



Taxes Management Act 1970

1970 CHAPTER 9

PART XI

MISCELLANEOUS AND SUPPLEMENTAL

Modifications etc. (not altering text)

- C1** 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
- C2** 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\(b\)](#)

[^{F1} Settlements

Textual Amendments

- F1** 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 ^{F2}... 12B ^{F3}... ^{F4}... of this Act or paragraph 2A of Schedule 1A to this Act [^{F5}or Schedule 24 to the Finance Act 2007][^{F6}or Schedule 41 to the Finance Act 2008][^{F7}or Schedule 55 to the Finance Act 2009], or to interest under [^{F8}section 101 of the Finance Act 2009] on such a penalty;

Status: Point in time view as at 06/04/2012.

Changes to legislation: Taxes Management Act 1970, PART XI is up to date with all changes known to be in force on or before 18 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (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;
- [^{F9}(c) to a penalty under Schedule 56 to the Finance Act 2009^{[^{F10}}, or to interest under section 101 of that Act on such a penalty;]; or]
- (d) to interest under section 86 of this Act [^{F11}or section 101 of the Finance Act 2009],
- the penalty, [^{F12}interest or payment] 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—
- [^{F13}(a) in relation to—
- (i) a penalty under paragraph 4 of Schedule 55 to the Finance Act 2009 in respect of a return or other document falling within item 1, 2 or 3 of the Table in paragraph 1 of that Schedule, or
- (ii) interest under section 101 of that Act on a penalty within subparagraph (i),
- the beginning of the penalty date as defined in paragraph 1(4) of that Schedule;]
- (b) in relation to a penalty under any ^{F14}... provision of this Act mentioned in subsection (2)(a) above, or to interest under [^{F15}section 101 of the Finance Act 2009] on such a penalty, the time when the relevant act or omission occurred; and
- [^{F16}(c) in relation to—
- (i) a penalty under Schedule 56 to the Finance Act 2009 in respect of an amount falling within item 1, 12, 18 or 19 of the Table in paragraph 1 of that Schedule, ^{F17}...
- (ii) a penalty under that Schedule in respect of an amount falling within item 17, 23 or 24 of that Table so far as the tax falls within item 1, [^{F18}or
- (iii) interest under section 101 of that Act on a penalty within subparagraph (i) or (ii),]
- the beginning of the penalty date as defined in paragraph 1(4) of that Schedule;]
- and in paragraph (b) above “the relevant act or omission” means the act or omission which caused the penalty to become payable.
- ^{F19}(4)]

Textual Amendments

- F2** Word in s. 107A(2)(a) omitted (1.4.2010) by virtue of [The Finance Act 2008 \(Penalties for Errors and Failure to Notify etc\) \(Consequential Amendments\) Order 2010 \(S.I. 2010/530\)](#), art. 1, **Sch. para. 3(a)**
- F3** Word in s. 107A(2)(a) omitted (1.4.2011) by virtue of [The Finance Act 2009, Schedules 55 and 56 \(Income Tax Self Assessment and Pension Schemes\) \(Appointed Days and Consequential and Savings Provisions\) Order 2011 \(S.I. 2011/702\)](#), arts. 1(1), **10(2)(a)(i)** (with arts. 20, 22)
- F4** 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)

Status: Point in time view as at 06/04/2012.

