) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), [Sch. 1 para. 44\(b\)](#)
- F908** Words in s. 98B(3) substituted (with effect in accordance with s. 199(2)(3) of the amending Act) by [Finance Act 1994 \(c. 9\)](#), [Sch. 19 para. 30\(2\)](#); S.I. 1998/3173, art. 2
- F909** Words in s. 98B(4) substituted (with effect in accordance with s. 199(2)(3) of the amending Act) by [Finance Act 1994 \(c. 9\)](#), [Sch. 19 para. 30\(3\)](#); S.I. 1998/3173, art. 2

#### [<sup>F910</sup>98C Notification under Part 7 of Finance Act 2004

- (1) A person who fails to comply with any of the provisions of Part 7 of the Finance Act 2004 (disclosure of tax avoidance schemes) mentioned in subsection (2) below shall be liable—
- to a penalty not exceeding £5,000, and
  - if the failure continues after a penalty is imposed under paragraph (a) above, to a further penalty or penalties not exceeding £600 for each day on which the failure continues after the day on which the penalty under paragraph (a) was imposed (but excluding any day for which a penalty under this paragraph has already been imposed).
- (2) Those provisions are—
- section 308(1) and (3) (duty of promoter in relation to notifiable proposals and notifiable arrangements),
  - section 309(1) (duty of person dealing with promoter outside United Kingdom),
  - section 310 (duty of parties to notifiable arrangements not involving promoter), <sup>F911</sup>...

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- (d) section [<sup>F912</sup>312(2)] (duty of promoter to notify client of reference number)
  - [<sup>F913</sup>(da) section 312A(2) (duty of client to notify parties of reference number),]<sup>F914</sup>,  
and
  - (e) sections 313A and 313B (duty of promoter to respond to inquiry).]
- [ Where a failure to comply with a provision mentioned in subsection (2) concerns  
<sup>F915</sup>(2A) a proposal or arrangements in respect of which an order has been made under section 306A of the Finance Act 2004 (doubt as to notifiability), the amount specified in subsection (1)(b) above shall be increased to the prescribed sum.
- (2B) Where a failure to comply with a provision mentioned in subsection (2) concerns a proposal or arrangements in respect of which an order has been made under section 314A of the Finance Act 2004 (order to disclose), the amount specified in subsection (1)(b) above shall be increased to the prescribed sum in relation to days falling after the prescribed period.
- (2C) In subsection (2A) and (2B)—
- (a) “the prescribed sum” means a sum prescribed by the Treasury by regulations, and
  - (b) “the prescribed period” means a period beginning with the date of the order under section 314A and prescribed by the Commissioners by regulations.
- (2D) The making of an order under section 314A of that Act does not of itself mean that, for the purposes of section 118(2) of this Act, a person either did or did not have a reasonable excuse for non-compliance before the order was made.
- (2E) Where an order is made under section 314A of that Act then for the purposes of section 118(2) of this Act—
- (a) the person identified in the order as the promoter of the proposal or arrangements cannot, in respect of any time after the end of the period mentioned in subsection (2B), rely on doubt as to notifiability as an excuse for failure to comply with section 308 of that Act, and
  - (b) any delay in compliance with that section after the end of that period is unreasonable unless attributable to something other than doubt as to notifiability.
- (2F) Regulations under subsection (2C)—
- (a) may include incidental or transitional provision,
  - (b) shall be made by statutory instrument,
  - (c) in the case of regulations under subsection (2C)(a), shall not be made unless a draft has been laid before and approved by resolution of the House of Commons, and
  - (d) in the case of regulations under subsection (2C)(b), shall be subject to annulment in pursuance of a resolution of the House of Commons.]
- (3) A person who fails to comply with [<sup>F916</sup>subsection (1) of section 313] of the Finance Act 2004 (duties of parties to notifiable arrangements to notify Board of reference number, etc.) [<sup>F917</sup>or regulations under subsection (3) of that section] shall be liable to a penalty of the relevant sum.
- (4) In subsection (3) above “the relevant sum” means—
- (a) in relation to a person not falling within paragraph (b) or (c) below, £100 in respect of each scheme to which the failure relates,



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- (b) in relation to a person who has previously failed to comply with section [F918 subsection (1) of section 313 or regulations under subsection (3) of that section] on one (and only one) occasion during the period of 36 months ending with the date on which the current failure to comply with that provision began, £500 in respect of each scheme to which the current failure relates (whether or not the same as the scheme to which the previous failure relates), or
- (c) in relation to a person who has previously failed to comply with section [F918 subsection (1) of section 313 or regulations under subsection (3) of that section] on two or more occasions during the period of 36 months ending with the date on which the current failure to comply with that provision began, £1,000 in respect of each scheme to which the current failure relates (whether or not the same as the schemes to which any of the previous failures relates).
- (5) In subsection (4) above “scheme” means any notifiable arrangements within the meaning of Part 7 of the Finance Act 2004.]

#### Textual Amendments

- F910** S. 98C inserted (22.7.2004 for specified purposes) by [Finance Act 2004 \(c. 12\)](#), **ss. 315(1), 319(1)(2)** (with s. 314)
- F911** Word in s. 98C(2)(c) repealed (19.7.2007) by [Finance Act 2007 \(c. 11\)](#), **Sch. 27 Pt. 6(4)**
- F912** Word in s. 98C(2)(d) substituted (1.11.2008 except for the purposes of stamp duty land tax) by [Finance Act 2008 \(c. 9\)](#), s. 116(2), **Sch. 38 para. 7(2)(a)**; S.I. 2008/1935, art. 2(1) (with art. 2(2))
- F913** S. 98C(2)(da) inserted (1.11.2008 except for the purposes of stamp duty land tax) by [Finance Act 2008 \(c. 9\)](#), s. 116(2), **Sch. 38 para. 7(2)(b)**; S.I. 2008/1935, art. 2(1) (with art. 2(2))
- F914** S. 98C(2)(e) and preceding word inserted (19.7.2007) by [Finance Act 2007 \(c. 11\)](#), **s. 108(9)(a)** (with s. 108(10))
- F915** S. 98C(2A)-(2F) inserted (19.7.2007) by [Finance Act 2007 \(c. 11\)](#), **s. 108(9)(b)** (with s. 108(10))
- F916** Words in s. 98C(3) substituted (1.11.2008 except for the purposes of stamp duty land tax) by [Finance Act 2008 \(c. 9\)](#), s. 116(2), **Sch. 38 para. 7(3)(a)**; S.I. 2008/1935, art. 2(1) (with art. 2(2))
- F917** Words in s. 98C(3) inserted (1.11.2008 except for the purposes of stamp duty land tax) by [Finance Act 2008 \(c. 9\)](#), s. 116(2), **Sch. 38 para. 7(3)(b)**; S.I. 2008/1935, art. 2(1) (with art. 2(2))
- F918** Words in s. 98C(4) substituted (1.11.2008 except for the purposes of stamp duty land tax) by [Finance Act 2008 \(c. 9\)](#), s. 116(2), **Sch. 38 para. 7(4)**; S.I. 2008/1935, art. 2(1) (with art. 2(2))

#### [F919] **Assisting in preparation of incorrect return, etc.**

Any person who assists in or induces the preparation or delivery of any information, return, accounts or other document which—

- (a) he knows will be, or is or are likely to be, used for any purpose of tax, and
- (b) he knows to be incorrect,
- shall be liable to a penalty not exceeding £3,000.]

#### Textual Amendments

- F919** S. 99 substituted by [Finance Act 1989 \(c. 26\)](#), **s. 166** in relation to assistance and inducements occurring on or after 27 July 1989.

#### Modifications etc. (not altering text)

- C379** S. 99 applied (with modifications) by the [Oil Taxation Act 1975 \(c. 22\)](#), s. 1, **Sch. 2 para. 1(1)**

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S. 99 applied (with modifications) by [Finance Act 1981 \(c. 35\), s. 134, Sch. 17 para. 18](#) (special tax on banking deposits).

**C380** S. 99 modified (31.7.1997) by [Finance \(No. 2\) Act 1997 \(c. 58\), Sch. 2 para. 14\(3\)\(b\)](#)

**C381** S. 99 modified (with effect in accordance with s. 33(1) of the amending Act) by [Finance Act 2004 \(c. 12\), s. 33\(7\)](#)

**C382** S. 99 applied (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\), regs. 1\(1\), 9\(2\)](#)

**C383** S. 99 applied (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\), regs. 1\(1\), 13\(2\)](#) (with [reg. 1\(4\)\(6\)](#))

### [<sup>F920</sup>99A Certificates of non-liability to income tax.

If a person who gives a certificate of non-liability to income tax in pursuance of regulations under [<sup>F921</sup>section 852 of ITA 2007]—

- (a) gives the certificate fraudulently or negligently, or
- (b) fails to comply with any undertaking contained in the certificate in pursuance of the regulations,

he shall be liable to a penalty not exceeding £3,000.]

#### Textual Amendments

**F920** S. 99A inserted (25.7.1991) by [Finance Act 1991 \(c. 31\), s. 82](#)

**F921** Words in s. 99A substituted (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\), s. 1034\(1\), Sch. 1 para. 261](#) (with [Sch. 2](#))

### [<sup>F922</sup>99B Declarations under Chapter 2 of Part 15 of ITA 2007

Where a person fraudulently or negligently gives any incorrect information in a declaration under any of sections 858 to 861 of ITA 2007, the person shall be liable to a penalty not exceeding £3,000.]

#### Textual Amendments

**F922** S. 99B inserted (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\), s. 1034\(1\), Sch. 1 para. 262](#) (with [Sch. 2](#))

### [<sup>F923</sup>100 Determination of penalties by officer of the Board.

(1) Subject to subsection (2) below and except where proceedings for a penalty have been instituted under section 100D below <sup>F924</sup>... , an officer of the Board authorised by the Board for the purposes of this section may make a determination imposing a penalty under any provision of the Taxes Acts and setting it at such amount as, in his opinion, is correct or appropriate.

(2) Subsection (1) above does not apply where the penalty is a penalty under—

- (a) section 93(1) above as it has effect before the amendments made by section 162 of the Finance Act 1989 or section 93(1)(a) above as it has effect after those amendments,

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- (b) section 94(1) above as it has effect before the substitution made by section 83 of the Finance (No. 2) Act 1987,
  - (c) section 98(1) above as it has effect before the amendments made by section 164 of the Finance Act 1989 or section 98(1)(i) above as it has effect after those amendments, or
  - (d) paragraph (a)(i) of section 98A(2) above as it has effect by virtue of section 165(2) of the Finance Act 1989, <sup>F925</sup>or
  - (e) section 98B(2)(a) above<sup>F926</sup>, or
  - (f) section 98C(1)(a) above<sup>F927</sup> ...
  - <sup>F927</sup>(g) .....
- (3) Notice of a determination of a penalty under this section shall be served on the person liable to the penalty and shall state the date on which it is issued and the time within such an appeal against the determination may be made.
- (4) After the notice of a determination under this section has been served the determination shall not be altered except in accordance with this section or on appeal.
- (5) If it is discovered by an officer of the Board authorised by the Board for the purposes of this section that the amount of a penalty determined under this section is or has become insufficient the officer may make a determination in a further amount so that the penalty is set at the amount which, in his opinion, is correct or appropriate.
- (6) In any case where—
- (a) a determination under this section is of a penalty under <sup>F928</sup>section 93(2), (4) or (5) of this Act <sup>F929</sup>...<sup>F930</sup>paragraph 18(2) of Schedule 18 to the Finance Act 1998<sup>F931</sup>or section 260(1)(b) of the Finance Act 2004], and
  - (b) after the determination has been made it is discovered by an officer of the Board authorised by the Board for the purposes of this section that the amount which was taken into account as the relevant amount of tax is or has become excessive,
- the determination shall be revised so that the penalty is set at the amount which is correct; and, where more than the correct amount has already been paid, the appropriate amount shall be repaid.]

#### Textual Amendments

- F923** Ss. 100-100D substituted for s. 100 by [Finance Act 1989 \(c. 26\), s. 167](#)
- F924** Words in s. 100(1) repealed (with effect in accordance with reg. 1(1) of the amending S.I.) by [The General and Special Commissioners \(Amendment of Enactments\) Regulations 1994 \(S.I. 1994/1813\), Sch. 1 para. 14, Sch. 2 Pt. 1](#)
- F925** S. 100(2)(e) and preceding word inserted by [Finance Act 1990 \(c. 29\), s. 69, Sch. 11 para. 3\(1\)](#)on and after 1 July 1989.
- F926** S. 100(2)(f) and preceding word inserted (22.7.2004 for specified purposes) by [Finance Act 2004 \(c. 12\), ss. 315\(2\), 319\(1\)\(2\)](#) (with s. 314)
- F927** S. 100(2)(g) and preceding word omitted (21.7.2009) by virtue of [Finance Act 2009 \(c. 10\), Sch. 57 para. 13\(2\)](#)
- F928** Words in s. 100(6)(a) inserted (with application in accordance with s. 91(2) of the amending Act) by [Finance Act 2001 \(c. 9\), s. 91\(1\)](#)
- F929** Word in s. 100(6)(a) repealed (6.4.2006) by [Finance Act 2004 \(c. 12\), Sch. 42 Pt. 3](#) (with Sch. 36)
- F930** Words in s. 100(6)(a) substituted (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\), Sch. 19 para. 38; S.I. 1998/3173, art. 2](#)

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**F931** Words in s. 100(6)(a) inserted (6.4.2006) by Finance Act 2004 (c. 12), ss. **260(5)**, 284(1) (with Sch. 36)

#### Modifications etc. (not altering text)

**C384** Ss. 100-100D power to apply conferred (N.I.) (1.7.1992) by Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7), ss. 1(4), 173(4), **Sch. 1**, para. 7(2)(b)(9)-(12)

Ss. 100-100D power to apply conferred (E.W.S.) (1.7.1992) by Social Security Contributions and Benefits Act 1992 (c. 4), ss. 1(4), 177(4), **Sch. 1**, para. 7(2)(b)(9)-(12)

S. 100 restricted (N.I.) (1.7.1992) by Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7), ss. 1(4), 173(4), **Sch. 1**, para. 7(4)(b)

**C385** S. 100 applied (with modifications) (31.7.1997) by Finance (No. 2) Act 1997 (c. 58), **Sch. 2 para. 17(4)-(6)**

**C386** S. 100 modified (N.I.) by Social Security (Contributions) Regulations (Northern Ireland) 1979 (S.R. 1979/186), reg. 47L(1) (as inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by S.I. 2000/2208, regs. 1(1), **20**)

**C387** S. 100 applied (with modifications) (6.4.2001) by The Social Security (Contributions) Regulations 2001 (S.I. 2001/1004), regs. 1(1), **82(1)**

**C388** S. 100 applied (E.W.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470), regs. 1(1), **13(3)(a)** (with reg. 1(4)(6))

**C389** S. 100 applied (N.I.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 (S.R. 2009/128), regs. 1(1), **9(3)(a)**

**C390** S. 100 applied (E.W.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470), regs. 1(1), **13(4)** (with reg. 1(4)(6))

**C391** S. 100 applied (N.I.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 (S.R. 2009/128), regs. 1(1), **9(4)**

#### [<sup>F923</sup>100A] Provisions supplementary to section 100.

<sup>F932</sup>(1) . . . . .

(2) A penalty determined under section 100 above shall be due and payable at the end of the period of thirty days beginning with the date of the issue of the notice of the determination.

(3) A penalty determined under section 100 above shall for all purposes be treated as if it were charged in an assessment and due and payable.]

#### Textual Amendments

**F923** Ss. 100-100D substituted for s. 100 by Finance Act 1989 (c. 26), s. **167**

**F932** S. 100A(1) repealed (1.4.2008 for specified purposes, 1.7.2008 for specified purposes, 1.1.2009 for specified purposes, 1.4.2009 so far as not already in force) by Finance Act 2007 (c. 11), s. 97(2), Sch. 24 para. 29(b), **Sch. 27 Pt. 5(5)**; S.I. 2008/568, art. 2(a)(b)(c)(d)(e)(f) (with art. 3)

#### Modifications etc. (not altering text)

**C392** Ss. 100-100D power to apply conferred (N.I.) (1.7.1992) by Social Security Contributions and Benefits (Northern Ireland) Act 1992, ss. 1(4), 173(4), Sch. 1, para. 7(2)(b)(9)-(12)

Ss. 100-100D power to apply conferred (E.W.S.) (1.7.1992) by Social Security Contributions and Benefits Act 1992 (c. 4), ss. 1(4), 177(4), **Sch. 1**, para. 7(2)(b)(9)-(12)

**C393** S. 100A applied (E.W.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470), regs. 1(1), **13(3)(a)(4)** (with reg. 1(4)(6))

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**C394** S. 100A applied (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\)](#), regs. 1(1), **9(3)(a)(4)**

**C395** S. 100A(2)(3) applied (with modifications) (31.7.1997) by [Finance \(No. 2\) Act 1997 \(c. 58\)](#), **Sch. 2 para. 17(4)-(6)**

## **[<sup>F923</sup>100B Appeals against penalty determinations.**

- (1) An appeal may be brought against the determination of a penalty under section 100 above and, subject to [<sup>F933</sup>[<sup>F934</sup>sections 93 and 93A] of this Act][<sup>F935</sup>and] the following provisions of this section, the provisions of this Act relating to appeals shall have effect in relation to an appeal against such a determination as they have effect in relation to an appeal against an assessment to tax [<sup>F936</sup>, except that references to the tribunal shall be taken to be references to the First-tier Tribunal].
- (2) [<sup>F937</sup>Subject to sections 93(8) and 93A(7) of this Act] on an appeal against the determination of a penalty under section 100 above section 50(6) to (8) of this Act shall not apply but—
  - (a) in the case of a penalty which is required to be of a particular amount, the [<sup>F938</sup>First-tier Tribunal] may—
    - (i) if it appears <sup>F939</sup>... that no penalty has been incurred, set the determination aside,
    - (ii) if the amount determined appears <sup>F939</sup>... to be correct, confirm the determination, or
    - (iii) if the amount determined appears <sup>F939</sup>... to be incorrect, increase or reduce it to the correct amount.
  - (b) in the case of any other penalty, the [<sup>F938</sup>First-tier Tribunal] may—
    - (i) if it appears <sup>F939</sup>... that no penalty has been incurred, set the determination aside,
    - (ii) if the amount determined appears <sup>F939</sup>... to be appropriate, confirm the determination,
    - (iii) if the amount determined appears <sup>F939</sup>... to be excessive, reduce it to such other amount (including nil) [<sup>F940</sup>as it considers] appropriate, or
    - (iv) if the amount determined appears <sup>F939</sup>... to be insufficient, increase it to such amount not exceeding the permitted maximum [<sup>F940</sup>as it considers] appropriate.
- [<sup>F941</sup>(3) In addition to any right of appeal on a point of law under section 11(2) of the TCEA 2007, the person liable to the penalty may appeal to the Upper Tribunal against the amount of the penalty which has been determined under subsection (2), but not against any decision which falls under section 11(5)(d) and (e) of the TCEA 2007 and was made in connection with the determination of the amount of the penalty.
- (3A) Section 11(3) and (4) of the TCEA 2007 applies to the right of appeal under subsection (3) as it applies to the right of appeal under section 11(2) of the TCEA 2007.
- (3B) On an appeal under this section the Upper Tribunal has the same powers as are conferred on the First-tier Tribunal by virtue of this section.]]

### **Textual Amendments**

**F923** Ss. 100-100D substituted for s. 100 by [Finance Act 1989 \(c. 26\)](#), s. 167

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- F933** Words in s. 100B(1) inserted (with effect in accordance with s. 199(2)(3) of the amending Act) by Finance Act 1994 (c. 9), **Sch. 19 para. 31(1)**; S.I. 1998/3173, art. 2
- F934** Words in s. 100B(1) substituted (1.4.2009) by The Finance Act 2008, Schedule 40 (Appointed Day, Transitional Provisions and Consequential Amendments) Order 2009 (S.I. 2009/571), art. 1(1), **Sch. 1 para. 3**
- F935** Word in s. 100B(1) inserted (with effect in accordance with s. 103(7) of the amending Act) by Finance Act 1995 (c. 4), s. **115(7)**
- F936** Words in s. 100B(1) inserted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 45(2)**
- F937** Words in s. 100B(2) inserted (with effect in accordance with s. 199(2)(3) of the amending Act) by Finance Act 1994 (c. 9), **Sch. 19 para. 31(2)**; S.I. 1998/3173, art. 2
- F938** Words in s. 100B(2) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 45(3)(a)**
- F939** Words in s. 100B(2) omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 45(3)(b)**
- F940** Words in s. 100B(2)(b)(iii)(iv) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 45(3)(c)**
- F941** S. 100B(3)-(3B) substituted for s. 100B(3) (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 45(4)**

#### Modifications etc. (not altering text)

- C396** Ss. 100-100D power to apply conferred (N.I.) (1.7.1992) by Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7), ss. 1(4), 173(4), **Sch. 1**, para. 7(2)(b)(9)-(12)  
Ss. 100-100D power to apply conferred (E.W.S.) (1.7.1992) by Social Security Contributions and Benefits Act 1992 (c. 4), ss. 1(4), 177(4), **Sch. 1**, para. 7(2)(b)(9)-(12)
- C397** S. 100B applied (N.I.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 (S.R. 2009/128), regs. 1(1), **9(3)(a)**
- C398** S. 100B applied (E.W.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470), regs. 1(1), **13(4)** (with reg. 1(4)(6))
- C399** S. 100B applied (N.I.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 (S.R. 2009/128), regs. 1(1), **9(4)**
- C400** S. 100B applied (E.W.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470), regs. 1(1), **13(3)(a)** (with reg. 1(4)(6))

#### [<sup>F923</sup>100Penalty proceedings before [<sup>F942</sup>First-tier Tribunal] .

- (1) An officer of the Board authorised by the Board for the purposes of this section may commence proceedings before the [<sup>F943</sup>First-tier Tribunal] for any penalty to which subsection (1) of section 100 above does not apply by virtue of subsection (2) of that section.