Changes to legislation: Taxes Management Act 1970, PART XI is up to date with all changes known to be in force on or before 18 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F5** 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)**
- F6** Words in s. 107A(2)(a) inserted (1.4.2010) by The Finance Act 2008 (Penalties for Errors and Failure to Notify etc) (Consequential Amendments) Order 2010 (S.I. 2010/530), art. 1, **Sch. para. 3(b)**
- F7** Words in s. 107A(2)(a) inserted (1.4.2011) by The Finance Act 2009, Schedules 55 and 56 (Income Tax Self Assessment and Pension Schemes) (Appointed Days and Consequential and Savings Provisions) Order 2011 (S.I. 2011/702), arts. 1(1), **10(2)(a)(ii)** (with arts. 20, 22)
- F8** Words in s. 107A(2)(a) substituted (31.10.2011) by The Finance Act 2009, Sections 101 to 103 (Income Tax Self Assessment) (Appointed Days and Transitional and Consequential Provisions) Order 2011 (S.I. 2011/701), arts. 1(2), **8(2)(a)**
- F9** S. 107A(2)(c) substituted (1.4.2011) by The Finance Act 2009, Schedules 55 and 56 (Income Tax Self Assessment and Pension Schemes) (Appointed Days and Consequential and Savings Provisions) Order 2011 (S.I. 2011/702), arts. 1(1), **10(2)(b)** (with arts. 20, 22)
- F10** Words in s. 107A(2)(c) inserted (31.10.2011) by The Finance Act 2009, Sections 101 to 103 (Income Tax Self Assessment) (Appointed Days and Transitional and Consequential Provisions) Order 2011 (S.I. 2011/701), arts. 1(2), **8(2)(b)**
- F11** Words in s. 107A(2)(d) inserted (31.10.2011) by The Finance Act 2009, Sections 101 to 103 (Income Tax Self Assessment) (Appointed Days and Transitional and Consequential Provisions) Order 2011 (S.I. 2011/701), arts. 1(2), **8(2)(c)**
- F12** Words in s. 107A(2) substituted (1.4.2011) by The Finance Act 2009, Schedules 55 and 56 (Income Tax Self Assessment and Pension Schemes) (Appointed Days and Consequential and Savings Provisions) Order 2011 (S.I. 2011/702), arts. 1(1), **10(2)(c)** (with arts. 20, 22)
- F13** S. 107A(3)(a) substituted (31.10.2011) by The Finance Act 2009, Sections 101 to 103 (Income Tax Self Assessment) (Appointed Days and Transitional and Consequential Provisions) Order 2011 (S.I. 2011/701), arts. 1(2), **8(3)(a)**
- F14** Word in s. 107A(3)(b) omitted (1.4.2011) by virtue of The Finance Act 2009, Schedules 55 and 56 (Income Tax Self Assessment and Pension Schemes) (Appointed Days and Consequential and Savings Provisions) Order 2011 (S.I. 2011/702), arts. 1(1), **10(3)(b)** (with arts. 20, 22)
- F15** Words in s. 107A(3)(b) substituted (31.10.2011) by The Finance Act 2009, Sections 101 to 103 (Income Tax Self Assessment) (Appointed Days and Transitional and Consequential Provisions) Order 2011 (S.I. 2011/701), arts. 1(2), **8(3)(b)**
- F16** S. 107A(3)(c) substituted (1.4.2011) by The Finance Act 2009, Schedules 55 and 56 (Income Tax Self Assessment and Pension Schemes) (Appointed Days and Consequential and Savings Provisions) Order 2011 (S.I. 2011/702), arts. 1(1), **10(3)(c)** (with arts. 20, 22)
- F17** Word in s. 107A(3)(c)(i) omitted (31.10.2011) by virtue of The Finance Act 2009, Sections 101 to 103 (Income Tax Self Assessment) (Appointed Days and Transitional and Consequential Provisions) Order 2011 (S.I. 2011/701), arts. 1(2), **8(3)(c)(i)**
- F18** S. 107A(3)(c)(iii) and preceding word inserted (31.10.2011) by The Finance Act 2009, Sections 101 to 103 (Income Tax Self Assessment) (Appointed Days and Transitional and Consequential Provisions) Order 2011 (S.I. 2011/701), arts. 1(2), **8(3)(c)(ii)**
- F19** S. 107A(4) omitted (1.4.2011) by virtue of The Finance Act 2009, Schedules 55 and 56 (Income Tax Self Assessment and Pension Schemes) (Appointed Days and Consequential and Savings Provisions) Order 2011 (S.I. 2011/702), arts. 1(1), **10(4)** (with arts. 20, 22)

Modifications etc. (not altering text)

- C3** 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**

Status: Point in time view as at 06/04/2012.

Changes to legislation: Taxes Management Act 1970, PART XI is up to date with all changes known to be in force on or before 18 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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 [^{F20}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 [^{F21}any] 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 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 [^{F22}or administrator] has been appointed for the company the liquidator [^{F23}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 .

^{F24}(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

- F20** Words in s. 108(1) inserted (27.7.1993) by 1993 c. 34, s. 120, **Sch. 14 para.7**
- F21** Word in s. 108(2) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments\) \(Taxes and National Insurance\) Order 2009 \(S.I. 2009/1890\)](#), arts. 1(1), **3(3)(c)**
- F22** 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)**
- F23** 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)**
- F24** 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**.

Status: Point in time view as at 06/04/2012.

Changes to legislation: Taxes Management Act 1970, PART XI is up to date with all changes known to be in force on or before 18 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Modifications etc. (not altering text)

- C4** S. 108 applied (with modifications) (31.7.1997) by Finance (No. 2) Act 1997 (c. 58), **Sch. 2 para. 18**
- C5** 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**
- C6** 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
- C7** S. 108 applied (21.7.2009) by Finance Act 2009 (c. 10), **Sch. 49 para. 7(a)** (with Sch. 49)
- C8** 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)**
- C9** S. 108 applied (8.4.2010) by Finance Act 2010 (c. 13), **Sch. 1 para. 40(1)(a)**
- C10** S. 108 applied (with modifications) (1.4.2012) by Finance Act 2011 (c. 11), **Sch. 23 paras. 43(a), 65(1)(a)** (with Sch. 23 paras. 50, 65(1)(b))
- C11** S. 108(1) applied (12.5.2001) by **The Social Security Contributions (Share Options) Regulations 2001** (S.I. 2001/1817), regs. 1, **4(3)**
- C12** S. 108 applied (with modifications) by the Oil Taxation Act 1975 (c. 22), s. 1, **Sch. 2 para. 1(1)**
- C13** 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)
- C14** S. 108(3)(4) applied (16.12.2010) by Finance (No. 3) Act 2010 (c. 33), **Sch. 5 para. 37(6)**
- C15** S. 108 applied (with modifications) by Finance Act 1981 (c. 35), s. 134, Sch.17 para.18 (special tax on banking deposits).