<sup>F944</sup>(1A) . . . . .

[<sup>F945</sup>(2) The person liable to the penalty shall be a party to the proceedings.]

- (3) Any penalty determined by the [<sup>F946</sup>First-tier Tribunal] in proceedings under this section shall for all purposes be treated as if it were tax charged in an assessment and due and payable.

[<sup>F947</sup>(4) In addition to any right of appeal on a point of law under section 11(2) of the TCEA 2007, the person liable to the penalty may appeal to the Upper Tribunal against the determination of a penalty in proceedings under subsection (1), but not against any

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decision which falls under section 11(5)(d) and (e) of the TCEA 2007 and was made in connection with the determination of the amount of the penalty.

(4A) Section 11(3) and (4) of the TCEA 2007 applies to the right of appeal under subsection (4) as it applies to the right of appeal under section 11(2) of the TCEA 2007.]

- (5) On any such appeal the [<sup>F948</sup>Upper Tribunal] may—
- (a) if it appears that no penalty has been incurred, set the determination aside,
  - (b) if the amount determined appears to be appropriate, confirm the determination,
  - (c) if the amount determined appears to be excessive, reduce it to such other amount (including nil) as the [<sup>F948</sup>Upper Tribunal] considers appropriate, or
  - (d) if the amount determined appears to be insufficient, increase it to such amount not exceeding the permitted maximum as the [<sup>F948</sup>Upper Tribunal] considers appropriate.]

#### Textual Amendments

- F923** Ss. 100-100D substituted for s. 100 by [Finance Act 1989 \(c. 26\), s. 167](#)
- F942** Words in s. 100C heading substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\), art. 1\(2\), Sch. 1 para. 46\(2\)](#)
- F943** Words in s. 100C(1) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\), art. 1\(2\), Sch. 1 para. 46\(3\)](#)
- F944** S. 100C(1A) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\), art. 1\(2\), Sch. 1 para. 46\(4\)](#)
- F945** S. 100C(2) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\), art. 1\(2\), Sch. 1 para. 46\(5\)](#)
- F946** Words in s. 100C(3) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\), art. 1\(2\), Sch. 1 para. 46\(6\)](#)
- F947** S. 100C(4)(4A) substituted for s. 100C(4) (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\), art. 1\(2\), Sch. 1 para. 46\(7\)](#)
- F948** Words in s. 100C(5) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\), art. 1\(2\), Sch. 1 para. 46\(8\)](#)

#### Modifications etc. (not altering text)

- C401** S. 100C applied (with modifications) by the [Oil Taxation Act 1975 \(c. 22\), s. 1, Sch. 2 para. 1\(1\)](#)
- C402** Ss. 100-100D power to apply conferred (N.I.) (1.7.1992) by [Social Security Contributions and Benefits \(Northern Ireland\) 1992 \(c. 7\), ss. 1\(4\), 173\(4\), Sch. 1, para. 7\(2\)\(b\)\(9\)-\(12\)](#)  
Ss. 100-100D power to apply conferred (E.W.S.) (1.7.1992) by [Social Security Contributions and Benefits Act 1992 \(c. 4\), ss. 1\(4\), 177\(4\), Sch. 1, para. 7\(2\)\(b\)\(9\)-\(12\)](#)
- C403** S. 100C applied (with modifications) (31.7.1997) by [Finance \(No. 2\) Act 1997 \(c. 58\), Sch. 2 para. 17\(4\)-\(6\)](#)
- C404** S. 100C applied (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\), regs. 1\(1\), 9\(5\)](#)
- C405** S. 100C applied (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\), regs. 1\(1\), 13\(5\) \(with reg. 1\(4\)\(6\)\)](#)

#### [<sup>F923</sup>100I] Penalty proceedings before court.

- (1) Where in the opinion of the Board the liability of any person for a penalty arises by reason of the fraud of that person or any other person, proceedings for the penalty may

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be instituted before the High Court or, in Scotland, the Court of Session as the Court of Exchequer in Scotland.

- (2) Proceedings under this section which are not instituted (in England, Wales or Northern Ireland) under the Crown Proceedings Act 1947 by and in the name of the Board as an authorised department for the purposes of that Act shall be instituted—
- (a) in England and Wales, in the name of the Attorney General,
  - (b) in Scotland, in the name of the Lord Advocate, and
  - (c) in Northern Ireland, in the name of the Attorney General for Northern Ireland.
- (3) Any proceedings under this section instituted in England and Wales shall be deemed to be civil proceedings by the Crown within the meaning of Part II of the Crown Proceedings Act 1947 and any such proceedings instituted in Northern Ireland shall be deemed to be civil proceedings within the meaning of that Part of that Act as for the time being in force in Northern Ireland.
- (4) If in proceedings under this section the court does not find that fraud is proved but consider that the person concerned is nevertheless liable to a penalty, the court may determine a penalty notwithstanding that, but for the opinion of the Board as to fraud, the penalty would not have been a matter for the court.]

#### Textual Amendments

**F923** Ss. 100-100D substituted for s. 100 by [Finance Act 1989 \(c. 26\), s. 167](#)

#### Modifications etc. (not altering text)

- C406** Ss. 100-100D power to apply conferred (N.I.) (1.7.1992) by [Social Security Contributions and Benefits \(Northern Ireland\) Act 1992 \(c. 7\), ss. 1\(4\), 173\(4\), Sch. 1, para. 7\(2\)\(b\)\(9\)-\(12\)](#)  
Ss. 100-100D power to apply conferred (E.W.S.) (1.7.1992) by [Social Security Contributions and Benefits Act 1992 \(c. 4\), ss. 1\(4\), 177\(4\), Sch. 1, para. 7\(2\)\(b\)\(9\)-\(12\)](#)
- C407** S. 100D applied (with modifications) (31.7.1997) by [Finance \(No. 2\) Act 1997 \(c. 58\), Sch. 2 para. 17\(4\)-\(6\)](#)
- C408** S. 100D modified (N.I.) by [Social Security \(Contributions\) Regulations \(Northern Ireland\) 1979 \(S.R. 1979/186\), reg. 47L\(2\) \(as inserted \(with effect in accordance with reg. 1\(3\) of the amending S.I.\) by S.I. 2000/2208, regs. 1\(1\), 20\)](#)
- C409** S. 100D applied (with modifications) (6.4.2001) by [The Social Security \(Contributions\) Regulations 2001 \(S.I. 2001/1004\), regs. 1\(1\), 82\(2\)](#)
- C410** S. 100D applied (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\), regs. 1\(1\), 13\(5\) \(with reg. 1\(4\)\(6\)\)](#)
- C411** S. 100D applied (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\), regs. 1\(1\), 9\(5\)](#)
- C412** S. 100D(2) functions transferred (20.5.1999 immediately before the time by reference to which the Lord Advocate's retained functions are determined for the purposes of 1998 c. 46, s. 52(6)(a)) by [The Transfer of Functions \(Lord Advocate and Advocate General for Scotland\) Order 1999 \(S.I. 1999/679\), arts. 1\(2\), 2, Sch.; S.I. 1998/3178, art. 2, Sch. 4](#)

#### [<sup>F949</sup>101 Evidence for purposes of proceedings relating to penalties.

An assessment which can no longer be varied by [<sup>F950</sup>the tribunal on an appeal notified to it] or by order of any court is sufficient evidence, for the purposes of—

- (a) the preceding provisions of this Part, and
- (b) the provisions of Schedule 18 to the Finance Act 1998 relating to penalties,



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that the amounts in respect of which tax is charged in the assessment arose or were received as stated in the assessment.]

#### Textual Amendments

**F949** S. 101 substituted (with effect in accordance with s. 117(4)(5) of the amending Act) by Finance Act 1998 (c. 36), **Sch. 19 para. 39**; S.I. 1998/3173, art. 2

**F950** Words in s. 101 substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 47**

#### Modifications etc. (not altering text)

**C413** S. 101 applied (with modifications) by the Oil Taxation Act 1975 (c. 22), s. 1, **Sch. 2 para. 1(1)**

## 102 Mitigation of penalties.

The Board may in their discretion mitigate any penalty, or stay or compound any proceedings for [<sup>F951</sup>a penalty], and may also, after judgment, further mitigate or entirely remit the penalty.

#### Textual Amendments

**F951** Finance Act 1989 (c. 26), **s. 168(4)**.

#### Modifications etc. (not altering text)

**C414** Ss. 102-104 power to apply conferred (E.W.S.) (1.7.1992) by Social Security Contributions and Benefits Act 1992 (c. 4), ss. 1(4), 177(4), **Sch. 1 para. 7(2)(b)(9)-(12)**

**C415** Ss. 102-105 power to apply conferred (N.I.) (1.7.1992) by Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7), ss. 1(4), 173(4), **Sch. 1 para. 7(2)(b)(9)-(12)** (as amended (28.7.2000) by Child Support, Pensions and Social Security Act 2000 (c. 19), **ss. 80(2)**, 86 (with s. 83(6)))

**C416** S. 102 applied (with modifications) (31.7.1997) by Finance (No. 2) Act 1997 (c. 58), **Sch. 2 para. 17(4)-(6)**

**C417** S. 102 applied by The Social Security (Contributions) Regulations 2001 (S.I. 2001/1004), reg. 90K(7) (as inserted (6.4.2004) by S.I. 2004/770, regs. 1(1), 23)

**C418** S. 102 applied (6.4.2004) by The Income Tax (Pay As You Earn) Regulations 2003 (S.I. 2003/2682), regs. 1, **203(7)**

**C419** S. 102 applied (6.4.2007) by The Income Tax (Construction Industry Scheme) Regulations 2005 (S.I. 2005/2045), regs. 1, **48(7)** (with reg. 60, Sch. 1)

**C420** S. 102 applied (E.W.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470), regs. 1(1), **13(5)** (with reg. 1(4)(6))

**C421** S. 102 applied (N.I.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 (S.R. 2009/128), regs. 1(1), **9(5)**

## [<sup>F952</sup>103 Time limits for penalties.

(1) Subject to subsection (2) below, where the amount of a penalty is to be ascertained by reference to tax payable by a person for any period, the penalty may be determined by an officer of the Board, or proceedings for the penalty may be commenced before the [<sup>F953</sup>tribunal] or a Court—

(a) at any time within six years after the date on which the penalty was incurred, or

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- (b) at any later time within three years after the final determination of the amount of tax by reference to which the amount of the penalty is to be ascertained.

<sup>F954</sup>(2) .....

- (3) A penalty under section 99 of this Act may be determined by an officer of the Board, or proceedings for such a penalty may be commenced before a court, at any time within twenty years after the date on which the penalty was incurred.

- (4) A penalty to which neither subsection (1) nor subsection (3) above applies may be so determined, or proceedings for such a penalty may be commenced before the [<sup>F955</sup>tribunal] or a court, at any time within six years after the date on which the penalty was incurred or began to be incurred.]

#### Textual Amendments

**F952** S. 103 substituted by [Finance Act 1989 \(c. 26\), s. 169](#).

**F953** Word in s. 103(1) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\), art. 1\(2\), Sch. 1 para. 48](#)

**F954** S. 103(2) repealed (1.4.2008 for specified purposes, 1.7.2008 for specified purposes, 1.1.2009 for specified purposes, 1.4.2009 so far as not already in force) by [Finance Act 2007 \(c. 11\), s. 97\(2\), Sch. 24 para. 29\(b\), Sch. 27 Pt. 5\(5\)](#); [S.I. 2008/568, art. 2\(a\)\(b\)\(c\)\(d\)\(e\)\(f\) \(with art. 3\)](#)

**F955** Word in s. 103(4) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\), art. 1\(2\), Sch. 1 para. 48](#)

#### Modifications etc. (not altering text)

**C414** Ss. 102-104 power to apply conferred (E.W.S.) (1.7.1992) by [Social Security Contributions and Benefits Act 1992 \(c. 4\), ss. 1\(4\), 177\(4\), Sch. 1 para. 7\(2\)\(b\)\(9\)-\(12\)](#)

**C415** Ss. 102-105 power to apply conferred (N.I.) (1.7.1992) by [Social Security Contributions and Benefits \(Northern Ireland\) Act 1992 \(c. 7\), ss. 1\(4\), 173\(4\), Sch. 1 para. 7\(2\)\(b\)\(9\)-\(12\)](#) (as amended (28.7.2000) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\), ss. 80\(2\), 86](#) (with s. 83(6)))

**C422** S. 103(1)(4) applied (with modifications) by the [Oil Taxation Act 1975 \(c. 22\), s. 1, Sch. 2 para. 1\(1\)](#)

**C423** S. 103 applied (with modifications) (31.7.1997) by [Finance \(No. 2\) Act 1997 \(c. 58\), Sch. 2 para. 17\(4\)-\(6\)](#)

**C424** S. 103(3)(4) applied (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\), regs. 1\(1\), 13\(5\)](#) (with reg. 1(4)(6))

**C425** S. 103(3)(4) applied (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\), regs. 1\(1\), 9\(5\)](#)

#### <sup>F956</sup>**Disapplication of sections 100 to 103 in the case of certain penalties**

Sections 100 to 103 do not apply to a penalty under—

- (a) Schedule 24 to FA 2007 (penalties for errors),
- (b) Schedule 36 to FA 2008 (information and inspection powers),
- (c) Schedule 41 to that Act (penalties for failure to notify and certain other wrongdoing),
- (d) Schedule 55 to FA 2009 (penalties for failure to make returns etc), or
- (e) Schedule 56 to that Act (penalties for failure to make payments on time).]

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### Textual Amendments

**F956** S. 103ZA inserted (21.7.2009) by [Finance Act 2009 \(c. 10\)](#), [Sch. 57 para. 13\(3\)](#)

## [<sup>F957</sup>103A] Interest on penalties.

A penalty under any of the provisions of [<sup>F958</sup>Part II, IV or VA] or this Part of this Act [<sup>F959</sup>, or Schedule 18 to the Finance Act 1998,] shall carry interest at the rate applicable under section 178 of the Finance Act 1989 from the date on which it becomes due and payable until payment.]

### Textual Amendments

**F957** S. 103A inserted (with effect in accordance with s. 199(2)(3) of the amending Act) by [Finance Act 1994 \(c. 9\)](#), [Sch. 19 para. 33](#); S.I. 1998/3173, art. 2

**F958** Words in s. 103A substituted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\)](#), [s. 115\(8\)](#)

**F959** Words in s. 103A inserted (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 19 para. 40](#); S.I. 1998/3173, art. 2

### Modifications etc. (not altering text)

**C414** Ss. 102-104 power to apply conferred (E.W.S.) (1.7.1992) by [Social Security Contributions and Benefits Act 1992 \(c. 4\)](#), ss. 1(4), 177(4), [Sch. 1 para. 7\(2\)\(b\)\(9\)-\(12\)](#)

**C415** Ss. 102-105 power to apply conferred (N.I.) (1.7.1992) by [Social Security Contributions and Benefits \(Northern Ireland\) Act 1992 \(c. 7\)](#), ss. 1(4), 173(4), [Sch. 1 para. 7\(2\)\(b\)\(9\)-\(12\)](#) (as amended (28.7.2000) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), [ss. 80\(2\)](#), 86 (with s. 83(6)))

**C426** S. 103A applied (with modifications) (31.7.1997) by [Finance \(No. 2\) Act 1997 \(c. 58\)](#), [Sch. 2 para. 17\(4\)-\(6\)](#)

**C427** S. 103A applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Stamp Duty \(Collection and Recovery of Penalties\) Regulations 1999 \(S.I. 1999/2537\)](#), regs. 1(1), 3(1), [Sch. Pt. I](#)

**C428** S. 102 applied by [The Social Security \(Contributions\) Regulations 2001 \(S.I. 2001/1004\)](#), [reg. 90P\(5\)](#) (as inserted (6.4.2004) by S.I. 2004/770, regs. 1(1), 23)

**C429** S. 103A applied (6.4.2004) by [The Income Tax \(Pay As You Earn\) Regulations 2003 \(S.I. 2003/2682\)](#), [regs. 1](#), [210\(6\)](#)

**C430** S. 103A applied (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\)](#), regs. 1(1), [9\(5\)](#)

**C431** S. 103A applied (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\)](#), [regs. 1\(1\)](#), [13\(5\)](#) (with [reg. 1\(4\)\(6\)](#))

## 104 Saving for criminal proceedings.

The provisions of the Taxes Acts shall not, save so far as is otherwise provided, affect any criminal proceedings for any misdemeanour.

### Modifications etc. (not altering text)

**C414** Ss. 102-104 power to apply conferred (E.W.S.) (1.7.1992) by [Social Security Contributions and Benefits Act 1992 \(c. 4\)](#), ss. 1(4), 177(4), [Sch. 1 para. 7\(2\)\(b\)\(9\)-\(12\)](#)

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- C415** Ss. 102-105 power to apply conferred (N.I.) (1.7.1992) by [Social Security Contributions and Benefits \(Northern Ireland\) Act 1992 \(c. 7\)](#), ss. 1(4), 173(4), **Sch. 1 para. 7(2)(b)(9)-(12)** (as amended (28.7.2000) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), **ss. 80(2)**, 86 (with s. 83(6)))
- C432** S. 104 applied (with modifications) by the [Oil Taxation Act 1975 \(c. 22\)](#), s. 1, **Sch. 2 para. 1(1)**
- C433** S. 104 applied (with modifications) by [Finance Act 1981 \(c. 35\)](#), s. 134, Sch. 17 para. 18 (special tax on banking deposits).
- C434** S. 104 modified (N.I.) by [Social Security \(Contributions\) Regulations \(Northern Ireland\) 1979 \(S.R. 1979/186\)](#), reg. 47L(3) (as inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by [S.I. 2000/2208](#), regs. 1(1), **20**)
- C435** S. 104 applied (with modifications) (6.4.2001) by [The Social Security \(Contributions\) Regulations 2001 \(S.I. 2001/1004\)](#), regs. 1(1), **82(3)**
- C436** S. 104 applied (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\)](#), regs. 1(1), **9(5)**
- C437** S. 104 applied (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\)](#), regs. 1(1), **13(5)** (with reg. 1(4)(6))

## 105 [F960 Admissibility of evidence not affected by offer of settlement etc].

- (1) Statements made or documents produced by or on behalf of a person shall not be inadmissible in any such proceedings as are mentioned in subsection (2) below by reason only that it has been drawn to his attention [F961—
- (a) that where serious tax fraud has been committed the Board may accept a money settlement and that the Board will accept such a settlement, and will not pursue a criminal prosecution, if he makes a full confession of all tax irregularities, or
  - (b) that the extent to which he is helpful and volunteers information is a factor that will be taken into account in determining the amount of any penalty,]
- and that he was or may have been induced thereby to make the statements or produce the documents.
- (2) The proceedings mentioned in subsection (1) above are—
- (a) any criminal proceedings against the person in question for any form of [F962fraudulent conduct] in connection with or in relation to tax, and
  - (b) any proceedings against him for the recovery of any [F963tax due from him]<sup>F964</sup>[and
  - (c) any proceedings for a penalty or on appeal against the determination of a penalty.]

### Textual Amendments

**F960** S. 105 heading substituted (10.7.2003 with effect in accordance with s. 206(5) of the amending Act) by [Finance Act 2003 \(c. 14\)](#), **s. 206(2)**

**F961** Words in s. 105(1) substituted (10.7.2003 with effect in accordance with s. 206(5) of the amending Act) by [Finance Act 2003 \(c. 14\)](#), **s. 206(1)**

**F962** [Finance Act 1989 \(c. 26\)](#), **s. 149(5)** but not to affect the making of assessments before 1983-84 or for accounting periods ending before 1 April 1983.

**F963** [Finance Act 1989 \(c. 26\)](#), **s. 168(5)(b)**.

**F964** [Finance Act 1989 \(c. 26\)](#), **s. 168(5)(c)**.

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**Modifications etc. (not altering text)**

- C415** Ss. 102-105 power to apply conferred (N.I.) (1.7.1992) by [Social Security Contributions and Benefits \(Northern Ireland\) Act 1992](#) (c. 7), ss. 1(4), 173(4), **Sch. 1 para. 7(2)(b)(9)-(12)** (as amended (28.7.2000) by [Child Support, Pensions and Social Security Act 2000](#) (c. 19), **ss. 80(2)**, 86 (with s. 83(6)))
- C438** S. 105 applied (with modifications) by the [Oil Taxation Act 1975](#) (c. 22), s. 1, **Sch. 2 para. 1(1)**  
S. 105 applied (with modifications) by [Finance Act 1981](#) (c. 35), s. 134, **Sch. 17 para. 18** (special tax on banking deposits).
- C439** S. 105 applied (with modifications) (31.7.1997) by [Finance \(No. 2\) Act 1997](#) (c. 58), **Sch. 2 para. 18**
- C440** S. 105 modified (N.I.) by [Social Security \(Contributions\) Regulations \(Northern Ireland\) 1979](#) (S.R. 1979/186), reg. 47L(4) (as inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by [S.I. 2000/2208](#), **regs. 1(1), 20**)
- C441** S. 105 applied (with modifications) (6.4.2001) by [The Social Security \(Contributions\) Regulations 2001](#) (S.I. 2001/1004), **regs. 1(1), 82(4)**
- C442** S. 105 applied (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009](#) (S.I. 2009/470), **regs. 1(1), 13(5)** (with reg. 1(4)(6))
- C443** S. 105 applied (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009](#) (S.R. 2009/128), **regs. 1(1), 9(5)**

**106 Refusal to allow a deduction of income tax, and avoidance of agreements for payment without deduction.**

- (1) A person who refuses to allow a deduction of income tax authorised by the Taxes Acts to be made out of any payment shall incur a penalty of £50.
- (2) Every agreement for payment of interest, rent or other annual payment in full without allowing any such deduction shall be void.

*Scotland*

**107 Criminal liability for false statements made to obtain allowances.**

- (1) This section applies only in Scotland.
- (2) If any person, for the purpose of obtaining any allowance, reduction, rebate or repayment in respect of tax, either for himself or for any other person, or, in any return made with reference to tax, knowingly makes any false statement or false representation, he shall be liable, on summary conviction, to imprisonment for a term not exceeding six months.
- (3) Notwithstanding anything in the [Summary Jurisdiction \(Scotland\) Act 1954](#), proceedings for an offence under this section may be commenced at any time within three years from the time when the offence was committed.
- (4) The expression “return” in this section shall be construed without regard to the definition in section 118(1) of this Act .

**Modifications etc. (not altering text)**

- C444** S. 107(1)-(3) applied (with modifications) by the [Oil Taxation Act 1975](#) (c. 22), s. 1, **Sch. 2 para. 1(1)**

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S. 107 applied (with modifications) by [Finance Act 1981 \(c. 35\)](#), s. 134, [Sch. 17 para. 18](#) (special tax on banking deposits).

## PART XI

### MISCELLANEOUS AND SUPPLEMENTAL

#### Modifications etc. (not altering text)

**C445** Pt. XI modified (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 18 para. 39\(2\)\(a\)](#) (with [Sch. 18 para. 59\(2\)](#)); [S.I. 1998/3173](#), art. 2

**C446** Pt. XI: power to apply conferred (with effect in accordance with s. 114(2) of the amending Act) by [Finance Act 1999 \(c. 16\)](#), [Sch. 17 para. 17\(b\)](#)

#### *[<sup>F965</sup>Settlements*

#### Textual Amendments

**F965** S. 107A and cross-heading inserted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\)](#), [s. 103\(5\)](#)

#### **107A Relevant trustees.**

- (1) Subject to the following provisions of this section, anything which for the purposes of this Act is done at any time by or in relation to any one or more of the relevant trustees of a settlement shall be treated for those purposes as done at that time by or in relation to the other or others of those trustees.
- (2) Subject to subsection (3) below, where the relevant trustees of a settlement are liable—
  - (a) to a penalty under section 7, 12B, 93 <sup>F966</sup>... of this Act or paragraph 2A of Schedule 1A to this Act [<sup>F967</sup>or Schedule 24 to the Finance Act 2007], or to interest under section 103A of this Act on such a penalty;
  - (b) to make a payment in accordance with an assessment under section 30 of this Act, or to make a payment under section 59A or 59B of this Act;
  - (c) to a surcharge under section 59C of this Act, or to interest under that section on such a surcharge; or
  - (d) to interest under section 86 of this Act,
 the penalty, interest, payment or surcharge may be recovered (but only once) from any one or more of those trustees.
- (3) No amount may be recovered by virtue of subsection (2)(a) or (c) above from a person who did not become a relevant trustee until after the relevant time, that is to say—
  - (a) in relation to so much of a penalty under section 93(3) <sup>F968</sup>... of this Act as is payable in respect of any day, or to interest under section 103A of this Act on so much of such a penalty as is so payable, the beginning of that day;
  - (b) in relation to a penalty under any other provision of this Act mentioned in subsection (2)(a) above, or to interest under section 103A of this Act on such a penalty, the time when the relevant act or omission occurred; and

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- (c) in relation to a surcharge under subsection (2) or (3) of section 59C of this Act, or to interest under that section on such a surcharge, the beginning of the day mentioned in that subsection;
- and in paragraph (b) above “the relevant act or omission” means the act or omission which caused the penalty to become payable.
- (4) In a case where—
- (a) subsection (2)(a) above applies in relation to a penalty under section 93 of this Act, or
- (b) subsection (2)(c) above applies in relation to a surcharge under section 59C of this Act,
- subsection (8) of section 93 or, as the case may be, subsection (9) of section 59C of this Act shall have effect as if the reference to the taxpayer were a reference to each of the relevant trustees.]

#### Textual Amendments

**F966** Words in s. 107A(2) omitted (1.4.2009) by virtue of the combined effect of [The Finance Act 2008, Schedule 40 \(Appointed Day, Transitional Provisions and Consequential Amendments\) Order 2009 \(S.I. 2009/571\)](#), art. 1(1), [Sch. 1 para. 4\(a\)](#); [Finance Act 2008 \(c. 9\)](#), s. 113(2), Sch. 36 para. 75(2) (with Sch. 36 para. 38); [S.I. 2009/404](#), art. 2 (with arts. 3, 5)

**F967** Words in s. 107A(2) inserted (1.4.2009) by [The Finance Act 2008, Schedule 40 \(Appointed Day, Transitional Provisions and Consequential Amendments\) Order 2009 \(S.I. 2009/571\)](#), art. 1(1), [Sch. 1 para. 4\(b\)](#)

**F968** Words in s. 107A(3)(a) omitted (1.4.2009) by virtue of [Finance Act 2008 \(c. 9\)](#), s. 113(2), [Sch. 36 para. 75\(3\)](#) (with [Sch. 36 para. 38](#)); [S.I. 2009/404](#), art. 2 (with arts. 3, 5)

#### Modifications etc. (not altering text)

**C447** S. 107A applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Stamp Duty \(Collection and Recovery of Penalties\) Regulations 1999 \(S.I. 1999/2537\)](#), regs. 1(1), 3(1), [Sch. Pt. I](#)

## Companies

### 108 Responsibility of company officers.

- (1) Everything to be done by a company under the Taxes Acts shall be done by the company acting through the proper officer of the company [<sup>F969</sup>or, except where a liquidator has been appointed for the company, through such other person as may for the time being have the express, implied or apparent authority of the company to act on its behalf for the purpose], and service on a company of any document under or in pursuance of the Taxes Acts may be effected by serving it on the proper officer.

This subsection is without prejudice to Part VIII of this Act (charges on non-residents) as it applies to corporation tax.

- (2) Corporation tax or other tax chargeable under the Corporation Tax Acts on a company which is not a body corporate, or which is a body corporate not incorporated under the [<sup>F970</sup>Companies Act 1985] or any other enactment forming part of the law of the United Kingdom, or by Charter, may, at any time after the tax becomes due, and without prejudice to any other method of recovery, be recovered from the proper officer of

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the company, and that officer may retain out of any money coming into his hands on behalf of the company sufficient sums to pay that tax, and, so far as he is not so reimbursed, shall be entitled to be indemnified by the company in respect of the liability so imposed on him.

(3) For the purposes of this section—

- (a) the proper officer of a company which is a body corporate shall be the secretary or person acting as secretary of the company, except that if a liquidator [<sup>F971</sup>or administrator] has been appointed for the company the liquidator [<sup>F972</sup>or, as the case may be, administrator] shall be the proper officer,
- (b) the proper officer of a company which is not a body corporate or for which there is no proper officer within paragraph (a) above, shall be the treasurer or the person acting as treasurer, of the company .

<sup>F973</sup>(4) .....

(4) For the purposes of subsection (3)(a), where two or more persons are appointed to act jointly or concurrently as the administrator of a company, the proper officer is—

- (a) such one of them as is specified in a notice given to the Board by those persons for the purposes of this section, or
- (b) where the Board is not so notified, such one or more of those persons as the Board may designate as the proper officer for those purposes.

#### Textual Amendments

- F969** Words in s. 108(1) inserted (27.7.1993) by 1993 c. 34, s. 120, **Sch. 14 para.7**
- F970** Companies Consolidation (Consequential Provisions) Act 1985 (c. 9), s. 30, Sch. 2 with effect from 1 July 1985.
- F971** Words in s. 108(3)(a) inserted (with effect in accordance with Sch. 41 para. 5(1) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 41 para. 2(2)(a)**
- F972** Words in s. 108(3)(a) inserted (with effect in accordance with Sch. 41 para. 5(1) of the amending Act) by Finance Act 2003 (c. 14), **Sch. 41 para. 2(2)(b)**
- F973** A development land tax provision added by Development Land Tax Act 1976 Sch. 8 para. 29.  
Development Land Tax Act 1976 repealed by Finance Act 1985 (c. 54), s.98(6), **Sch.27 Part X**.

#### Modifications etc. (not altering text)

- C448** S. 108 applied (with modifications) (31.7.1997) by Finance (No. 2) Act 1997 (c. 58), **Sch. 2 para. 18**
- C449** S. 108 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by The Stamp Duty (Collection and Recovery of Penalties) Regulations 1999 (S.I. 1999/2537), regs. 1(1), 3(1), **Sch. Pt. I**
- C450** S. 108 applied (1.4.2009) by Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 56(a)** (with Sch. 36 para. 38); S.I. 2009/404, art. 2
- C451** S. 108 applied (21.7.2009) by Finance Act 2009 (c. 10), **Sch. 49 para. 7(a)** (with Sch. 49)
- C452** S. 108 applied (with effect in accordance with s. 93(2) of the amending Act) by Finance Act 2009 (c. 10), **Sch. 46 para. 13(a)**
- C453** S. 108(1) applied (12.5.2001) by The Social Security Contributions (Share Options) Regulations 2001 (S.I. 2001/1817), regs. 1, **4(3)**
- C454** S. 108 applied (with modifications) by the Oil Taxation Act 1975 (c. 22), s. 1, **Sch. 2 para. 1(1)**
- C455** S. 108(3)(4) applied (with effect in accordance with Sch. 15 paras. 97, 98 of the affecting Act) by Finance Act 2009 (c. 10), **Sch. 15 paras. 17(5), 21(8), 33(8), 29(5)** (with Sch. 15 para. 99)
- C456** S. 108 applied (with modifications) by Finance Act 1981 (c. 35), s. 134, Sch.17 para.18 (special tax on banking deposits).



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## **[<sup>F974</sup>109 Corporation tax on close company in connection with loans to participators etc.**

- (1) The provisions of [<sup>F975</sup>sections 419 and 420] of the principal Act (charge of tax in connection with loans by close companies to participators etc.) directing that tax be assessed and recoverable as if it were an amount of corporation tax shall be taken as applying, subject to the provisions of the Taxes Acts, and to any necessary modifications, all enactments applying generally to corporation tax, including those relating to the assessing, collecting and receiving of corporation tax, those conferring or regulating a right of appeal and those concerning administration, penalties, interest on unpaid tax and priority of tax in cases of insolvency under the law of any part of the United Kingdom.
- (2) Section 86 of this Act shall apply in relation to tax under the said [<sup>F975</sup>sections 419 and 420] as if [<sup>F976</sup>the date given by the Table in subsection (4) of the said section 86 were the last day of the three months following the end of the financial year in which the loan or advance was made].
- (3) For the purposes of section [<sup>F977</sup>87A] of this Act as applied by subsection (1) above, the date when tax [<sup>F978</sup>under the said section [<sup>F979</sup>419] became due and payable shall be that determined in accordance with subsection [<sup>F979</sup>(3)] of that section].

- [ If
- <sup>F980</sup>(3A)<sup>F981</sup>(a)] there is such a repayment of the whole or any part of a loan or advance as is referred to in subsection [<sup>F982</sup>(4)] of section [<sup>F982</sup>419] of the principal Act, [<sup>F983</sup>or
- (b) there is such a release or writing off of the whole or any part of the debt in respect of a loan or advance as is referred to in that subsection,]
- interest under section 87A of this Act on so much of the tax under the said section [<sup>F982</sup>419] as is referable to the amount repaid<sup>F984</sup>, released or written off] shall not be payable in respect of any period after the date on which the repayment was made [<sup>F985</sup>or the release or writing off occurred].]
- (4) Section 91 of this Act shall not apply in consequence of any discharge or repayment of tax under section <sup>F975</sup>[419(4)] of the principal Act.
  - (5) For the purposes of the said section 91, a relief from tax under the said <sup>F975</sup>[sections 419 and 420] shall not be treated as affecting tax charged by any assessment unless the assessment is to tax under that section.]

### **Textual Amendments**

- F974** Finance Act 1972 (c. 41), s.111, Sch.24 para.13 in relation to times after 5 April 1973 (subject to s.111(3)).
- F975** Income and Corporation Taxes Act 1988 (c. 1), **Sch. 29 para. 32.**
- F976** Words substituted by Finance (No.2) Act 1975 (c. 45), s.46(5) in relation to tax charged by assessments where notices issued after 31 July 1975.
- F977** Word in s. 109(3) substituted (with effect with respect to loans or advances made (or treated as made) in any accounting period ending after 30.9.1993) by Finance (No. 2) Act 1987 (c. 51), **s. 91(2)** (with s. 91(4)); S.I. 1992/3066, art. 2(2)(a)
- F978** Words in s. 109(3) substituted (with effect with respect to loans or advances made (or treated as made) in any accounting period ending after 30.9.1993) by Finance (No. 2) Act 1987 (c. 51), **s. 91(2)** (with s. 91(4)); S.I. 1992/3066, **art. 2(2)(a)**
- F979** Words substituted by Income and Corporation Taxes Act 1988 (c. 1), **Sch. 29 para. 10(8)(a)**

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- F980** S. 109(3A) inserted (with effect with respect to loans or advances made (or treated as made) in any accounting period ending after 30.9.1993) by Finance (No. 2) Act 1987 (c. 51), s. 91(3) (with s. 91(4)); S.I. 1992/3066, art. 2(2)(a)
- F981** Word in s. 109(3A) inserted (with effect in accordance with Sch. 3 para. 6(3) of the amending Act) by Finance Act 1998 (c. 36), Sch. 3 para. 6(2)(a)
- F982** Words substituted by Income and Corporation Taxes Act 1988 (c. 1), Sch. 29 para. 10(8)(b)
- F983** Words in s. 109(3A) inserted (with effect in accordance with Sch. 3 para. 6(3) of the amending Act) by Finance Act 1998 (c. 36), Sch. 3 para. 6(2)(b)
- F984** Words in s. 109(3A) inserted (with effect in accordance with Sch. 3 para. 6(3) of the amending Act) by Finance Act 1998 (c. 36), Sch. 3 para. 6(2)(c)
- F985** Words in s. 109(3A) inserted (with effect in accordance with Sch. 3 para. 6(3) of the amending Act) by Finance Act 1998 (c. 36), Sch. 3 para. 6(2)(d)

**[<sup>F986</sup>109A] Residence of companies**

Chapter 3 of Part 2 of CTA 2009 (rules for determining residence of companies) applies for the purposes of this Act as it applies for the purposes of the Corporation Tax Acts.]

**Textual Amendments**  
**F986** S. 109A inserted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 308 (with Sch. 2 Pts. 1, 2)

*Valuation*

**110 Valuation of land: power of entry.**

Any person authorised in that behalf by the Board may, on producing if so required evidence of his authority, at any reasonable time enter on and inspect, with a view to establishing its annual value, any land the annual value of which falls to be determined for purposes of income tax or corporation tax .

**Modifications etc. (not altering text)**  
**C457** See Inland Revenue Regulation Act 1890 (c. 21), s.11—*fine for obstruction of officers.*

**111 Valuation of assets: power to inspect.**

(1) If for the purposes of <sup>F987</sup>[the [<sup>F988</sup>1992 Act]] the Board authorise an inspector or other officer of the Board to inspect any property for the purpose of ascertaining its market value the person having the custody or possession of that property shall permit the inspector or other officer so authorised to inspect it at such reasonable times as the Board may consider necessary.

- <sup>F989</sup>(1A) . . . . .
- <sup>F990</sup>(2) . . . . .

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### Textual Amendments

- F987** Capital Gains Tax Act 1979 (c. 14,) s.157(2), Sch.7 para.8, for 1979—80 et seq.
- F988** Words in s. 111(1) substituted (6.3.1992 with effect as mentioned in s. 289(1)(2) of the amending Act) by [Taxation of Chargeable Gains Act 1992 \(c. 12\)](#), ss. 289, 290, **Sch. 10**, para. 2(2) (with ss. 60, 101(1), 171, 201(3))
- F989** A development land tax provision added by Development Land Tax Act 1976 Sch. 8 para. 30. Development Land Tax Act 1976 repealed by [Finance Act 1985 \(c. 54\)](#), s.98(6), **Sch.27 Part X**.
- F990** S. 111(2) repealed (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), ss. **52(1)(b)**, 53(1), Sch. 4 para. 14, **Sch. 5**; S.I. 2005/1126, art. 2(2)(h)(i)

## Documents

### 112 Loss, destruction or damage to assessments, returns, etc.

- (1) Where any assessment to tax, or any duplicate of assessment to tax, or any return or other document relating to tax, has been lost or destroyed, or been so defaced or damaged as to be illegible or otherwise useless, [<sup>F991</sup>HMRC] may, notwithstanding anything in any enactment to the contrary, do all such acts and things as they might have done, and all acts and things done under or in pursuance of this section shall be as valid and effectual for all purposes as they would have been, if the assessment or duplicate of assessment had not been made, or the return or other document had not been made or furnished or required to be made or furnished :

Provided that, where any person who is charged with tax in consequence or by virtue of any act or thing done under or in pursuance of this section proves to the satisfaction of the [<sup>F992</sup>tribunal] that he has already paid any tax for the same chargeable period in respect of the subject matter and on the account in respect of and on which he is so charged, relief shall be given to the extent to which the liability of that person has been discharged by the payment so made either by abatement from the charge or by repayment, as the case may require.

<sup>F993</sup>(1A) .....

<sup>F994</sup>(2) .....

- <sup>F995</sup>[(3) The references in subsection (1) above to assessments to tax include references to determinations of penalties; and in its application to such determinations the proviso to that subsection shall have effect with the appropriate modifications.]

### Textual Amendments

- F991** Word in s. 112(1) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 49(2)(a)**
- F992** Word in s. 112(1) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 49(2)(b)**
- F993** A development land tax provision added by Development Land Tax Act 1976 Sch. 8 para. 31. Development Land Tax Act 1976 repealed by [Finance Act 1985 \(c. 54\)](#), s.98(6), **Sch.27 Part X**.
- F994** S. 112(2) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 49(3)**
- F995** [Finance Act 1989 \(c. 26\)](#), s. **168(6)**.

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#### **Modifications etc. (not altering text)**

- C458** S. 112 applied (with modifications) by the Oil Taxation Act 1975 (c. 22), s. 1, **Sch. 2 para. 1(1)**
- C459** S. 112 applied by Finance Act 1981 (c. 35), s. 134, **Sch.17 para.18** (special tax on banking deposits).
- C460** S. 112 applied (with modifications) (31.7.1997) by Finance (No. 2) Act 1997 (c. 58), **Sch. 2 para. 18**
- C461** S. 112 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by The Stamp Duty (Collection and Recovery of Penalties) Regulations 1999 (S.I. 1999/2537), regs. 1(1), 3(1), **Sch. Pt. I**
- C462** Ss. 112-115A applied (E.W.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470), regs. 1(1), **13(6)** (with reg. 1(4)(6))
- C463** Ss. 112-115A applied (N.I.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 (S.R. 2009/128), regs. 1(1), **9(6)**

### **113 Form of returns and other documents.**

- (1) Any returns under the Taxes Acts shall be in such form as the Board prescribe, and in prescribing income tax forms under this subsection the Board shall have regard to the desirability of securing, so far as may be possible, that no person shall be required to make more than one return annually of the sources of his income and the amounts derived therefrom.
- [<sup>F996</sup>(1A) Any notice or direction requiring any return to be made under the Taxes Acts to an inspector or other officer of the Board may be issued or given in the name of that officer, or as the case may be in the name of the Board, by any officer of the Board, and so as to require the return to be made to the first-mentioned officer.
- (1B) Where the Board or an inspector or other officer of the Board have in accordance with section 29 of this Act [<sup>F997</sup>or paragraph 41 of Schedule 18 to the Finance Act 1998], or any other provision of the Taxes Acts, decided to make an assessment to tax, and have taken all other decisions needed for arriving at the amount of the assessment, they may entrust to some other officer of the Board responsibility for completing the assessing procedure, whether by means involving the use of a computer or otherwise, including responsibility for serving notice of the assessment on the person liable for tax.]
- <sup>F998</sup>(1C) .....
- <sup>F999</sup>[(1D) Where an officer of the Board has decided to impose a penalty under section 100 of this Act and has taken all other decisions needed for arriving at the amount of the penalty, he may entrust to any other officer of the Board responsibility for completing the determination procedure, whether by means involving the use of a computer or otherwise, including responsibility for serving notice of the determination on the person liable to the penalty.]
- (2) Any return or assessment or other document relating to chargeable gains or tax on capital gains may be combined with one relating to income or income tax.
- (3) Every assessment, <sup>F1000</sup>[determination of a penalty,] duplicate, warrant, notice of assessment <sup>F1000</sup>[, of determination] or of demand, or other document required to be used in assessing, charging, collecting and levying tax <sup>F1000</sup>[or determining a penalty] shall be in accordance with the forms prescribed from time to time in that behalf by the Board, and a document in the form prescribed and supplied or approved by them shall be valid and effectual .

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### Textual Amendments

- F996** Finance Act 1970 (c. 24), s.18, Sch. 4, para. 10.
- F997** Words in s. 113(1B) inserted (with effect in accordance with s. 117(4)(5) of the amending Act) by Finance Act 1998 (c. 36), **Sch. 19 para. 41**; S.I. 1998/3173, art. 2
- F998** S. 113(1C) repealed (with effect in accordance with Sch. 18 para. 17 of the amending Act) by Finance Act 1996 (c. 8), Sch. 18 para. 4(2)(c), **Sch. 41 Pt. 5(8)**
- F999** Finance Act 1989 (c. 26), **s. 168(7)(a)**.
- F1000** Finance Act 1989 (c. 26), **s. 168(7)(b)**.

### Modifications etc. (not altering text)

- C462** Ss. 112-115A applied (E.W.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470), regs. 1(1), **13(6)** (with reg. 1(4)(6))
- C463** Ss. 112-115A applied (N.I.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 (S.R. 2009/128), regs. 1(1), **9(6)**
- C464** S. 113(1A)(3) applied (with modifications) by the Oil Taxation Act 1975 (c. 22), s. 1, **Sch. 2 para. 1(1)**
- C465** S. 113 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by The Stamp Duty (Collection and Recovery of Penalties) Regulations 1999 (S.I. 1999/2537), regs. 1(1), 3(1), **Sch. Pt. I**
- C466** S. 113(1A)(1B)(3) applied by Finance Act 1981 (c. 35), s. 134, **Sch.17 para.18** (special tax on banking deposits).
- C467** S. 113(1B)(3) applied by The Lloyd's Underwriters (Tax) (1987—88) Regulations 1990 (S.I. 1990/627), **reg. 8**  
S. 113(1B)(3) applied (19.4.1991) by The Lloyd's Underwriters (Tax) (1988—89) Regulations 1991 (S.I. 1991/851), **regs. 1, 6**  
S. 113(1B) applied (28.3.1992) by The Lloyd's Underwriters (Tax) (1989—90) Regulations 1992 (S.I. 1992/511), **reg.6**
- C468** S. 113(1B) applied (with modifications) (23.3.1993) by The Lloyd's Underwriters (Tax) (1990—91) Regulations 1993 (S.I. 1993/415), **regs. 1(1), 6**
- C469** S. 113(1B) applied (with effect in accordance with reg. 1(1) of the amending S.I.) by The Lloyds Underwriters (Tax) (1991-92) Regulations 1994 (S.I. 1994/728), **reg. 6**
- C470** S. 113(1B) applied (with effect in accordance with reg. 1(2) of the amending S.I.) by The Lloyds Underwriters (Tax) Regulations 2005 (S.I. 2005/3338), regs. 1(1), **13**
- C471** S. 113(3) applied (with modifications) (31.7.1997) by Finance (No. 2) Act 1997 (c. 58), **Sch. 2 para. 18**
- C472** S. 113(3) restricted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 2 para. 3**; S.I. 2005/1126, art. 2(2)(d)

## 114 Want of form or errors not to invalidate assessments, etc.

- (1) An assessment <sup>F1001</sup>[or determination], warrant or other proceeding which purports to be made in pursuance of any provision of the Taxes Acts shall not be quashed, or deemed to be void or voidable, for want of form, or be affected by reason of a mistake, defect or omission therein, if the same is in substance and effect in conformity with or according to the intent and meaning of the Taxes Acts, and if the person or property charged or intended to be charged or affected thereby is designated therein according to common intent and understanding.
- (2) An assessment <sup>F1001</sup>[or determination] shall not be impeached or affected—  
(a) by reason of a mistake therein as to—

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- (i) the name or surname of a person liable, or
- (ii) the description of any profits or property, or
- (iii) the amount of the tax charged, or
- (b) by reason of any variance between the notice and the assessment <sup>F1001</sup>[or determination].

**Textual Amendments**

**F1001** Finance Act 1989 (c. 26), s. 160(5).

**Modifications etc. (not altering text)**

- C462** Ss. 112-115A applied (E.W.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470), regs. 1(1), **13(6)** (with reg. 1(4)(6))
- C463** Ss. 112-115A applied (N.I.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 (S.R. 2009/128), regs. 1(1), **9(6)**
- C473** S. 114 applied by See Finance Act 1981 (c. 35), s. 134, **Sch.17 para.18** (special tax on banking deposits).
- C474** S. 114 applied (with modifications) (31.7.1997) by Finance (No. 2) Act 1997 (c. 58), **Sch. 2 para. 18**
- C475** S. 114 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by The Stamp Duty (Collection and Recovery of Penalties) Regulations 1999 (S.I. 1999/2537), regs. 1(1), 3(1), **Sch. Pt. I**
- C476** S. 114 applied (1.4.2009) by Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 56(b)** (with Sch. 36 para. 38); S.I. 2009/404, art. 2
- C477** S. 114 applied (21.7.2009) by Finance Act 2009 (c. 10), **Sch. 49 para. 7(b)** (with Sch. 49)
- C478** S. 114 applied (with effect in accordance with s. 93(2) of the amending Act) by Finance Act 2009 (c. 10), **Sch. 46 para. 13(b)**
- C479** S. 114(2) applied by The Lloyd’s Underwriters (Tax) (1987—88) Regulations 1990 (S.I. 1990/627), **reg. 8**

**115 Delivery and service of documents.**

- (1) A notice or form which is to be served under the Taxes Acts on a person may be either delivered to him or left at his usual or last known place or residence .
- (2) Any notice or other document to be given, sent, served or delivered under the Taxes Acts may be served by post, and, if to be given, sent, served or delivered to or on any person [<sup>F1002</sup>by HMRC] may be so served addressed to that person—
  - (a) at his usual or last known place of residence, or his place of business or employment, or
  - (b) in the case of a company, at any other prescribed place, and in the case of a liquidator of a company, at his address for the purposes of the liquidation or any other prescribed place.
- (3) In subsection (2) above “prescribed” means prescribed by regulations made by the Board, and the power of making regulations for the purposes of that subsection shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of the House of Commons.

<sup>F1003</sup><sup>F1004</sup>(4) . . . . .

<sup>F1003</sup>(5) . . . . .

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### Textual Amendments

- F1002** Words in s. 115(2) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 50(2)**
- F1003** S. 115(4)(5) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 50(3)**
- F1004** S. 115(4) repealed (1.4.2009) by [Tribunals, Courts and Enforcement Act 2007 \(c. 15\)](#), s. 148, **Sch. 23 Pt. 1**; S.I. 2008/2696, art. 6(c)

### Modifications etc. (not altering text)

- C462** Ss. 112-115A applied (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\)](#), regs. 1(1), **13(6)** (with reg. 1(4)(6))
- C463** Ss. 112-115A applied (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\)](#), regs. 1(1), **9(6)**
- C480** See [Oil Taxation Act 1975 \(c. 22\)](#), s. 1, **Sch. 2 para. 1(1)** (Oil Taxation Acts) regarding modification in relation to petroleum revenue tax and supplementary petroleum duty
- C481** S. 115 applied (with modifications) (31.7.1997) by [Finance \(No. 2\) Act 1997 \(c. 58\)](#), **Sch. 2 para. 18**
- C482** S. 115 applied (1.4.2009) by [Finance Act 2008 \(c. 9\)](#), s. 113(2), **Sch. 36 para. 56(c)** (with Sch. 36 para. 38); S.I. 2009/404, art. 2
- C483** S. 115 applied (with effect in accordance with s. 93(2) of the amending Act) by [Finance Act 2009 \(c. 10\)](#), **Sch. 46 para. 13(c)**
- C484** S. 115 applied (21.7.2009) by [Finance Act 2009 \(c. 10\)](#), **Sch. 49 para. 7(c)** (with Sch. 49)
- C485** S. 115(1)-(3) applied by [Finance Act 1981 \(c. 35\)](#), s. 134, **Sch.17 para.18** (special tax on banking deposits).
- C486** S. 115(1)(2)(5) applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Stamp Duty \(Collection and Recovery of Penalties\) Regulations 1999 \(S.I. 1999/2537\)](#), regs. 1(1), 3(1), **Sch. Pt. I**

### [<sup>F1005</sup>115A] **Electronic lodgement of tax returns, etc.**

Schedule 3A to this Act (which makes provision with respect to the electronic lodgement of tax returns and documents required in connection with tax returns) shall have effect.]

### Textual Amendments

- F1005** S. 115A inserted (1.5.1995) by [Finance Act 1995 \(c. 4\)](#), **Sch. 28 para. 1**

### Modifications etc. (not altering text)

- C462** Ss. 112-115A applied (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\)](#), regs. 1(1), **13(6)** (with reg. 1(4)(6))
- C463** Ss. 112-115A applied (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\)](#), regs. 1(1), **9(6)**

### <sup>F1006</sup>116 .....

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### Textual Amendments

**F1006**(Receipts, etc. exempt from stamp duty.)Repealed byFinance Act 1970 s.36(8)andSch.8 Part V,as from1February1971.

## *Northern Ireland*

### 117 Action of ejectment in Northern Ireland.

Unless other provision is made in that behalf by any enactment, an action of ejectment in Northern Ireland for non-payment of rent shall not be defeated on the ground that the person liable to pay the rent is entitled under the Income Tax Acts to a deduction which would reduce the amount due by him below a year's rent.

### Modifications etc. (not altering text)

**C487** See theNorthern Ireland Constitution Act 1973 (c.36), s.40andSch.5 para.1—includes, from appointed day, a Measure of the Northern Ireland Assembly.

## *Interpretation*

### 118 Interpretation.

(1) In this Act, unless the context otherwise requires—

“Act” includes an Act of the Parliament of Northern Ireland and “enactment” shall be construed accordingly,

“the Board” means the Commissioners of Inland Revenue,

“body of persons” means any body politic, corporate or collegiate, and any company, fraternity, fellowship and society of persons, whether corporate or not corporate,

<sup>F1007</sup>

“chargeable gain” has the same meaning as in <sup>F1008</sup>[the <sup>F1009</sup>1992 Act]],

“chargeable period” means a year of assessment or a company's accounting period,

“collector” means any collector of taxes,

“company” has the meaning given by [<sup>F1010</sup>section 992(1) of ITA 2007 (with section 468 of the principal Act)]<sup>F1011</sup> ... ,

[<sup>F1012</sup>“CTA 2009” means the Corporation Tax Act 2009,]

<sup>F1013</sup>

[<sup>F1014</sup>“HMRC” means Her Majesty's Revenue and Customs;]

“incapacitated person” means any infant, person of unsound mind, lunatic, idiot or insane person,

[<sup>F1015</sup>“infant”, in relation to Scotland, except in section 73 of this Act, means a person under legal disability by reason of nonage, and, in the said section 73, means a person under the age of 18 years.]

“inspector” means any inspector of taxes,



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[<sup>F1016</sup>“ITEPA 2003” means the Income Tax (Earnings and Pensions) Act 2003.]

[<sup>F1017</sup>“ITTOIA 2005” means the Income Tax (Trading and Other Income) Act 2005.]

[<sup>F1018</sup>“ITA 2007” means the Income Tax Act 2007.]

<sup>F1019</sup> .....

[<sup>F1020</sup>“partnership return” has the meaning given by section 12AA(10A) of this Act.]

“the principal Act” means the Income and Corporation Taxes Act <sup>F1021</sup>[1988],

[<sup>F1022</sup>“the relevant trustees”, in relation to a settlement, shall be construed in accordance with section 7(9) of this Act.]

“return” includes any statement or declaration under the Taxes Acts,

<sup>F1023</sup> .....

[<sup>F1024</sup>“successor”, in relation to a person who is required to make and deliver, or has made and delivered, [<sup>F1025</sup>a partnership return], and “predecessor” and “successor”, in relation to the successor of such a person, shall be construed in accordance with section 12AA(11) of this Act;]

“tax”, where neither income tax nor capital gains tax nor corporation tax <sup>F1026</sup>[nor development land tax] is specified, means any of those taxes <sup>F1027</sup>[except that in sections <sup>F1028</sup>... 20A, 20B <sup>F1029</sup>... and 20D it does not include development land tax],

“the Taxes Acts” means this Act and—

(a) the Tax Acts <sup>F1030</sup>... and

(b) [<sup>F1031</sup>the Taxation of Chargeable Gains Act 1992] and all other enactments relating to capital gains tax,

(c) <sup>F1032</sup> .....

[<sup>F1033</sup>“the 1992 Act ” means the Taxation of Chargeable Gains Act 1992]

[<sup>F1014</sup>“the TCEA 2007” means the Tribunals, Courts and Enforcement Act 2007;]

“trade” includes every trade, manufacture, adventure or concern in the nature of trade .

[<sup>F1014</sup>“the tribunal” is to be read in accordance with section 47C;]

- (2) For the purposes of this Act, a person shall be deemed not to have failed to do anything required to be done within a limited time if he did it within such further time, if any, as the Board or the [<sup>F1034</sup>tribunal] or officer concerned may have allowed; and where a person had a reasonable excuse for not doing anything required to be done he shall be deemed <sup>F1035</sup>[not to have failed to do it unless the excuse ceased and, after the excuse ceased, he shall be deemed] not to have failed to do it if he did it without unreasonable delay after the excuse had ceased:

<sup>F1036</sup> .....

<sup>F1037</sup>(3) .....

- (4) For the purposes of this Act, the amount of tax covered by any assessment shall not be deemed to be finally determined until that assessment can no longer be varied, whether by [<sup>F1038</sup>the tribunal on an appeal notified to it] or by the order of any court.

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### Textual Amendments

- F1007** Words in s. 118(1) repealed (with effect in accordance with Sch. 43 Pt. 3(6) Note of the amending Act) by Finance Act 2003 (c. 14), **Sch. 43 Pt. 3(6)**
- F1008** Capital Gains Tax Act 1979 (c. 14), s.157(2), **Sch.7 para.8** for 1979—80 et seq.
- F1009** Words in s. 118(1) substituted (6.3.1992 with effect as mentioned in s. 289(1)(2) of the substituting Act) by Taxation of Chargeable Gains Act 1992 (c. 12), ss. 289, 290, **Sch. 10**, para. 2(11)(a) (with ss. 60, 101(1), 171, 201(3))
- F1010** Words in s. 118(1) substituted (with effect in accordance with s. 1034(1) of the amending Act) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 263(a)** (with Sch. 2)
- F1011** Words omitted related to development land tax. Development Land Tax Act 1976 repealed by Finance Act 1985 (c. 54), s.98(6), **Sch.27 Part X**
- F1012** Words in s. 118 inserted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), **Sch. 1 para. 309** (with Sch. 2 Pts. 1, 2)
- F1013** Words in s. 118(1) omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 51(2)(a)**
- F1014** Words in s. 118(1) inserted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 51(3)**
- F1015** Definition in s. 118(1) inserted (S.) (25.9.1991) by Age of Legal Capacity (Scotland) Act 1991 (c. 50, SIF 49:8), ss. 10(1), 11(2), **Sch. 1 para. 34** (with s. 1(3))
- F1016** S. 118 entry inserted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), **Sch. 6 para. 139** (with Sch. 7)
- F1017** Words in s. 118(1) inserted (with effect in accordance with s. 883(1) of the amending Act) by Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), **Sch. 1 para. 380** (with Sch. 2)
- F1018** Words in s. 118(1) inserted (with effect in accordance with s. 1034(1) of the amending Act) by Income Tax Act 2007 (c. 3), s. 1034(1), **Sch. 1 para. 263(b)** (with Sch. 2)
- F1019** Words in s. 118 repealed by Finance Act 1989 (c. 26), s. 187, **Sch. 17 Part VIII** (but does not affect the making of assessments for years before 1983-84 or accounting periods ending before 1 April 1983)
- F1020** Words in s. 118(1) inserted (with effect in accordance with s. 88(3) of the amending Act) by Finance Act 2001 (c. 9), **Sch. 29 para. 33(2)**
- F1021** Income and Corporation Taxes Act 1988 (c. 1), **Sch. 29 para. 32**.
- F1022** Words in s. 118 inserted (with effect in accordance with s. 103(7) of the amending Act) by Finance Act 1995 (c. 4), **s. 103(6)**
- F1023** Words in s. 118(1) omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 51(2)(b)**
- F1024** Words in s. 118(1) substituted (with effect in accordance with s. 121(8) of the amending Act) by Finance Act 1996 (c. 8), **s. 123(14)**
- F1025** Words in s. 118(1) substituted (with effect in accordance with s. 88(3) of the amending Act) by Finance Act 2001 (c. 9), **Sch. 29 para. 33(3)**
- F1026** Development Land Tax Act 1976 s.41, Sch.8 para. 32. Repealed by Finance Act 1985 (c. 54), s.98(6), **Sch.27 Part X** in respect of disposals taking place on or after 19 March 1985.
- F1027** Words in s. 118(1) inserted by Finance Act 1976 (c. 40), **s.57(2)**
- F1028** Word in s. 118 omitted (1.4.2009) by virtue of Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 76** (with Sch. 36 para. 38); S.I. 2009/404, art. 2 (with art. 4)
- F1029** Word in s. 118(1) repealed (8.11.2007) by Finance Act 2007 (c. 11), s. 84(5), Sch. 22 para. 4(b), **Sch. 27 Pt. 5(1)**; S.I. 2007/3166, art. 2(c)
- F1030** Repealed by Income and Corporation Taxes Act 1988 (c. 1), s. 844, Sch. 31
- F1031** Words in s. 118(1)(b) substituted (6.3.1992 with effect as mentioned in s. 289(1)(2) of the substituting Act) by virtue of Taxation of Chargeable Gains Act 1992 (c. 12), ss. 289, 290, **Sch. 10**, para. 2(11)(b) (with ss. 60, 101(1), 171, 201(3))
- F1032** A development land tax provision added by Development Land Tax Act 1976 Sch.8 para.32. Development Land Tax Act 1976 repealed by Finance Act 1985 (c. 54), s.98(6), **Sch.27 Part X**.

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- F1033** Definition in s. 118(1)(b) inserted (6.3.1992 with effect as mentioned in s. 289(1)(2) of the amending Act) by Taxation of Chargeable Gains Act 1992 (c. 12), ss. 289, 290, **Sch. 10**, para. 2(11)(c) (with ss. 60, 101(1), 171, 201(3))
- F1034** Word in s. 118(2) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 51(4)**
- F1035** Finance (No. 2) Act 1987 (c. 51), **s. 94**.
- F1036** S. 118(2) proviso repealed by Finance Act 1970 s.36(8), Sch.8 Part VII.
- F1037** S. 118(3) repealed (with effect in accordance with s. 199(2)(3), Sch. 19 para. 34(3) of the amending Act) by Finance Act 1994 (c. 9), Sch. 19 para. 34(2), **Sch. 26 Pt. 5(23)**; S.I. 1998/3173, art. 2
- F1038** Words in s. 118(4) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 51(5)**

#### Modifications etc. (not altering text)

- C488** S. 118(1)(2) applied (with modifications) by the Oil Taxation Act 1975 (c. 22), s. 1, **Sch. 2 para. 1(1)**  
S. 118(1)-(3) applied by Finance Act 1981 (c. 35), s. 134, **Sch.17 para.18** (special tax on banking deposits).
- C489** S. 118(1) applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by The Stamp Duty (Collection and Recovery of Penalties) Regulations 1999 (S.I. 1999/2537), regs. 1(1), 3(1), **Sch. Pt. I**
- C490** S. 118(1) applied (with modifications) (11.6.2004) by The Stamp Duty Land Tax (Appeals) Regulations 2004 (S.I. 2004/1363), regs. 1, **25(2)**
- C491** S. 118(1) applied in part by Income and Corporation Taxes Act 1988 (c. 1), **s. 754(9)**
- C492** S. 118(2)(4) applied (with modifications) (31.7.1997) by Finance (No. 2) Act 1997 (c. 58), **Sch. 2 para. 18**
- C493** S. 118(2) applied (E.W.S.) (8.12.2002) by Employment Act 2002 (c. 22), **ss. 11(7)**, 55(2); S.I. 2002/2866, art. 2(2), Sch. 1 Pt. 2
- C494** S. 118(2) applied (N.I.) (8.12.2002) by The Employment (Northern Ireland) Order 2002 (S.I. 2002/2836), arts. 1(2), **12(7)**; S.R. 2002/356, art. 2(2), Sch. 1 Pt. 2
- C495** S. 118(2) applied by Social Security Administration (Northern Ireland) Act 1992 (c. 8), **s. 107A(7)** (as inserted (6.4.2005) by National Insurance Contributions and Statutory Payments Act 2004 (c. 3), **ss. 10(5)**, 13; S.I. 2004/1943, art. 4(d))
- C496** S. 118(2) applied by Social Security Administration Act 1992 (c. 5), **s. 113A(7)** (as inserted (6.4.2005) by National Insurance Contributions and Statutory Payments Act 2004 (c. 3), **ss. 9(5)**, 13; S.I. 2004/1943, art. 4(c))
- C497** S. 118(2) applied (N.I.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations (Northern Ireland) 2009 (S.R. 2009/128), regs. 1(1), **9(7)**
- C498** S. 118(2) applied (E.W.) (6.4.2009) by The Education (Student Loans) (Repayment) Regulations 2009 (S.I. 2009/470), regs. 1(1), **13(7)** (with reg. 1(4)(6))

## PART XII

### GENERAL

#### 119 Commencement and construction.

- (1) This Act shall come into force for all purposes on 6th April 1970 to the exclusion of the corresponding enactments repealed by the principal Act.
- (2) This Act, and the repeals made by the principal Act, have effect subject to Schedule 4 to this Act.

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(3) This Act, so far as it relates to income tax or corporation tax, shall be construed as one with the principal Act.

(4) This Act, so far as it relates to chargeable gains, shall be construed as one with <sup>F1039</sup>[the <sup>F1040</sup>1992 Act]]<sup>F1041</sup> and ITEPA 2003].

<sup>F1042</sup>(5) .....

#### Textual Amendments

**F1039** Capital Gains Tax Act 1979 (c. 14), s.157(2), **Sch.7 para.8** for 1979—80 et seq.

**F1040** Words in s. 119(4) substituted (6.3.1992 with effect as mentioned in s. 289(1)(2) of the substituting Act) by Taxation of Chargeable Gains Act 1992 (c. 12), ss. 289, 290, **Sch. 10, para. 2(2)** (with ss. 60, 101(1), 171, 201(3))

**F1041** Words in s. 119(4) inserted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by Income Tax (Earnings and Pensions) Act 2003 (c. 1), **Sch. 6 para. 140** (with Sch. 7)

**F1042** A development land tax provision added by Development Land Tax Act 1976 Sch.8 para.33.

Development Land Tax Act 1976 repealed by Finance Act 1985 (c. 54), s.98(6), Sch.27 Part X.

#### 120 Short title.

This Act may be cited as the Taxes Management Act 1970.

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## SCHEDULES

### <sup>F1043</sup>SCHEDULE 1

#### Textual Amendments

**F1043**Sch. 1 omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 52**

### <sup>F1044</sup>SCHEDULE 1AA

#### ORDERS FOR PRODUCTION OF DOCUMENTS

#### Textual Amendments

**F1044**Sch. 1AA inserted (28.7.2000) by [Finance Act 2000 \(c. 17\)](#), s. 149(2), **Sch. 39**

#### Modifications etc. (not altering text)

**C499** Sch. 1AA applied (1.8.2002 for specified purposes) by [Tax Credits Act 2002 \(c. 21\)](#), **ss. 36(1)**, 61; [S.I. 2002/1727](#), art. 2

#### *Introduction*

1 The provisions of this Schedule supplement section 20BA.

#### *Authorised officer of the Board*

- 2 (1) In section 20BA(1) an “authorised officer of the Board” means an officer of the Board authorised by the Board for the purposes of that section.
- (2) The Board may make provision by regulations as to—
- the procedures for approving in any particular case the decision to apply for an order under that section, and
  - the descriptions of officer by whom such approval may be given.

#### *Notice of application for order*

- 3 (1) A person is entitled—
- to notice of the intention to apply for an order against him under section 20BA, and
  - to appear and be heard at the hearing of the application,

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unless the appropriate judicial authority is satisfied that this would seriously prejudice the investigation of the offence.

- (2) The Board may make provision by regulations as to the notice to be given, the contents of the notice and the manner of giving it.

*Obligations of person given notice of application*

- 4 (1) A person who has been given notice of intention to apply for an order under section 20BA(4) shall not—
- (a) conceal, destroy, alter or dispose of any document to which the application relates, or
  - (b) disclose to any other person information or any other matter likely to prejudice the investigation of the offence to which the application relates.

This is subject to the following qualifications.

- (2) Sub-paragraph (1)(a) does not prevent anything being done—
- (a) with the leave of the appropriate judicial authority,
  - (b) with the written permission of an officer of the Board,
  - (c) after the application has been dismissed or abandoned, or
  - (d) after any order made on the application has been complied with.
- (3) Sub-paragraph (1)(b) does not prevent a professional legal adviser from disclosing any information or other matter—
- (a) to, or to a representative of, a client of his in connection with the giving by the adviser of legal advice to the client; or
  - (b) to any person—
    - (i) in contemplation of, or in connection with, legal proceedings; and
    - (ii) for the purpose of those proceedings.

This sub-paragraph does not apply in relation to any information or other matter which is disclosed with a view to furthering a criminal purpose.

- (4) A person who fails to comply with the obligation in sub-paragraph (1)(a) or (b) above may be dealt with as if he had failed to comply with an order under section 20BA.

*Exception of items subject to legal privilege*

- 5 (1) Section 20BA does not apply to items subject to legal privilege.
- (2) For this purpose “items subject to legal privilege” means—
- (a) communications between a professional legal adviser and his client or any person representing his client made in connection with the giving of legal advice to the client;
  - (b) communications between a professional legal adviser and his client or any person representing his client or between such an adviser or his client or any such representative and any other person made in connection with or in contemplation of legal proceedings and for the purposes of such proceedings; and
  - (c) items enclosed with or referred to in such communications and made—
    - (i) in connection with the giving of legal advice; or

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(ii) in connection with or in contemplation of legal proceedings and for the purposes of such proceedings,  
when they are in the possession of a person who is entitled to possession of them.

(3) Items held with the intention of furthering a criminal purpose are not subject to legal privilege.

#### *Resolution of disputes as to legal privilege*

- 6 (1) The Board may make provision by regulations for the resolution of disputes as to whether a document, or part of a document, is an item subject to legal privilege.
- (2) The regulations may, in particular, make provision as to—
- (a) the custody of the document whilst its status is being decided;
  - (b) the appointment of an independent, legally qualified person to decide the matter;
  - (c) the procedures to be followed; and
  - (d) who is to meet the costs of the proceedings.

#### *Complying with an order*

- 7 (1) The Board may make provision by regulations as to how a person is to comply with an order under section 20BA.
- (2) The regulations may, in particular, make provision as to—
- (a) the officer of the Board to whom the documents are to be produced,
  - (b) the address to which the documents are to be taken or sent, and
  - (c) the circumstances in which sending the documents by post complies with the order.
- (3) Where an order under section 20BA applies to a document in electronic or magnetic form, the order shall be taken to require the person to deliver the information recorded in the document in a form in which it is visible and legible.

#### *Procedure where documents are delivered*

- 8 (1) The provisions of section 20CC(3) to (9) apply in relation to a document delivered to an officer of the Board in accordance with an order under section 20BA as they apply to a thing removed by an officer of the Board as mentioned in subsection (1) of section 20CC.
- (2) In section 20CC(9) as applied by sub-paragraph (1) above the reference to the warrant concerned shall be read as a reference to the order concerned.

#### *Sanction for failure to comply with order*

- 9 (1) If a person fails to comply with an order made under section 20BA, he may be dealt with as if he had committed a contempt of the court.
- (2) For this purpose “the court” means—
- (a) in relation to an order made by a Circuit judge [<sup>F1045</sup>or a District Judge (Magistrates' Courts)], the Crown Court;

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- (b) in relation to an order made by a sheriff, a sheriff court;
- (c) in relation to an order made by a county court judge, a county court in Northern Ireland.

**Textual Amendments**

**F1045** Words in Sch. 1AA para. 9(2)(a) inserted (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 4 para. 2\(b\)](#); [S.I. 2005/910](#), art. 3(u)

*Notice of order etc.*

- 10 The Board may make provision by regulations as to the circumstances in which notice of an order under section 20BA, or of an application for such an order, is to be treated as having been given.

*General provisions about regulations*

- 11 Regulations under this Schedule—
- (a) may contain such incidental, supplementary and transitional provision as appears to the Board to be appropriate, and
  - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

[<sup>F1046</sup>SCHEDULE 1AB

Section 33

RECOVERY OF OVERPAID TAX ETC

**Textual Amendments**

**F1046** Sch. 1AB inserted (with effect in accordance with s. 100(2) of the amending Act) by [Finance Act 2009 \(c. 10\)](#), [Sch. 52 para. 2](#) (with [Sch. 52 paras. 10, 11](#))

*Claim for relief for overpaid tax etc*

- 1 (1) This paragraph applies where—
- (a) a person has paid an amount by way of income tax or capital gains tax but the person believes that the tax was not due, or
  - (b) a person has been assessed as liable to pay an amount by way of income tax or capital gains tax, or there has been a determination or direction to that effect, but the person believes that the tax is not due.
- (2) The person may make a claim to the Commissioners for repayment or discharge of the amount.
- (3) Paragraph 2 makes provision about cases in which the Commissioners are not liable to give effect to a claim under this Schedule.
- (4) Paragraphs 3 to 7 (and sections 42 to 43C and Schedule 1A) make further provision about making and giving effect to claims under this Schedule.



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- (5) Paragraph 8 makes provision about the application of this Schedule to amounts paid under contract settlements.
- (6) The Commissioners are not liable to give relief in respect of a case described in subparagraph (1)(a) or (b) except as provided—
  - (a) by this Schedule and Schedule 1A (following a claim under this paragraph), or
  - (b) by or under another provision of the Income Tax Acts or an enactment relating to the taxation of capital gains.
- (7) For the purposes of this Schedule an amount paid by one person on behalf of another is treated as paid by the other person.

*Cases in which Commissioners not liable to give effect to claim*

- 2 (1) The Commissioners are not liable to give effect to a claim under this Schedule if or to the extent that the claim falls within a case described in this paragraph (see also paragraph 4(5)).
- (2) Case A is where the amount paid, or liable to be paid, is excessive by reason of—
  - (a) a mistake in a claim, election or notice,
  - (b) a mistake consisting of making or giving, or failing to make or give, a claim, election or notice,
  - (c) a mistake in allocating expenditure to a pool for the purposes of the Capital Allowances Act or a mistake consisting of making, or failing to make, such an allocation, or
  - (d) a mistake in bringing a disposal value into account for the purposes of that Act or a mistake consisting of bringing, or failing to bring, such a value into account.
- (3) Case B is where the claimant is or will be able to seek relief by taking other steps under the Income Tax Acts or an enactment relating to the taxation of capital gains.
- (4) Case C is where the claimant—
  - (a) could have sought relief by taking such steps within a period that has now expired, and
  - (b) knew, or ought reasonably to have known, before the end of that period that such relief was available.
- (5) Case D is where the claim is made on grounds that—
  - (a) have been put to a court or tribunal in the course of an appeal by the claimant relating to the amount paid or liable to be paid, or
  - (b) have been put to Her Majesty's Revenue and Customs in the course of an appeal by the claimant relating to that amount that is treated as having been determined by a tribunal (by virtue of section 54 (settling of appeals by agreement)).
- (6) Case E is where the claimant knew, or ought reasonably to have known, of the grounds for the claim before the latest of the following—
  - (a) the date on which an appeal by the claimant relating to the amount paid, or liable to be paid, in the course of which the ground could have been put forward (a “relevant appeal”) was determined by a court or tribunal (or is treated as having been so determined),

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- (b) the date on which the claimant withdrew a relevant appeal to a court or tribunal, and
  - (c) the end of the period in which the claimant was entitled to make a relevant appeal to a court or tribunal.
- (7) Case F is where the amount in question was paid or is liable to be paid—
- (a) in consequence of proceedings enforcing the payment of that amount brought against the claimant by Her Majesty's Revenue and Customs, or
  - (b) in accordance with an agreement between the claimant and Her Majesty's Revenue and Customs settling such proceedings.
- (8) Case G is where—
- (a) the amount paid, or liable to be paid, is excessive by reason of a mistake in calculating the claimant's liability to income tax or capital gains tax (other than a mistake in a PAYE assessment or PAYE calculation), and
  - (b) liability was calculated in accordance with the practice generally prevailing at the time.
- (9) Case H is where—
- (a) the amount paid, or liable to be paid, is excessive by reason of a mistake in a PAYE assessment or PAYE calculation, and
  - (b) the assessment or calculation was made in accordance with the practice generally prevailing at the end of the period of 12 months following the tax year for which the assessment or calculation was made.
- (10) For the purposes of Cases G and H—
- (a) “PAYE assessment” means an assessment on the claimant made in accordance with section 709 of ITEPA 2003 (assessment in connection with PAYE deductions), and
  - (b) “PAYE calculation” means a calculation of the amount of a deduction or repayment made or to be made under PAYE regulations in respect of tax estimated to be payable by the claimant.

#### *Making a claim*

- 3 (1) A claim under this Schedule may not be made more than 4 years after the end of the relevant tax year.
- (2) In relation to a claim made in reliance on paragraph 1(1)(a), the relevant tax year is—
- (a) where the amount paid, or liable to be paid, is excessive by reason of a mistake in a return or returns under section 8, 8A or 12AA of this Act, the tax year to which the return (or, if more than one, the first return) relates, and
  - (b) otherwise, the tax year in respect of which the payment was made.
- (3) In relation to a claim made in reliance on paragraph 1(1)(b), the relevant tax year is the tax year to which the assessment, determination or direction relates.
- (4) A claim under this Schedule may not be made by being included in a return under section 8, 8A or 12AA of this Act.

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*The claimant: one person accountable for amounts payable by another etc*

- 4 (1) Sub-paragraph (2) applies where, under a relevant enactment, a person (“P”) is accountable to the Commissioners for—
- (a) an amount representing income tax or capital gains tax that is or is estimated to be payable by another person (“T”), or
  - (b) any other amount that, under a relevant enactment, has been or is to be set off against a liability of T.
- (2) A claim under this Schedule in respect of the amount may be made only by T.
- (3) Sub-paragraph (4) applies where—
- (a) a person (“P”) has paid an amount described in sub-paragraph (1)(a) or (b) in the belief that P was accountable to the Commissioners for the amount under a relevant enactment, but
  - (b) P was not so accountable.
- (4) A claim under this Schedule in respect of the amount may be made only by P.
- (5) The Commissioners are not liable to give effect to a claim under sub-paragraph (4) if or to the extent that the amount has been repaid to T or set against amounts payable to the Commissioners by T.
- (6) “Relevant enactment” means—
- (a) PAYE regulations,
  - (b) Chapter 3 of Part 3 of the Finance Act 2004 or regulations under that Chapter (construction industry scheme), or
  - (c) any other provision of or made under the Taxes Acts.

*The claimant: partnerships*

- 5 (1) This paragraph applies where—
- (a) a trade, profession or business is carried on by two or more persons in partnership,
  - (b) an amount is paid, or liable to be paid, by one or more of those persons in accordance with a self-assessment, and
  - (c) the amount is excessive by reason of a mistake in a partnership return.
- (2) A claim under this Schedule in respect of the amount—
- (a) may be made by the relevant partner nominated to make the claim by all of the relevant partners, and
  - (b) may not be made by any other person.
- (3) In relation to such a claim, references in this Schedule to the claimant are to any of the relevant partners.
- (4) “Relevant partner” means—
- (a) a person who was a partner in the partnership at any time during the period in respect of which the partnership return was made, or
  - (b) the personal representative of such a person.

*Assessment of claimant in connection with claim*

- 6 (1) This paragraph applies where—

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- (a) a claim is made under this Schedule,
- (b) the grounds for giving effect to the claim also provide grounds for a discovery assessment or determination on the claimant in respect of any chargeable period, and
- (c) such an assessment or determination could be made but for a relevant restriction.

(2) “Discovery assessment or determination” means—

- (a) an assessment under section 29(1), or
- (b) a discovery assessment or discovery determination under Schedule 18 to the Finance Act 1998 (company tax return etc).

(3) The following are relevant restrictions—

- (a) the conditions in section 29(3) to (5),
- (b) the restrictions in paragraphs 42 to 45 of Schedule 18 to the Finance Act 1998, and
- (c) the expiry of a time limit for making a discovery assessment or determination.

(4) Where this paragraph applies—

- (a) the relevant restrictions are to be disregarded, and
- (b) the discovery assessment or determination is not out of time if it is made before the final determination of the claim.

*Amendment of partnership return etc in connection with claim*

7 (1) This paragraph applies where—

- (a) a claim is made under this Schedule,
- (b) the claimant is one of two or more persons carrying on a trade, profession or business in partnership,
- (c) the grounds for giving effect to the claim also provide grounds for amending, under section 30B(1) (discovery of loss of tax from partnership), a return made by the partnership or any of the partners in respect of any period, and
- (d) such an amendment could be made but for a relevant restriction.

(2) The following are relevant restrictions—

- (a) the conditions in section 30B(4) to (6), and
- (b) the expiry of a time limit for making an assessment under that section.

(3) Where this paragraph applies—

- (a) the relevant conditions are to be disregarded, and
- (b) the amendment is not out of time if it is made before the final determination of the claim.

*Contract settlements*

8 (1) In paragraph 1(1)(a) the reference to an amount paid by way of income tax or capital gains tax includes an amount paid under a contract settlement in connection with income tax or capital gains tax believed to be due from any person.

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- (2) Sub-paragraphs (3) to (6) apply if the person who paid the amount under the contract settlement (“the payer”) and the person from whom the tax was due (“the taxpayer”) are not the same person.
- (3) In relation to a claim under this Schedule in respect of that amount—
  - (a) the references to the claimant in paragraph 2(5) to (7) (Cases D, E and F) have effect as if they included the taxpayer,
  - (b) the references to the claimant in paragraph 2(8) and (10) (Cases G and H) have effect as if they were references to the taxpayer,
  - (c) the references to the claimant in paragraphs 6(1)(b) and 7(1)(b) have effect as if they were references to the taxpayer, and
  - (d) references to tax in Schedule 1A (as it applies to a claim under this Schedule) include such an amount.
- (4) Sub-paragraph (5) applies where the grounds for giving effect to a claim by the payer in respect of the amount also provide grounds for a discovery assessment or determination on the taxpayer in respect of any chargeable period.
- (5) The Commissioners may set any amount repayable to the payer by virtue of the claim against any amount payable by the taxpayer by virtue of the assessment or determination.
- (6) The obligations of the Commissioners and the taxpayer are discharged to the extent of any set-off under sub-paragraph (5).
- (7) In this paragraph—

“contract settlement” means an agreement made in connection with any person's liability to make a payment to the Commissioners under or by virtue of an enactment;

“discovery assessment or determination” has the same meaning as in paragraph 6.

#### *Interpretation*

- 9 (1) In this Schedule “the Commissioners” means the Commissioners for Her Majesty's Revenue and Customs.
- (2) For the purposes of this Schedule a claim is not finally determined until it, or the amount to which it relates, can no longer be varied (whether on appeal or otherwise).]

### [<sup>F1047</sup>SCHEDULE 1A

#### CLAIMS ETC. NOT INCLUDED IN RETURNS

##### **Textual Amendments**

**F1047**Sch. 1A inserted (with effect in accordance with s. 199(2)(3) of the amending Act) by [Finance Act 1994](#) (c. 9), [Sch. 19 para. 35](#); [S.I. 1998/3173](#), art. 2

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#### **Modifications etc. (not altering text)**

- C500** Sch. 1A excluded by Income and Corporation Taxes Act 1988 (c. 1), s. 749A(4)(b) (as inserted (with effect in accordance with Sch. 17 para. 37 to the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 17 para. 4](#))
- C501** Sch. 1A excluded by Income and Corporation Taxes Act 1988 (c. 1), Sch. 24 para. 9(7)(b) (as inserted (with effect in accordance with Sch. 17 para. 37 to the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 17 para. 20\(9\)](#))
- C502** Sch. 1A excluded by Income and Corporation Taxes Act 1988 (c. 1), Sch. 26 para. 3(6A)(b) (as inserted (with effect in accordance with Sch. 17 para. 37 to the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 17 para. 35\(7\)](#))
- C503** Sch. 1A applied (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 18 paras. 58\(3\), 59\(1\)](#) (with [Sch. 18 paras. 59\(2\), 60](#)); S.I. 1998/3173, [art. 2](#)
- C504** Sch. 1A excluded (with effect in accordance with s. 579(1) of the amending Act) by [Capital Allowances Act 2001 \(c. 2\)](#), [s. 201\(5\)\(a\)](#) (with [Sch. 3](#))
- C505** Sch. 1A excluded (with effect in accordance with s. 579(1) of the amending Act) by [Capital Allowances Act 2001 \(c. 2\)](#), [s. 227\(5\)\(a\)](#) (with [Sch. 3](#))

#### *Preliminary*

#### 1 In this Schedule—

“claim” [<sup>F1048</sup>means a claim or election] as respects which this Schedule applies;

“partnership claim” means a claim made in accordance with section 42(6) (b) of [<sup>F1049</sup>, or paragraph 5 of Schedule 1AB to,] this Act [<sup>F1050</sup>or paragraph 51D of Schedule 18 to the Finance Act 1998 (claims for overpaid corporation tax)];

[<sup>F1051</sup>“profits”—

- (a) in relation to income tax, means income,
- (b) in relation to capital gains tax, means chargeable gains, and
- (c) in relation to corporation tax, means profits as computed for the purposes of that tax;]

“relevant partner”, in relation to a partnership claim, means any person who was a partner at any time during the period in respect of which the claim is made;

“successor”, in relation to a person who—

- (a) has made a partnership claim, but
- (b) is no longer a partner or is otherwise no longer available,

means such other partner who may at any time be nominated for the purposes of this paragraph by the majority of the partners at that time, and “predecessor” and “successor”, in relation to a person so nominated, shall be construed accordingly.

#### **Textual Amendments**

**F1048** Words in Sch. 1A para. 1 substituted (with effect in accordance with s. 130(1) of the amending Act) by [Finance Act 1996 \(c. 8\)](#), [s. 130\(5\)](#)

**F1049** Words in Sch. 1A para. 1 inserted (with effect in accordance with s. 100(2) of the amending Act) by [Finance Act 2009 \(c. 10\)](#), [Sch. 52 para. 6\(1\)](#) (with [Sch. 52 para. 11](#))

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**F1050** Words in Sch. 1A para. 1 inserted (with effect in accordance with s. 100(2) of the amending Act) by Finance Act 2009 (c. 10), **Sch. 52 para. 17**

**F1051** Words in Sch. 1A para. 1 substituted (with effect in accordance with s. 117(4)(5) of the amending Act) by Finance Act 1998 (c. 36), **Sch. 19 para. 42(2)**; S.I. 1998/3173, art. 2

### *Making of claims*

- 2 (1) Subject to any provision in the Taxes Acts for a claim to be made to the Board, every claim shall be made to an officer of the Board.
- (2) No claim requiring the repayment of tax shall be made unless the claimant has documentary proof that the tax has been paid by deduction or otherwise.
- (3) A claim shall be made in such form as the Board may determine.
- (4) The form of claim shall provide for a declaration to the effect that all the particulars given in the form are correctly stated to the best of the information and belief of the person making the claim.
- (5) The form of claim may require—
- (a) a statement of the amount of tax which will be required to be discharged or repaid in order to give effect to the claim;
  - <sup>F1052</sup>(b) such information as is reasonably required for the purpose of determining whether and, if so, the extent to which the claim is correct; <sup>F1053</sup>and]
  - (bb) the delivery with the claim of such accounts, statements and documents, relating to information contained in the claim, as are reasonably required for the purpose mentioned in paragraph (b) above; <sup>F1054</sup>...
  - <sup>F1054</sup>(c) .....
- (6) In the case of a claim made by or on behalf of a person who is not resident, or who claims to be not resident or not ordinarily resident or not domiciled, in the United Kingdom, an officer of the Board or the Board may require a statement or declaration in support of the claim to be made by affidavit.

#### **Textual Amendments**

**F1052** Sch. 1A para. 2(5)(b)(bb) substituted for Sch. 1A para. 2(5)(b) (with effect in accordance with s. 103(7) of the amending Act) by Finance Act 1995 (c. 4), **Sch. 20 para. 1**

**F1053** Word in Sch. 1A para. 2(5)(b) inserted (13.8.2009) by The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, **Sch. para. 9(a)**

**F1054** Sch. 1A para. 2(5)(c) and preceding word omitted (13.8.2009) by virtue of The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), art. 1, **Sch. para. 9(b)**

#### **Modifications etc. (not altering text)**

**C506** Sch. 1A para. 2(5) extended by Income and Corporation Taxes Act 1988 (c. 1), s. 488(12) (as substituted by Finance Act 1998 (c. 36), s. 117(4)(5), **Sch. 19 para. 48(3)**; S.I. 1998/3173, art. 2)

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### *[<sup>F1055</sup> Keeping and preserving of records*

#### **Textual Amendments**

**F1055**Sch. 1A para. 2A and cross-heading inserted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\)](#), [Sch. 20 para. 2](#)

- 2A (1) Any person who may wish to make a claim in relation to a year of assessment or other period shall—
- (a) keep all such records as may be requisite for the purpose of enabling him to make a correct and complete claim; and
  - (b) shall preserve those records until the end of the relevant day.
- (2) In relation to a claim, the relevant day for the purposes of sub-paragraph (1) above is whichever of the following is the latest, namely—
- (a) where enquiries into the claim or any amendment of the claim are made by an officer of the Board, the day on which, by virtue of paragraph [<sup>F1056</sup>7(1)] below, those enquiries are <sup>F1057</sup>... completed; and
  - (b) where no enquiries into the claim or any amendment of the claim are so made, the day on which such an officer no longer has power to make such enquiries.
- [ The Commissioners for Her Majesty's Revenue and Customs may by regulations—
- <sup>F1058</sup>(2A) (a) provide that the records required to be kept and preserved under sub-paragraph (1) include, or do not include, records specified in the regulations, and
- (b) provide that those records include supporting documents so specified.]
- [<sup>F1059</sup>(3) The duty under sub-paragraph (1) to preserve records may be discharged—
- (a) by preserving them in any form and by any means, or
  - (b) by preserving the information contained in them in any form and by any means,
- subject to sub-paragraph (3A) and any conditions or further exceptions specified in writing by the Commissioners for Her Majesty's Revenue and Customs.
- (3A) Sub-paragraph (3)(b) does not apply in the case of records of the kinds specified in section 12B(4A) or paragraph 22(3) of Schedule 18 to the Finance Act 1998.]
- (4) [<sup>F1060</sup>Subject to sub-paragraph (5) below,] any person who fails to comply with sub-paragraph (1) above in relation to any claim which is made for a year of assessment or accounting period shall be liable to a penalty not exceeding £3,000.
- [ Sub-paragraph (4) above does not apply where—
- <sup>F1061</sup>(5) (a) the records which the person fails to keep or preserve are records falling within paragraph (a) of section 12B(4A) of this Act [<sup>F1062</sup>or paragraph 22(3) of Schedule 18 to the Finance Act 1998]; and
- (b) an officer of the Board is satisfied that any facts which he reasonably requires to be proved, and which would have been proved by the records, are proved by other documentary evidence furnished to him.]
- [ Regulations under this paragraph may—
- <sup>F1063</sup>(6) (a) make different provision for different cases, and



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- (b) make provision by reference to things specified in a notice published by the Commissioners for Her Majesty's Revenue and Customs in accordance with the regulations (and not withdrawn by a subsequent notice).

- (7) In this paragraph “supporting documents” includes accounts, books, deeds, contracts, vouchers and receipts.]]

#### Textual Amendments

- F1056** Word in Sch. 1A para. 2A(2)(a) substituted (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), [Sch. 29 para. 34\(2\)\(a\)](#)
- F1057** Words in Sch. 1A para. 2A(2)(a) repealed (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), [Sch. 29 para. 34\(2\)\(b\)](#), [Sch. 33 Pt. 2\(13\)](#)
- F1058** Sch. 1A para. 2A(2A) inserted (1.4.2009) by [Finance Act 2008 \(c. 9\)](#), s. 115(2), [Sch. 37 para. 3\(2\)](#); S.I. 2009/402, art. 2
- F1059** Sch. 1A para. 2A(3)(3A) substituted for Sch. 1A para. 2A(3) (1.4.2009) by [Finance Act 2008 \(c. 9\)](#), s. 115(2), [Sch. 37 para. 3\(3\)](#); S.I. 2009/402, art. 2
- F1060** Words in Sch. 1A para. 2A(4) inserted (with effect in accordance with s. 124(1) of the amending Act) by [Finance Act 1996 \(c. 8\)](#), s. 124(7) (with s. 124(9))
- F1061** Sch. 1A para. 2A(5) inserted (with effect in accordance with s. 124(1) of the amending Act) by [Finance Act 1996 \(c. 8\)](#), s. 124(8) (with s. 124(9))
- F1062** Words in Sch. 1A para. 2A(5)(a) inserted (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 19 para. 42\(4\)](#); S.I. 1998/3173, art. 2
- F1063** Sch. 1A para. 2A(6)(7) inserted (1.4.2009) by [Finance Act 2008 \(c. 9\)](#), s. 115(2), [Sch. 37 para. 3\(4\)](#); S.I. 2009/402, art. 2

#### Amendments of claims

- 3 (1) Subject to sub-paragraph (2) below—
- (a) at any time before the end of the period of nine months beginning with the day on which a claim is made, an officer of the Board may by notice to the claimant so amend the claim as to correct any obvious errors or mistakes in the [<sup>F1064</sup>claim] (whether errors of principle, arithmetical mistakes or otherwise); and
- (b) at any time before the end of the period of twelve months beginning with the day on which the claim is made, the claimant may amend his claim by notice to an officer of the Board.
- (2) No amendment of a claim may be made under sub-paragraph (1) above at any time during the period—
- (a) beginning with the day on which an officer of the Board gives notice of his intention to enquire into the claim, and
- (b) ending with the day on which the officer's enquiries into the claim are completed.

#### Textual Amendments

- F1064** Word in Sch. 1A para. 3(1)(a) substituted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\)](#), [Sch. 20 para. 3](#)

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### *Giving effect to claims and amendments*

- 4 (1) [<sup>F1065</sup>Subject to sub-paragraphs [<sup>F1066</sup>(1A), (3) [<sup>F1067</sup>to (5)]] below <sup>F1068</sup>... ,] an officer of the Board or the Board shall, as soon as practicable after a claim other than a partnership claim is made, or such a claim is amended under paragraph 3 above, give effect to the claim or amendment by discharge or repayment of tax.

[ In relation to a claim which would otherwise fall to be taken into account in the <sup>F1069</sup>(1A) making of deductions or repayments of tax under [<sup>F1070</sup>PAYE regulations], sub-paragraph (1) above shall apply as if for the word “shall” there were substituted the word “may”.]

- (2) [<sup>F1071</sup>Subject to [<sup>F1072</sup>sub-paragraphs (3) [<sup>F1073</sup>to (5)]] below,] an officer of the Board or the Board shall, as soon as practicable after a partnership claim is made, or such a claim is amended under paragraph 3 above, give effect to the claim or amendment, as respects each of the relevant partners, by discharge or repayment of tax.

[ Where any such claim or amendment as is mentioned in sub-paragraph (1) or (2) <sup>F1074</sup>(3) above is enquired into by an officer of the Board—

- (a) that sub-paragraph shall not apply until the day on which, by virtue of paragraph [<sup>F1075</sup>7(1)] below, [<sup>F1076</sup>the enquiry is] completed; but
- (b) the officer may at any time before that day give effect to the claim or amendment, on a provisional basis, to such extent as he thinks fit.]

[ Nothing in this paragraph applies in relation to a claim or an amendment of a claim <sup>F1077</sup>(4) if the claim is not one for discharge or repayment of tax.]

[ This paragraph has effect subject to any provision in the Taxes Acts that—

- <sup>F1078</sup>(5) (a) requires or allows effect to be given to a claim by other means, or  
 (b) provides that an amount is not to be discharged or repaid.]

#### **Textual Amendments**

**F1065**Words in Sch. 1A para. 4(1) inserted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\)](#), **Sch. 20 para. 4(1)**

**F1066**Words in Sch. 1A para. 4(1) substituted (with effect in accordance with Sch. 19 para. 1 of the amending Act) by [Finance Act 1996 \(c. 8\)](#), **Sch. 19 para. 8(1)**

**F1067**Words in Sch. 1A para. 4(1) substituted (with effect in accordance with s. 100(2) of the amending Act) by [Finance Act 2009 \(c. 10\)](#), **Sch. 52 para. 7(2)(a)** (with [Sch. 52 para. 11](#))

**F1068**Words in Sch. 1A para. 4(1) omitted (with effect in accordance with s. 100(2) of the amending Act) by virtue of [Finance Act 2009 \(c. 10\)](#), **Sch. 52 para. 7(2)(b)** (with [Sch. 52 para. 11](#))

**F1069**Sch. 1A para. 4(1A) inserted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\)](#), **Sch. 20 para. 4(2)**

**F1070**Words in Sch. 1A para. 4(1A) substituted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by [Income Tax \(Earnings and Pensions\) Act 2003 \(c. 1\)](#), **Sch. 6 para. 141** (with [Sch. 7](#))

**F1071**Words in Sch. 1A para. 4(2) inserted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\)](#), **Sch. 20 para. 4(3)**

**F1072**Words in Sch. 1A para. 4(2) substituted (with effect in accordance with Sch. 19 para. 1 of the amending Act) by [Finance Act 1996 \(c. 8\)](#), **Sch. 19 para. 8(2)**

**F1073**Words in Sch. 1A para. 4(2) substituted (with effect in accordance with s. 100(2) of the amending Act) by [Finance Act 2009 \(c. 10\)](#), **Sch. 52 para. 7(3)** (with [Sch. 52 para. 11](#))

**F1074**Sch. 1A para. 4(3) inserted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\)](#), **Sch. 20 para. 4(4)**

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- F1075** Word in Sch. 1A para. 4(3)(a) substituted (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), **Sch. 29 para. 34(3)(a)**
- F1076** Words in Sch. 1A para. 4(3)(a) substituted (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), **Sch. 29 para. 34(3)(b)**
- F1077** Sch. 1A para. 4(4) inserted (with effect in accordance with Sch. 19 para. 1 of the amending Act) by [Finance Act 1996 \(c. 8\)](#), **Sch. 19 para. 8(3)**
- F1078** Sch. 1A para. 4(5) inserted (with effect in accordance with s. 100(2) of the amending Act) by [Finance Act 2009 \(c. 10\)](#), **Sch. 52 para. 7(4)** (with [Sch. 52 para. 11](#))

*Power to enquire into claims*

- 5 (1) An officer of the Board may enquire into—
- (a) a claim made by any person, or
  - (b) any amendment made by any person of a claim made by him,
- if, before the end of the period mentioned in sub-paragraph (2) below, he gives notice in writing of his intention to do so to that person or, in the case of a partnership claim, any successor of that person.
- [<sup>F1079</sup>(2) The period referred to in sub-paragraph (1) above is whichever of the following ends the latest, namely—
- (a) the period ending with the quarter day next following the first anniversary of the day on which the claim or amendment was made;
  - (b) where the claim or amendment relates to a year of assessment, the period ending with the first anniversary of the 31st January next following that year; and
  - (c) where the claim or amendment relates to a period other than a year of assessment, the period ending with the first anniversary of the end of that period;
- and the quarter days for the purposes of this sub-paragraph are 31st January, 30th April, 31st July and 31st October.
- (3) A claim or amendment which has been enquired into under sub-paragraph (1) above shall not be the subject of—
- (a) a further notice under that sub-paragraph; or
  - (b) if it is subsequently included in a return, a notice under [<sup>F1080</sup>section 9A(1) or 12AC(1) of this Act or paragraph 24 of Schedule 18 to the Finance Act 1998].]

**Textual Amendments**

- F1079** Sch. 1A para. 5(2)(3) substituted (with effect in accordance with s. 103(7) of the amending Act) by [Finance Act 1995 \(c. 4\)](#), **Sch. 20 para. 5**
- F1080** Words in Sch. 1A para. 5(3)(b) substituted (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), **Sch. 19 para. 42(5)**; S.I. 1998/3173, art. 2

*Power to call for documents for purposes of enquiries*

<sup>F1081</sup>6 .....

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### Textual Amendments

**F1081**Sch. 1A para. 6 omitted (1.4.2009) by virtue of Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 77** (with **Sch. 36 para. 38**); S.I. 2009/404, art. 2 (with art. 5)

*[<sup>F1082</sup>Appeal against notice to produce documents, etc*

### Textual Amendments

**F1082**Sch. 1A para. 6A and cross-heading inserted (with effect in accordance with s. 117(4)(5) of the amending Act) by Finance Act 1998 (c. 36), **Sch. 19 para. 42(7)**; S.I. 1998/3173, art. 2

<sup>F1083</sup>6A . . . . . ]

### Textual Amendments

**F1083**Sch. 1A para. 6A omitted (1.4.2009) by virtue of Finance Act 2008 (c. 9), s. 113(2), **Sch. 36 para. 77** (with **Sch. 36 para. 38**); S.I. 2009/404, art. 2 (with art. 5)

*[<sup>F1084</sup>Completion of enquiry into claim*

### Textual Amendments

**F1084**Sch. 1A para. 7 and cross-heading substituted (with effect and application in accordance with s. 88(3), Sch. 29 para. 10(3) of the amending Act) by Finance Act 2001 (c. 9), **Sch. 29 para. 10(2)**

- 7 (1) An enquiry under paragraph 5 above is completed when an officer of the Board by notice (a “closure notice”) informs the claimant that he has completed his enquiries and states his conclusions.
- (2) In the case of a claim for discharge or repayment of tax, the closure notice must either—
- (a) state that in the officer’s opinion no amendment of the claim is required, or
  - (b) if in the officer’s opinion the claim is insufficient or excessive, amend the claim so as to make good or eliminate the deficiency or excess.
- In the case of an enquiry falling within paragraph 5(1)(b) above, paragraph (b) above only applies so far as the deficiency or excess is attributable to the claimant’s amendment.
- (3) In the case of a claim that is not a claim for discharge or repayment of tax, the closure notice must either—
- (a) allow the claim, or
  - (b) disallow the claim, wholly or to such extent as appears to the officer appropriate.
- (4) A closure notice takes effect when it is issued.
- (5) The claimant may apply to the [<sup>F1085</sup>tribunal] for a direction requiring an officer of the Board to issue a closure notice within a specified period.

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- [<sup>F1086</sup>(6) Any such application is to be subject to the relevant provisions of Part 5 of this Act (see, in particular, section 48(2)(b)).]
- (7) The [<sup>F1087</sup>tribunal] shall give the direction applied for unless <sup>F1088</sup>... satisfied that there are reasonable grounds for not issuing a closure notice within a specified period.
- (8) In relation to a partnership claim, references in this paragraph to the claimant are to the person who made the claim or his successor.]

#### Textual Amendments

- F1085**Word in Sch. 1A para. 7(5) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 56(2)**
- F1086**Sch. 1A para. 7(6) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 56(3)**
- F1087**Word in Sch. 1A para. 7(7) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 56(4)(a)**
- F1088**Words in Sch. 1A para. 7(7) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 56(4)(b)**

#### *Giving effect to such amendments*

- 8 (1) An officer of the Board or the Board shall, within 30 days [<sup>F1089</sup>after the date of issue of a closure notice amending a claim other than a partnership claim under paragraph 7(2)] above, give effect to the amendment by making such adjustment as may be necessary, whether—
- (a) by way of assessment on the claimant, or
  - (b) by discharge of tax or, on proof to the satisfaction of the officer or the Board that any tax has been paid by the claimant by deduction or otherwise, by repayment of tax.
- (2) An officer of the Board or the Board shall, within 30 days [<sup>F1090</sup>after the date of issue of a closure notice amending a partnership claim under paragraph 7(2)], give effect to the amendment, as respects each of the relevant partners, by making such adjustment as may be necessary, whether—
- (a) by way of assessment on the partner, or
  - (b) by discharge of tax or, on proof to the satisfaction of the officer or the Board that any tax has been paid by the partner by deduction or otherwise, by repayment of tax.
- (3) An assessment made under sub-paragraph (1) or (2) above shall not be out of time if it is made within the time mentioned in that sub-paragraph.

#### Textual Amendments

- F1089**Words in Sch. 1A para. 8(1) substituted (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), **Sch. 29 para. 34(4)**
- F1090**Words in Sch. 1A para. 8(2) substituted (with effect in accordance with s. 88(3) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), **Sch. 29 para. 34(5)**

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### *Appeals against such amendments*

- 9 <sup>F1091</sup>(1) An appeal may be brought against—
- (a) any conclusion stated or amendment made by a closure notice under paragraph 7(2) above, or
  - (b) any decision contained in a closure notice under paragraph 7(3) above.
- (1A) Notice of the appeal must be given—
- (a) in writing,
  - (b) within 30 days after the date on which the closure notice was issued,
  - (c) to the officer of the Board by whom the closure notice was given.]
- (2) Where, in the case of such an appeal, the issues arising include—
- (a) any question arising under section 278 of the principal Act <sup>F1092</sup>or section 56 or 460 of ITA 2007 (residence etc of claimants)];
  - (b) any question of residence, ordinary residence or domicile; or
  - (c) the question whether a fund is one to which section 615(3) <sup>F1093</sup>of the principal Act] applies (pension funds for service abroad),
- the time for bringing the appeal shall be three months from the <sup>F1094</sup>date mentioned in sub-paragraph <sup>F1095</sup>(1A)(b)] above].
- (3) <sup>F1096</sup>In the case of] an appeal <sup>F1097</sup>against an <sup>F1098</sup>amendment made by a closure notice under paragraph 7(2) above]], <sup>F1099</sup>if an appeal is notified to the tribunal under section 49D, 49G or 49H, the tribunal] may vary the amendment appealed against whether or not the variation is to the advantage of the appellant.
- (4) Where <sup>F1100</sup>any such amendment] is varied, whether by <sup>F1101</sup>HMRC or by the tribunal] or by the order of any court, paragraph 8 above shall (with the necessary modifications) apply in relation to the variation as it applied in relation to the amendment.
- [ If, on <sup>F1103</sup>an appeal notified to the tribunal, the tribunal decides] that a claim <sup>F1102</sup>(5) <sup>F1104</sup>which was the subject of a decision contained in a closure notice under paragraph 7(3)] above should have been allowed or disallowed to an extent different from that specified in the notice, the claim shall be allowed or disallowed accordingly to the extent that appears <sup>F1105</sup>... appropriate, but otherwise the decision in the notice shall stand good.]

#### **Textual Amendments**

- F1091** Sch. 1A para. 9(1)(1A) substituted for Sch. 1A para. 9(1) (with effect and application in accordance with s. 88(3), Sch. 29 para. 12(8) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), [Sch. 29 para. 12\(2\)](#)
- F1092** Words in Sch. 1A para. 9(2)(a) substituted (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), [Sch. 1 para. 264\(a\)](#) (with [Sch. 2](#))
- F1093** Words in Sch. 1A para. 9(2)(c) substituted (with effect in accordance with s. 1034(1) of the amending Act) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), [Sch. 1 para. 264\(b\)](#) (with [Sch. 2](#))
- F1094** Words in Sch. 1A para. 9(2) substituted (with effect in accordance with Sch. 19 para. 1 of the amending Act) by [Finance Act 1996 \(c. 8\)](#), [Sch. 19 para. 10\(2\)](#)
- F1095** Word in Sch. 1A para. 9(2) substituted (with effect and application in accordance with s. 88(3), Sch. 29 para. 12(8) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), [Sch. 29 para. 12\(3\)](#)
- F1096** Words in Sch. 1A para. 9(3) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), [Sch. 1 para. 57\(2\)\(a\)](#)

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- F1097** Words in Sch. 1A para. 9(3) substituted (with effect in accordance with Sch. 19 para. 1 of the amending Act) by [Finance Act 1996 \(c. 8\)](#), **Sch. 19 para. 10(3)**
- F1098** Words in Sch. 1A para. 9(3) substituted (with effect and application in accordance with s. 88(3), Sch. 29 para. 12(8) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), **Sch. 29 para. 12(4)**
- F1099** Words in Sch. 1A para. 9(3) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 57(2)(b)**
- F1100** Words in Sch. 1A para. 9(4) substituted (with effect and application in accordance with s. 88(3), Sch. 29 para. 12(8) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), **Sch. 29 para. 12(5)**
- F1101** Words in Sch. 1A para. 9(4) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 57(3)**
- F1102** Sch. 1A para. 9(5) inserted (with effect in accordance with Sch. 19 para. 1 of the amending Act) by [Finance Act 1996 \(c. 8\)](#), **Sch. 19 para. 10(4)**
- F1103** Words in Sch. 1A para. 9(5) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 57(4)(a)**
- F1104** Words in Sch. 1A para. 9(5) substituted (with effect and application in accordance with s. 88(3), Sch. 29 para. 12(8) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), **Sch. 29 para. 12(6)**
- F1105** Words in Sch. 1A para. 9(5) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 57(4)(b)**

**F1106** 10 . . . . .

**Textual Amendments**  
**F1106** Sch. 1A para. 10 omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 58**

**F1107** 11 . . . . . ]

**Textual Amendments**  
**F1107** Sch. 1A para. 11 omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 58**

[**F1108**SCHEDULE 1B

CLAIMS FOR RELIEF INVOLVING TWO OR MORE YEARS

**Textual Amendments**  
**F1108** Sch. 1B inserted (with effect in accordance with s. 128(11) of the amending Act) by [Finance Act 1996 \(c. 8\)](#), s. 128(2), **Sch. 17**

*Preliminary*

- 1 (1) In this Schedule—  
(a) any reference to a claim includes a reference to an election or notice; and

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- (b) any reference to the amount in which a person is chargeable to tax is a reference to the amount in which he is so chargeable after taking into account any relief or allowance for which a claim is made.

[<sup>F1109</sup>(2) For the purposes of this Schedule, two or more claims made by the same person are associated with each other if each of them [<sup>F1110</sup>is a claim to which this Schedule applies and the same] year of assessment is the earlier year in relation to each of those claims.

- (3) In sub-paragraph (2) above, any reference to claims [<sup>F1111</sup>includes a reference to amendments and revocations to which paragraph 4 below applies.]]

#### Textual Amendments

**F1109** Sch. 1B para. 1(2)(3) substituted (with application in accordance with Sch. 24 para. 3(2) of the amending Act) by [Finance Act 2001 \(c. 9\)](#), [Sch. 24 para. 3\(1\)](#)

**F1110** Words in Sch. 1B para. 1(2) substituted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#), s. 883(1), [Sch. 1 para. 382\(2\)\(a\)](#) (with [Sch. 2](#))

**F1111** Words in Sch. 1B para. 1(3) substituted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\)](#), s. 883(1), [Sch. 1 para. 382\(2\)\(b\)](#) (with [Sch. 2](#))

#### *Loss relief*

- 2 (1) This paragraph applies where a person makes a claim requiring relief for a loss incurred or treated as incurred, or a payment made, in one year of assessment (“the later year”) to be given in an earlier year of assessment (“the earlier year”).
- (2) Section 42(2) of this Act shall not apply in relation to the claim.
- (3) The claim shall relate to the later year.
- (4) Subject to sub-paragraph (5) below, the claim shall be for an amount equal to the difference between—
- (a) the amount in which the person is chargeable to tax for the earlier year (“amount A”); and
  - (b) the amount in which he would be so chargeable on the assumption that effect could be, and were, given to the claim in relation to that year (“amount B”).
- (5) Where effect has been given to one or more associated claims, amounts A and B above shall each be determined on the assumption that effect could have been, and had been, given to the associated claim or claims in relation to the earlier year.
- (6) Effect shall be given to the claim in relation to the later year, whether by repayment or set-off, or by an increase in the aggregate amount given by section 59B(1)(b) of this Act, or otherwise.
- (7) For the purposes of this paragraph, any deduction made under section 62(2) of the 1992 Act (death: general provisions) in respect of an allowable loss shall be deemed to be made in pursuance of a claim requiring relief to be given in respect of that loss.

#### *Relief for fluctuating profits of farming etc.*

- 3 (1) This paragraph applies where a person who is or has been carrying on [<sup>F1112</sup>a qualifying trade, profession or vocation (within the meaning of Chapter 16 of Part



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2 of ITTOIA 2005) claims that Chapter 16 of Part 2 of ITTOIA 2005] shall have effect in relation to his profits from that trade<sup>F1113</sup>, profession or vocation] for two consecutive years of assessment (“the earlier year” and “the later year”).

- (2) The claim shall relate to the later year.
- (3) Subject to sub-paragraph (4) below, in so far as the claim relates to the profits of the earlier year, the claim shall be for an amount equal to the difference between—
  - (a) the amount in which the person is chargeable to tax for the earlier year (“amount A”); and
  - (b) the amount in which he would be so chargeable on the assumption that effect could be, and were, given to the claim in relation to that year (“amount B”).
- (4) Where effect has been given to one or more associated claims, amounts A and B above shall each be determined on the assumption that effect could have been, and had been, given to the associated claim or claims in relation to the earlier year.
- (5) In so far as the claim relates to the profits of the earlier year, effect shall be given to the claim in relation to the later year by an increase in the amount of tax payable or, as the case may require, in the aggregate amount given by section 59B(1)(b) of this Act.
- (6) Where this paragraph applies twice in relation to the same year of assessment, the increase or reduction in the amount of tax payable for that year which is required by sub-paragraph (5) above on the earlier application shall be disregarded in determining amounts A and B above for the purposes of the later application.

#### Textual Amendments

**F1112** Words in Sch. 1B para. 3(1) substituted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\), s. 883\(1\), Sch. 1 para. 382\(3\)\(a\)](#) (with Sch. 2)

**F1113** Words in Sch. 1B para. 3(1) inserted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\), s. 883\(1\), Sch. 1 para. 382\(3\)\(b\)](#) (with Sch. 2)

*Relief claimed by virtue of <sup>F1114</sup>section 224(4) of ITTOIA 2005]*

#### Textual Amendments

**F1114** Words in Sch. 1B para. 4 cross-heading substituted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\), s. 883\(1\), Sch. 1 para. 382\(5\)](#) (with Sch. 2)

- 4 (1) This paragraph applies where—
  - (a) a person who <sup>F1115</sup>claims that Chapter 16 of Part 2 of ITTOIA 2005] shall have effect for two consecutive years of assessment (“the earlier year” and “the later year”) makes or amends a claim for relief under any other provision of the Income Tax Acts for either of those years; and
  - (b) the making or amendment of the claim would be out of time but for <sup>F1116</sup>section 224(4) of that Act].
- (2) The claim or amendment shall relate to the later year.

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- (3) Subject to sub-paragraph (4) below, in so far as the claim or amendment relates to income of the earlier year, the amount claimed, or (as the case may be) the increase or reduction in the amount claimed, shall be equal to the difference between—
- (a) the amount in which the person is chargeable to tax for the earlier year (“amount A”); and
  - (b) the amount in which he would be so chargeable on the assumption that effect could be, and were, given to the claim or amendment in relation to that year (“amount B”).
- (4) Where effect has been given to one or more associated claims, amounts A and B above shall each be determined on the assumption that effect could have been, and had been, given to the associated claim or claims in relation to the earlier year.
- (5) In so far as the claim or amendment relates to income of the earlier year, effect shall be given to the claim or amendment in relation to the later year by an increase in the amount of tax payable or, as the case may require, in the aggregate amount given by section 59B(1)(b) of this Act.
- (6) In this paragraph “amendment” shall be construed accordingly.

#### Textual Amendments

**F1115** Words in Sch. 1B para. 4(1)(a) substituted (with effect in accordance with s. 883(1) of the amending Act) by *Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), Sch. 1 para. 382(4)(a)* (with Sch. 2)

**F1116** Words in Sch. 1B para. 4(1)(b) substituted (with effect in accordance with s. 883(1) of the amending Act) by *Income Tax (Trading and Other Income) Act 2005 (c. 5), s. 883(1), Sch. 1 para. 382(4)(b)* (with Sch. 2)

#### *Carry-back of post-cessation etc. receipts*

- 5 (1) This paragraph applies where a person who has received a sum to which [F1117 section 257 of ITTOIA 2005] applies (election for carry-back) makes an election under that section requiring tax to be charged as if the sum were received on [F1118 the date of the cessation]; and in this paragraph—
- “the earlier year” means the year in which the sum is treated as received;  
“the later year” means the year in which the sum is received.
- (2) The claim shall relate to the later year.
- (3) Subject to sub-paragraph (4) below, the claim shall be for an amount equal to the difference between—
- (a) the amount in which the person is chargeable to tax for the earlier year (“amount A”); and
  - (b) the amount in which he would be so chargeable on the assumption that effect could be, and were, given to the claim in relation to that year (“amount B”).
- (4) Where effect has been given to one or more associated claims, amounts A and B above shall each be determined on the assumption that effect could have been, and had been, given to the associated claim or claims in relation to the earlier year.

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- (5) In computing amount B for the purposes of this paragraph, no further deduction or relief shall be made or given in respect of any loss or allowance deducted in pursuance of [<sup>F1119</sup>section 254 of ITTOIA 2005].
- (6) Effect shall be given to the claim in relation to the later year by an increase in the amount of tax payable.

**Textual Amendments**

- F1117** Words in Sch. 1B para. 5(1) substituted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\), s. 883\(1\), Sch. 1 para. 382\(6\)\(a\)\(i\)](#) (with Sch. 2)
- F1118** Words in Sch. 1B para. 5(1) substituted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\), s. 883\(1\), Sch. 1 para. 382\(6\)\(a\)\(ii\)](#) (with Sch. 2)
- F1119** Words in Sch. 1B para. 5(5) substituted (with effect in accordance with s. 883(1) of the amending Act) by [Income Tax \(Trading and Other Income\) Act 2005 \(c. 5\), s. 883\(1\), Sch. 1 para. 382\(6\)\(b\)](#) (with Sch. 2)

*Backward spreading of certain payments*

<sup>F1120</sup>6 . . . . . ]

**Textual Amendments**

- F1120** Sch. 1B para. 6 repealed (with effect in accordance with s. 71(3) of the amending Act) by [Finance Act 2001 \(c. 9\), Sch. 33 Pt. 2\(6\)](#)

<sup>F1121</sup>SCHEDULE 2

**Textual Amendments**

- F1121** Sch. 2 repealed (with effect in accordance with Sch. 22 para. 12 of the amending Act) by [Finance Act 1996 \(c. 8\), Sch. 22 para. 6, Sch. 41 Pt. 5\(12\)](#)

<sup>F1122</sup>SCHEDULE 3

Section 44.

**Textual Amendments**

- F1122** Sch. 3 omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\), art. 1\(2\), Sch. 1 para. 59](#)

**Status:** Point in time view as at 13/08/2009. This version of this Act contains provisions that are not valid for this point in time.

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## [<sup>F1123</sup>SCHEDULE 3ZA

### DATE BY WHICH PAYMENT TO BE MADE AFTER AMENDMENT OR CORRECTION OF SELF-ASSESSMENT

#### Textual Amendments

**F1123** Sch. 3ZA inserted (with effect and application in accordance with s. 88(3) Sch. 29 para. 16 of the amending Act) by [Finance Act 2001 \(c. 9\)](#), [Sch. 29 para. 15](#)

#### *General*

- 1 (1) This Schedule specifies the day by which tax has to be paid (or repaid) following the amendment or correction of a self-assessment.
- (2) If in any case the general rules in section 59B(3) and (4) of this Act give a later day, those rules apply instead.
- (3) The provisions of this Schedule have effect subject to section 55(6) and (9) of this Act (provisions as to postponement of payment, etc. in case of appeal).

#### *Amendment of personal or trustee return by the taxpayer*

- 2 (1) This paragraph applies where an amount of tax is payable or repayable as a result of the amendment of a self-assessment under section 9ZA of this Act (amendment of personal or trustee return by taxpayer).
- (2) Subject to sub-paragraph (3) below, the amount is payable (or repayable) on or before the day following the end of the period of 30 days beginning with the day on which the notice of amendment was given.
- (3) If section 9B(3) of this Act applies (amendment of self-assessment by taxpayer during enquiry: deferral of effect), then—
  - (a) if the amendment is taken into account as mentioned in paragraph (a)(i) of that subsection, paragraph 5 below (amendment of personal or trustee return by closure notice) applies accordingly; and
  - (b) if the amendment takes effect under paragraph (b) of that subsection on the issue of the closure notice, the amount is payable (or repayable) on or before the day following the end of the period of 30 days beginning with the day on which the closure notice was given.

#### *Correction of personal or trustee return by Revenue*

- 3 (1) This paragraph applies where an amount of tax is payable or repayable as a result of the correction of a self-assessment under section 9ZB of this Act (correction of personal or trustee return by the Revenue).
- (2) The amount is payable (or repayable) on or before the day following the end of the period of 30 days beginning with the day on which the notice of correction was given.

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*Amendment of personal or trustee return to prevent loss of tax*

- 4 (1) This paragraph applies where an amount of tax is payable or repayable as a result of the amendment of a self-assessment under section 9C of this Act (amendment of personal or trustee return by Revenue to prevent loss of tax).
- (2) The amount is payable (or repayable) on or before the day following the end of the period of 30 days beginning with the day on which the notice of amendment was given.

*Amendment of personal or trustee return by closure notice*

- 5 (1) This paragraph applies where an amount of tax is payable or repayable as a result of the amendment of a self-assessment under section 28A of this Act (amendment of personal or trustee return by closure notice following enquiry).
- (2) The amount is payable (or repayable) on or before the day following the end of the period of 30 days beginning with the day on which the closure notice was given.

*Amendment consequential on amendment of partnership return by taxpayer*

- 6 (1) This paragraph applies where an amount of tax is payable or repayable as a result of the amendment of a self-assessment under section 12ABA(3)(a) of this Act (consequential amendment of partner's personal or trustee return where partnership return amended by taxpayer).
- (2) The amount is payable (or repayable) on or before the day following the end of the period of 30 days beginning with the day on which the notice under section 12ABA(3)(a) of this Act was given.

*Amendment consequential on correction of partnership return by Revenue*

- 7 (1) This paragraph applies where an amount of tax is payable or repayable as a result of the amendment of a self-assessment under section 12ABB(6)(a) of this Act (consequential amendment of partner's personal or trustee return where partnership return corrected by Revenue).
- (2) The amount is payable (or repayable) on or before the day following the end of the period of 30 days beginning with the day on which the notice under section 12ABB(6)(a) of this Act was given.

*Amendment consequential on amendment of partnership return by closure notice*

- 8 (1) This paragraph applies where an amount of tax is payable or repayable as a result of the amendment of a self-assessment under section 28B(4)(a) of this Act (consequential amendment of partner's personal or trustee return where partnership return amended by closure notice).
- (2) The amount is payable (or repayable) on or before the day following the end of the period of 30 days beginning with the day on which the notice under section 28B(4)(a) of this Act was given.

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*Amendment consequential on amendment of partnership return to prevent loss of tax*

- 9 (1) This paragraph applies where an amount of tax is payable or repayable as a result of the amendment of a self-assessment under section 30B(2)(a) of this Act (consequential amendment of partner’s personal or trustee return where partnership return amended by Revenue to prevent loss of tax).
- (2) The amount is payable (or repayable) on or before the day following the end of the period of 30 days beginning with the day on which the notice under section 30B(2) (a) of this Act was given.

*Amendment consequential on amendment of partnership return by way of error or mistake relief*

F1124 10 .....

**Textual Amendments**  
 F1124 Sch. 3ZA para. 10 omitted (with effect in accordance with s. 100(2) of the amending Act) by virtue of Finance Act 2009 (c. 10), **Sch. 52 para. 8** (with Sch. 52 para. 11)

*Amendment consequential on reduction or increase on appeal of amounts stated in partnership statement*

- 11 (1) This paragraph applies where an amount of tax is payable or repayable as a result of the amendment of a self-assessment under section 50(9)(a) of this Act (consequential amendment of partner’s personal or trustee return where partnership statement amended by Revenue following decision on appeal).
- (2) The amount is payable (or repayable) on or before the day following the end of the period of 30 days beginning with the day on which the notice under section 50(9) (a) of this Act was given.]

VALID FROM 11/07/2019

F1125 SCHEDULE 3ZC Section 59FB

CT PAYMENT PLANS FOR TAX ON CERTAIN TRANSACTIONS WITH EEA RESIDENTS

**Textual Amendments**  
 F1125 Sch. 3ZC inserted (retrospective and with effect in accordance with Sch. 7 para. 4(1)(a) of the amending Act) by Finance Act 2020 (c. 14), **Sch. 7 para. 2**

*Introduction*

- 1 This Schedule makes provision enabling a company that is liable to pay qualifying corporation tax for an accounting period to defer payment of the tax by entering into a CT payment plan.

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### *Qualifying corporation tax*

- 2 (1) For the purposes of this Schedule a company is liable to pay qualifying corporation tax for an accounting period if CT1 is greater than CT2 where—
- CT1 is the corporation tax which the company is liable to pay for the accounting period, and
  - CT2 is the corporation tax which the company would be liable to pay for the accounting period if any gains, credits, losses or debits arising in respect of qualifying transactions of the company were ignored.
- (CT2 will be zero if the company would not be liable to pay any corporation tax for the period).
- (2) The amount of qualifying corporation tax which the company is liable to pay is the difference between CT1 and CT2.

### *Qualifying transactions*

- 3 (1) For the purposes of this Schedule each of the following is a qualifying transaction of a company (“the company concerned”)—
- (a) a disposal within sub-paragraph (2),
  - (b) a transaction within sub-paragraph (3),
  - (c) a transaction within sub-paragraph (4), and
  - (d) a transfer within sub-paragraph (5).
- (2) A disposal is within this sub-paragraph if—
- (a) it is a disposal by the company concerned of an asset,
  - (b) it is a disposal to a company (“the transferee”) that at the time of the disposal is resident outside the United Kingdom in an EEA state, and
  - (c) it is a disposal to which section 139 or 171 of TCGA 1992 would apply were the transferee resident at the time of the disposal in the United Kingdom instead.
- (3) A transaction is within this sub-paragraph if—
- (a) it is a transaction, or the first in a series of transactions, as a result of which the company concerned is directly or indirectly replaced as a party to a loan relationship by another company (“the transferee”),
  - (b) at the time of the transaction the transferee is resident outside the United Kingdom in an EEA state, and
  - (c) it is a transaction to which section 340(3) of CTA 2009 would apply were the transferee resident at the time of the transaction in the United Kingdom instead.
- (4) A transaction is within this sub-paragraph if—
- (a) it is a transaction, or the first in a series of transactions, as a result of which the company concerned is directly or indirectly replaced as a party to a derivative contract by another company (“the transferee”),
  - (b) at the time of the transaction the transferee is resident outside the United Kingdom in an EEA state, and
  - (c) it is a transaction to which section 625(3) of CTA 2009 would apply were the transferee resident at the time of the transaction in the United Kingdom instead.

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- (5) A transfer is within this sub-paragraph if—
- (a) it is a transfer from the company concerned of an intangible fixed asset,
  - (b) it is a transfer to a company (“the transferee”) that immediately after the transfer is resident outside the United Kingdom in an EEA state, and
  - (c) it is a transfer to which section 775(1) of CTA 2009 would apply were the transferee resident immediately after the transfer in the United Kingdom instead.
- (6) In this Schedule “transferee”, in relation to a qualifying transaction of a company, means the transferee referred to in sub-paragraph (2), (3), (4) or (5) (as the case may be).

*Eligibility to enter a CT payment plan*

- 4 (1) A company that is liable to pay qualifying corporation tax for an accounting period may enter into a CT payment plan in respect of the tax in accordance with this Schedule.
- (2) The CT payment plan may relate to—
- (a) all of the qualifying corporation tax that the company is liable to pay for the accounting period, or
  - (b) only part of the qualifying corporation tax that the company is liable to pay for the accounting period.
- (3) In this Schedule “deferred tax”, in relation to a CT payment plan, means the qualifying corporation tax to which the plan relates.

*Application to enter a CT payment plan*

- 5 A company that is liable to pay qualifying corporation tax for an accounting period may enter into a CT payment plan in respect of the tax only if—
- (a) an application to enter into the plan is made to HMRC before the end of the period of 9 months beginning immediately after the accounting period, and
  - (b) the application contains details of all the matters which are required by paragraph 7 to be specified in the plan.

**Modifications etc. (not altering text)**

**C507** Sch. 3ZC para. 5(a) modified (retrospective and with effect in accordance with [Sch. 7 para. 4\(1\)\(a\)](#) of the amending Act) by [Finance Act 2020 \(c. 14\)](#), [Sch. 7 para. 4\(2\)](#)

*Entering into a CT payment plan*

- 6 (1) A company enters into a CT payment plan if—
- (a) the company agrees to pay, and an officer of Revenue and Customs agrees to accept payment of, the deferred tax in accordance with paragraphs 9 to 12,
  - (b) the company agrees to pay interest on the deferred tax in accordance with paragraph 8(3) and (5), and



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- (c) the plan meets the requirements of paragraph 7 as to the matters that must be specified in it.
- (2) The CT payment plan may, in the circumstances mentioned in sub-paragraph (3), contain appropriate provision regarding security for HMRC in respect of the payment of the deferred tax.
- (3) Those circumstances are where an officer of Revenue and Customs considers that agreeing to accept payment of the deferred tax in accordance with paragraphs 9 to 12 would present a serious risk as to collection of the tax in the absence of provision regarding security in respect of its payment.
- (4) A CT payment plan is void if any information furnished by the company in connection with the plan does not fully and accurately disclose all facts and considerations material to the decision of the officer of Revenue and Customs to accept payment of the deferred tax in accordance with paragraphs 9 to 12.

*Content of CT payment plan*

- 7 (1) A CT payment plan entered into by a company must—
- (a) specify the accounting period to which the plan relates (“the accounting period concerned”),
- (b) specify the amount of qualifying corporation tax which, in the company's opinion, is payable by it in respect of the accounting period concerned,
- (c) specify the amount of the deferred tax,
- (d) identify each qualifying transaction of the company in respect of which gains or credits arose in the accounting period concerned, and
- (e) specify in relation to each of those qualifying transactions—
- (i) the name of the transferee,
- (ii) the EEA state in which the transferee was resident at the time of the transaction, and
- (iii) the amount of the deferred tax that is attributable to the transaction.
- (2) The amount of the deferred tax that is attributable to a qualifying transaction of the company in respect of which a gain or credit arose in the accounting period concerned is—
- $$A B \times T$$
- where—
- A is the gain or credit that arose in the accounting period concerned in respect of the qualifying transaction,
- B is the total gains or credits that arose in the accounting period concerned in respect of all qualifying transactions of the company,
- T is the amount of the deferred tax.

*Effect of CT payment plan*

- 8 (1) This paragraph applies where a CT payment plan is entered into by a company in accordance with this Schedule.
- (2) As regards when the deferred tax is payable—

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- (a) the CT payment plan does not prevent the deferred tax becoming due and payable under section 59D or 59E, but
- (b) the Commissioners for Her Majesty's Revenue and Customs—
  - (i) may not seek payment of the deferred tax otherwise than in accordance with paragraphs 9 to 12;
  - (ii) may make repayments in respect of any amount of the deferred tax paid, or any amount paid on account of the deferred tax, before the CT payment plan is entered into.
- (3) As regards interest—
  - (a) the deferred tax carries interest in accordance with Part 9 as if the CT payment plan had not been entered into, and
  - (b) each time a payment is made in accordance with paragraphs 9 to 12, it is to be paid together with any interest payable on it.
- (4) As regards penalties, the company will be liable to penalties for late payment of the deferred tax only if it fails to make payments in accordance with paragraphs 9 to 12 (see item 6ZAA of the Table at the end of paragraph 1 of Schedule 56 to the Finance Act 2009).
- (5) Any of the deferred tax which is for the time being unpaid may be paid at any time before it becomes payable under paragraphs 9 to 12 together with interest payable on it to the date of payment.

*The payment method: instalments*

- 9 (1) Where a CT payment plan is entered into by a company, the deferred tax is due in 6 instalments of equal amounts as follows—
  - (a) the first instalment is due on the first day after the period of 9 months beginning immediately after the end of the accounting period to which the plan relates, and
  - (b) the other 5 instalments are due one on each of the first 5 anniversaries of that day.
- (2) But see paragraphs 10 to 12 for circumstances in which all or part of the outstanding balance of the deferred tax becomes due otherwise than by those instalments.

*The payment method: all of outstanding balance due*

- 10 (1) Where at any time after a CT payment plan is entered into by a company an event mentioned in sub-paragraph (2) occurs the outstanding balance of the deferred tax is due on the date on which the next instalment of that tax would otherwise be due.
- (2) The events are—
  - (a) the company becoming insolvent or entering administration;
  - (b) the appointment of a liquidator in respect of the company;
  - (c) an event under the law of a country or territory outside the United Kingdom corresponding to an event in paragraph (a) or (b);
  - (d) the company failing to pay any amount of the deferred tax for a period of 12 months after the date on which the amount becomes due;
  - (e) the company ceasing to be within the charge to corporation tax.

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*All of outstanding balance attributable to particular qualifying transaction due*

- 11 (1) This paragraph applies where—
- (a) a CT payment plan is entered into by a company,
  - (b) during the instalments period a trigger event occurs in relation to a qualifying transaction identified in the plan, and
  - (c) a trigger event has not previously occurred in relation to that qualifying transaction during the instalments period.
- (2) A trigger event occurs in relation to a qualifying transaction if the transferee ceases to be resident in an EEA state and, on so ceasing, does not become resident another EEA state.
- (3) A trigger event occurs in relation to a qualifying transaction if the company and the transferee cease to be members of the same group as one another.
- (4) A trigger event occurs in relation to a qualifying transaction within subparagraph (2) or (5) of paragraph 3 if the transferee disposes of the asset that is the subject of the transaction.
- (5) A trigger event occurs in relation to a qualifying transaction within subparagraph (3) or (4) of paragraph 3 if the transferee ceases to be a party to the loan relationship or derivative contract concerned.
- (6) On the occurrence of the trigger event an amount of the deferred tax is due.
- (7) The amount due is—
- $$(A - B) \times O T$$
- where—
- “A” is the amount of the deferred tax that is attributable to the qualifying transaction (see paragraph 7(2)),
- “B” is the amount of the deferred tax that has previously become due under paragraph 12 by reason of a partial trigger event occurring in relation to the qualifying transaction,
- “O” is the amount of the deferred tax that is outstanding at the time of the trigger event, and
- “T” is the amount of the deferred tax.
- (8) In this paragraph “the instalments period” means the period—
- (a) beginning with the time the CT payment plan is entered into, and
  - (b) ending with the day on which the final instalment of the deferred tax is due under paragraph 9.

*Part of outstanding balance attributable to particular qualifying transaction due*

- 12 (1) This paragraph applies where—
- (a) a CT payment plan is entered into by a company,
  - (b) during the instalments period a partial trigger event occurs in relation to a qualifying transaction listed in the plan, and

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(c) a trigger event has not previously occurred in relation to that qualifying transaction during the instalments period.

(2) A partial trigger event occurs in relation to a qualifying transaction within sub-paragraph (2) of paragraph 3 if the transferee disposes of part (but not all) of the asset that is the subject of the transaction.

Section 21(2)(b) of TCGA 1992 (meaning of part disposal of an asset) applies for the purposes of this sub-paragraph as it applies for the purposes of that Act.

(3) A partial trigger event occurs in relation to a qualifying transaction within sub-paragraph (3) or (4) of paragraph 3 if there is a disposal by the transferee of a right or liability under the loan relationship or derivative contract concerned which amounts to a related transaction (as defined in section 304 or 596 of CTA 2009 as the case may be).

(4) A partial trigger event occurs in relation to a qualifying transaction within sub-paragraph (5) of paragraph 3 if the transferee enters into a subsequent transaction which results in a reduction in the accounting value of the intangible fixed asset that is the subject of the qualifying transaction but does not result in the intangible fixed asset ceasing to be recognised in the transferee's balance sheet.

(5) In relation to an intangible fixed asset that has no balance sheet value (or no longer has a balance sheet value) sub-paragraph (4) applies as if, immediately before the subsequent transaction, it did have a balance sheet value.

(6) On the occurrence of the partial trigger event an amount of the deferred tax is due.

(7) The amount due is the amount that is just and reasonable having regard to the amount that would have been due had a trigger event occurred in relation to the qualifying transaction instead.

(8) In this paragraph “the instalments period” and “trigger event” have the same meaning as in paragraph 11.]

## [<sup>F1126</sup>SCHEDULE 3A

### ELECTRONIC LODGEMENT OF TAX RETURNS, ETC.

#### Textual Amendments

**F1126** Sch. 3A inserted (1.5.1995) by [Finance Act 1995 \(c. 4\)](#), **Sch. 28 para. 2**

#### Modifications etc. (not altering text)

**C508** Sch. 3A applied (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\)](#), regs. 1(1), **9(6)**

**C509** Sch. 3A applied (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\)](#), regs. 1(1), **13(6)** (with reg. 1(4)(6))

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## PART I

### TAX RETURNS: GENERAL

#### *The basic rule*

- 1 (1) Sub-paragraph (2) below applies where a person is—
  - (a) required by a notice to which this Schedule applies, or
  - (b) subject to any other requirement to which this Schedule applies, to deliver or make a return to an officer of the Board or to the Board.
- (2) The requirement to deliver or make the return shall be treated as fulfilled by the person subject to the requirement if—
  - (a) information is transmitted electronically in response to that requirement; and
  - (b) each of the conditions in Part III of this Schedule is met with respect to that transmission.
- (3) Sub-paragraphs (4) and (5) below apply where the requirement to deliver or make the return is fulfilled by virtue of sub-paragraph (2) above.
- (4) Any requirement—
  - (a) under any provision of Part II of this Act [<sup>F1127</sup>or Schedule 18 to the Finance Act 1998] that the return include a declaration by the person making the return to the effect that the return is to the best of his knowledge correct and complete, or
  - (b) under or by virtue of any other provision of the Taxes Acts that the return be signed or include any description of declaration or certificate,shall not apply.
- (5) The time at which the requirement to deliver or make the return is fulfilled is the end of the day during which the last of the conditions in Part III of this Schedule to be met with respect to the transmission is met.
- (6) In sub-paragraph (2)(a) above “information” includes any self-assessment, partnership statement, particulars or claim.

#### **Textual Amendments**

**F1127** Words in Sch. 3A para. 1(4)(a) inserted (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 19 para. 43\(2\)](#); [S.I. 1998/3173](#), art. 2

#### *Returns to which Schedule applies*

- 2 (1) This Schedule applies to a notice requiring a return to be delivered or made if—
  - (a) the notice is given under any provision of the Taxes Acts or of regulations made under the Taxes Acts;
  - (b) the provision is specified for the purposes of this Schedule by an order made by the Treasury; and
  - (c) the notice is given after the day appointed by the order in relation to notices under the provision so specified.
- (2) This Schedule applies to any other requirement to deliver or make a return if—

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- (a) the requirement is imposed by any provision of the Taxes Acts or of regulations made under the Taxes Acts;
  - (b) the provision is specified for the purposes of this Schedule by an order made by the Treasury; and
  - (c) the requirement is required to be fulfilled within a period beginning after the day appointed by the order in relation to the specified provision.
- (3) The power to make an order under this paragraph shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of the House of Commons.
- (4) For the purposes of this Schedule, any reference to a requirement to deliver a return includes, in relation to regulations made under the principal Act [<sup>F1128</sup>or under ITEPA 2003][<sup>F1129</sup>or ITTOIA 2005], a reference to a requirement to render a return.

#### Textual Amendments

**F1128** Words in Sch. 3A para. 2(4) inserted (with effect in accordance with s. 723(1)(a)(b) of the amending Act) by *Income Tax (Earnings and Pensions) Act 2003 (c. 1)*, **Sch. 6 para. 143** (with Sch. 7)

**F1129** Words in Sch. 3A para. 2(4) inserted (with effect in accordance with s. 883(1) of the amending Act) by *Income Tax (Trading and Other Income) Act 2005 (c. 5)*, s. 883(1), **Sch. 1 para. 384** (with Sch. 2)

## PART II

### DOCUMENTS SUPPORTING CERTAIN TAX RETURNS

- 3 (1) This paragraph applies where—
- (a) a person is required by a notice to which this Schedule applies to deliver a return to an officer of the Board;
  - (b) the notice also requires any document other than the return (“a supporting document”) to be delivered;
  - (c) the provision under which the notice is given requires the supporting document to be delivered with the return;
  - (d) the notice states that the supporting document may be transmitted electronically; and
  - (e) the requirement to deliver the return is fulfilled by virtue of paragraph 1(2) of this Schedule.
- (2) The requirement to deliver the supporting document shall be treated as fulfilled by the person subject to the requirement if—
- (a) information is transmitted electronically in response to that requirement; and
  - (b) each of the conditions in Part III of this Schedule is met with respect to that transmission.
- (3) If information is not transmitted electronically in response to the requirement to deliver the supporting document, that requirement shall have effect as a requirement to deliver the document on or before the day which is the last day for the delivery of the return.
- (4) For the purposes of sub-paragraph (1)(b) above the reference to a document includes in particular a reference to any accounts, statements or reports.

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- (5) Where the requirement to deliver the supporting document is fulfilled by virtue of sub-paragraph (2) above, the time at which it is fulfilled is the end of the day during which the last of the conditions in Part III of this Schedule to be met with respect to the transmission is met.

### PART III

#### THE CONDITIONS

##### *Approved persons*

- 4 (1) The first condition is that the transmission must be made by a person approved by the Board.
- (2) A person seeking approval under this paragraph shall be given notice of the grant or refusal of approval.
- (3) A person may be approved for the purpose of transmitting the information—
- (a) on behalf of another person or other persons; or
  - (b) on his own behalf.
- (4) An approval under this paragraph may be withdrawn by notice with effect from such date as may be specified in the notice.
- (5) A notice refusing or withdrawing an approval shall state the grounds for the refusal or withdrawal.
- (6) A person who is refused approval or whose approval is withdrawn may appeal <sup>F1130</sup>... against the refusal or withdrawal.
- (7) The appeal shall be made by notice given to the Board before the end of the period of 30 days beginning with the day on which notice of the refusal or withdrawal was given to the appellant.
- (8) [<sup>F1131</sup>If an appeal is notified to the tribunal under section 49D, 49G or 49H, the tribunal] shall not allow the appeal unless it appears <sup>F1132</sup>... that, having regard to all the circumstances, it is unreasonable for the approval to be refused or (as the case may be) withdrawn.
- (9) If the [<sup>F1133</sup>tribunal allows] an appeal by a person who has been refused approval, [<sup>F1134</sup>it] shall specify the date from which the approval is to have effect.

#### Textual Amendments

**F1130** Words in Sch. 3A para. 4(6) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 61(2)**

**F1131** Words in Sch. 3A para. 4(8) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 61(3)(a)**

**F1132** Words in Sch. 3A para. 4(8) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 61(3)(b)**

**F1133** Words in Sch. 3A para. 4(9) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 61(4)(a)**

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**F1134** Word in Sch. 3A para. 4(9) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), [Sch. 1 para. 61\(4\)\(b\)](#)

#### *Approved manner of transmission*

- 5
- (1) The second condition applies if the person who makes the transmission is notified by the Board of any requirements for the time being applicable to him as to the manner in which transmissions are to be made by him or as to the manner in which any description of transmission is to be made by him.
  - (2) The second condition is that the transmission must comply with the requirements so notified.
  - (3) The requirements referred to include in particular requirements as to—
    - (a) the hardware or type of hardware, or
    - (b) the software or type of software,
 to be used to make transmissions or a description of transmissions.

#### *Content of transmission*

- 6
- The third condition is that the transmission must signify, in a manner approved by the Board, that before the transmission was made a hard copy of the information proposed to be transmitted was made and authenticated in accordance with Part IV of this Schedule.

#### *Procedure for accepting electronic transmissions*

- 7
- (1) The fourth condition is that the information transmitted must be accepted for electronic lodgement.
  - (2) For the purposes of this Schedule, information is accepted for electronic lodgement if it is accepted under a procedure selected by the Board for the purposes of this Schedule.
  - (3) The selected procedure may in particular consist of or include the use of specially designed software.

### PART IV

#### HARD COPIES OF INFORMATION TRANSMITTED

#### *Provisions about making of hard copies*

- 8
- (1) A hard copy is made in accordance with this Part of this Schedule if it is made under arrangements designed to ensure that the information contained in the hard copy is the information in fact transmitted.
  - (2) A hard copy is authenticated in accordance with this Part of this Schedule if—
    - (a) where the transmission is made in response to a requirement imposed by a notice under Part II of this Act [<sup>F1135</sup>or Schedule 18 to the Finance Act 1998] to deliver a return, the hard copy is endorsed with a declaration by



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- the relevant person that the hard copy is to the best of his knowledge correct and complete; and
- (b) in any other case, if the hard copy is signed by the relevant person.
- (3) In sub-paragraph (2) above “the relevant person” means—
- (a) where the transmission is made as mentioned in sub-paragraph (2)(a) above, the person who, but for paragraph 1(4)(a) of this Schedule, would have been required to make the declaration there mentioned;
- (b) in any other case, the person subject to the requirement to deliver or make the return or, in the case of a document other than a return, deliver the document.

#### Textual Amendments

**F1135** Words in Sch. 3A para. 8(2)(a) inserted (with effect in accordance with s. 117(4)(5) of the amending Act) by [Finance Act 1998 \(c. 36\)](#), [Sch. 19 para. 43\(3\)](#); [S.I. 1998/3173](#), art. 2

#### *Meaning of “hard copy”*

- 9 In this Part of this Schedule “hard copy”, in relation to information held electronically, means a printed out version of that information.

### PART V

#### STATUS OF INFORMATION

##### *Exercise of powers*

- 10 (1) Sub-paragraphs (2) to (5) below apply where information transmitted in response to a requirement to deliver or make a return is accepted for electronic lodgement.
- (2) An officer of the Board shall have all the powers that he would have had if the information accepted had been contained in a return delivered by post.
- (3) The Board shall have all the powers that they would have had if the information accepted had been contained in a return delivered by post.
- (4) Where the information is transmitted in response to a notice given under any provision of Part II of this Act, any power which, if the information had been contained in a return delivered by post, a person would have had under this Act to amend the return—
- (a) by delivering a document, or
- (b) by notifying amendments,
- to an officer of the Board, shall have effect as if the power enabled that person to deliver a statement of amended information to the officer.
- (5) Any right that a person would have had, if the information transmitted had been contained in a return delivered by post, to claim that tax charged under an assessment was excessive by reason of some mistake or error in the return shall have effect as far as the claimant is concerned as if the information transmitted had been contained in a return delivered by post.

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- (6) Where information transmitted in response to a requirement to deliver a document other than a return is accepted for electronic lodgement, an officer of the Board shall have all the powers that he would have had if the information had been contained in a document delivered by post.
- (7) This paragraph is subject to paragraph 11 of this Schedule.

### *Proceedings*

- 11 (1) Sub-paragraphs (2) to (4) below apply where—
- (a) a person is required by a notice to which this Schedule applies, or subject to any other requirement to which this Schedule applies, to deliver or make a return; and
  - (b) that requirement is fulfilled by virtue of paragraph 1(2) of this Schedule.
- (2) A hard copy shown to have been made and authenticated in accordance with Part IV of this Schedule for the purposes of the transmission in question shall be treated for the purposes of any proceedings as if it were a return delivered or made in response to the requirement.
- (3) Sub-paragraph (4) below applies if no hard copy is shown to have been made and authenticated in accordance with Part IV of this Schedule for the purposes of the transmission in question.
- (4) A hard copy certified by an officer of the Board to be a true copy of the information transmitted shall be treated for the purposes of any proceedings in relation to which the certificate is given as if it—
- (a) were a return delivered or made in response to the requirement in question, and
  - (b) contained any declaration or signature which would have appeared on a hard copy made and authenticated in accordance with Part IV of this Schedule for the purposes of the transmission.
- (5) Where—
- (a) a person is required by a notice to which this Schedule applies to deliver any document other than a return, and
  - (b) that requirement is fulfilled by virtue of paragraph 3(2) of this Schedule, sub-paragraphs (2) to (4) above shall apply as if any reference to a return delivered in response to the requirement were a reference to a document delivered in response to the requirement.
- (6) In this paragraph—
- “hard copy” has the same meaning as in Part IV of this Schedule; and
- “proceedings” includes proceedings before <sup>F1136</sup>... any tribunal having jurisdiction by virtue of any provision of the Taxes Acts.]

#### **Textual Amendments**

**F1136** Words in Sch. 3A para. 11(6) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), [Sch. 1 para. 62](#)

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## SCHEDULE 4

### SAVINGS AND TRANSITORY PROVISIONS

#### *Declaration of secrecy*

- 1 (1) Section 6(4) of this Act shall not apply to a person who, before 10th July 1964, made a declaration in any of the forms set out in Schedule 2 to the Income Tax Act 1952, or a declaration of secrecy in a form approved by the Board.
- (2) General or Special Commissioners or other persons who made declarations in the form in Part I of Schedule 1 to the Income Tax Management Act 1964, or in the form in Schedule 2 to the Income Tax Act 1952, before the coming into force of paragraph 16 of Schedule 10 to the Finance Act 1965 (which included in the form of declaration a reference to the new taxes imposed by that Act) shall be subject to the same obligations as to secrecy with respect to those taxes as they are subject to with respect to income tax.
- (3) The repeals made by the principal Act shall not alter the effect or validity of any declaration made before the commencement of this Act.

#### *Information about interest paid or credited without deduction of tax by banks, etc.*

- 2 A notice served under section 29 of the Income Tax Act 1952 (re-enacted in section 17 of this Act) on the Postmaster General before 1st October 1969 shall, if it has not been complied with before that date, be deemed to have been served on the Director of Savings; and section 17(1) of this Act shall, in its application to the National Savings Bank, have effect as if the reference to interest paid or credited by the Director of Savings included, as regards any period before the said date, a reference to interest paid or credited by the Postmaster General to depositors.

#### *Assessments*

- 3 (1) Section 36 of this Act shall not apply to tax for any year before the year 1936—37.
- (2) Section 41 of this Act shall not apply to any assessment signed before 6th April 1965.

#### *Claims*

- 4 (1) This paragraph has effect as respects relief under any enactment repealed by the principal Act, or repealed or terminated by any Act passed before that Act, so far as it remains in force after the commencement of this Act.
- (2) Section 42 of this Act shall apply to any such relief in like manner as section 9 of the Income Tax Management Act 1964 would have applied but for the passing of this Act, and nothing in the repeals made by the principal Act shall affect any enactment determining whether the claim is made to the inspector or the Board, or the Commissioners to whom an appeal lies on the claim.
- 5 An appeal, or other proceedings in the nature of an appeal, instituted on a claim, or proceedings in the nature of a claim, made before 6th April 1965 shall be continued before the same Commissioners notwithstanding that, under Schedule 2 to this Act or Schedule 2 to the Income Tax Management Act 1964, an appeal on the claim should have been made to some other Commissioners.

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F1137<sup>6</sup> .....

**Textual Amendments**

F1137 Sch. 4 para. 6 repealed (3.5.1994) by [Finance Act 1994 \(c. 9\)](#), **Sch. 26 Pt. 5(22)**

*Choice of Commissioners to hear proceedings*

- 7 Neither section 44 of this Act nor any other provision in this Act shall apply to an appeal against an assessment signed, claim made, or other proceedings instituted, before 6th April 1965 so as to require the proceedings to be heard by Commissioners other than those who would have heard the proceedings if the Income Tax Management Act 1964 had not passed.

*Settling of appeals by agreement*

F1138<sup>g</sup> .....

**Textual Amendments**

F1138 Sch. 4 para. 8 repealed by [Finance Act 1982 \(c. 39\)](#), s.157, **Sch.22 Part X**.

*Interest on tax*

9 F1139<sup>(1)</sup> .....

- (2) For the purposes of section 88 of this Act the due date for payment of so much of any surtax for the year 1965—66 as is attributable to subsection (1) of the said section 15 shall be taken to be 1st September 1967, instead of 1st January 1967.

**Textual Amendments**

F1139 Sch. 4 para. 9(1) repealed by [Finance \(No.2\) Act 1975 \(c. 45\)](#), s. 75, **Sch.14 Part III** in relation to tax charged by assessments notice of which was issued after 31 July 1975.

*Penalties, etc.*

- 10 Section 98 of this Act shall have effect as if the Table contained in it (columns 1 and 2 of which correspond respectively to columns 2 and 3 of Schedule 6 to the Finance Act 1960) included, in the appropriate column, so far as they remained in force, the enactments and regulations mentioned in or added to the said Schedule 6 which were repealed or terminated by any Act passed before this Act.
- 11 Section 103(2) of this Act shall not apply to tax for any year before the year 1936—37.
- 12 The repeals made by the principal Act shall not affect proceedings for any offence punishable under section 505 of the Income Tax Act 1952 and committed before the repeal of the said section 505 by the Theft Act 1968, or, in Northern Ireland, by the Theft Act (Northern Ireland) 1969.

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*Northern Ireland*

F1140 13 .....

**Textual Amendments**

F1140 Sch. 4 para. 13 repealed by [Judicature \(Northern Ireland\) Act 1978 \(c.23\)](#), s.122, [Sch.7](#) on and after 18 April 1979; [S.I. 1978/422](#).

14 Part V of this Act, and the repeal by the principal Act of the provisions corresponding to Part V of this Act, shall not apply to proceedings falling within paragraph 10(1) of Schedule 5 to the Income Tax Management Act 1964 (assessments, etc. for 1964—65 and earlier years).

**Status:**

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**Changes to legislation:**

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