[^{F25}109 Corporation tax on close company in connection with loans to participators etc.

(1) The provisions of [^{F26}sections 455 to 459 of CTA 2010] (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.

^{F27}(2)

(3) For the purposes of section [^{F28}87A] of this Act as applied by subsection (1) above, the date when tax [^{F29}under [^{F30}section 455 of CTA 2010] became due and payable shall be that determined in accordance with subsection [^{F31}(3)]of that section].

[If
^{F32}(3A)^{F33}(a)] there is such a repayment of the whole or any part of a loan or advance as is referred to in [^{F34}subsection (2) of section 458 of CTA 2010], [^{F35}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 [^{F36}section 455 of CTA 2010] as is referable to the amount repaid[^{F37}, released or written off] shall not be payable in respect of any period after the date on which the repayment was made [^{F38}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 [^{F39}section 458 of CTA 2010].

Status: Point in time view as at 06/04/2012.

Changes to legislation: Taxes Management Act 1970, PART XI is up to date with all changes known to be in force on or before 18 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (5) For the purposes of the said section 91, a relief from tax under [F40 sections 455 to 459 of CTA 2010] shall not be treated as affecting tax charged by any assessment unless the assessment is to tax under that section.]

Textual Amendments

- F25** S. 109 substituted (in relation to times after 5 April 1973) by [Finance Act 1972 \(c. 41\)](#), s. 111, [Sch. 24 para. 13](#) (subject to s. 111(3)).
- F26** Words in s. 109(1) substituted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), [Sch. 1 para. 158\(2\)](#) (with Sch. 2)
- F27** S. 109(2) omitted (with effect with respect to loans or advances made (or treated as made) in any accounting period ending after 30.9.1993) by virtue of [Finance \(No. 2\) Act 1987 \(c. 51\)](#), s. 91(1) (with s. 91(4)); S.I. 1992/3066, [art. 2\(2\)\(a\)](#)
- F28** 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\(2\)\(a\)](#)
- F29** 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\(2\)\(a\)](#)
- F30** Words in s. 109(3) substituted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), [Sch. 1 para. 158\(3\)](#) (with Sch. 2)
- F31** Words substituted by [Income and Corporation Taxes Act 1988 \(c. 1\)](#), [Sch. 29 para. 10\(8\)\(a\)](#)
- F32** 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\(2\)\(a\)](#)
- F33** 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\(2\)\(a\)](#)
- F34** Words in s. 109(3A)(a) substituted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), [Sch. 1 para. 158\(4\)\(a\)](#) (with Sch. 2)
- F35** 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\(2\)\(b\)](#)
- F36** Words in s. 109(3A) substituted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), [Sch. 1 para. 158\(4\)\(b\)](#) (with Sch. 2)
- F37** 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\(2\)\(c\)](#)
- F38** 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\(2\)\(d\)](#)
- F39** Words in s. 109(4) substituted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), [Sch. 1 para. 158\(5\)](#) (with Sch. 2)
- F40** Words in s. 109(5) substituted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), [Sch. 1 para. 158\(6\)](#) (with Sch. 2)

[F41] 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.]

Status: Point in time view as at 06/04/2012.

Changes to legislation: Taxes Management Act 1970, PART XI is up to date with all changes known to be in force on or before 18 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

- F41** 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](#))

^{F42}Companies ceasing to be UK resident

Textual Amendments

- F42** Ss. 109B-109F and cross-heading inserted (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\)](#), s. 381(1), **Sch. 7 para. 54** (with [Sch. 9 paras. 1-9, 22](#))

109B Provisions for securing payment by company of outstanding tax

- (1) Each of conditions A to D must be met before a company ceases to be resident in the United Kingdom.
- (2) Condition A is that the company gives to the Commissioners for Her Majesty's Revenue and Customs notice of its intention to cease to be resident in the United Kingdom.
- (3) Condition B is that the notice specifies the time ("the migration time") when the company intends to cease to be resident in the United Kingdom.
- (4) Condition C is that the company gives to the Commissioners—
 - (a) a statement of the amount which, in its opinion, is the amount of the tax which is or will be payable by it in respect of periods beginning before the migration time, and
 - (b) particulars of the arrangements which it proposes to make for securing the payment of that tax.
- (5) Condition D is that—
 - (a) arrangements are made by the company for securing the payment of the tax which is or will be payable by it in respect of periods beginning before the migration time, and
 - (b) those arrangements, as made by the company, are approved for the purposes of this subsection by the Commissioners.
- (6) If any question arises as to the amount which, for the purposes of subsection (5), should be regarded as the amount of tax which is or will be payable by the company in respect of periods beginning before the migration time, that question is to be referred to the tribunal.
- (7) A decision of the tribunal under subsection (6) is final, despite sections 11 and 13 of the TCEA 2007 (appeals from tribunal decisions).
- (8) If any information furnished by the company for the purpose of securing the Commissioners' approval under subsection (5) does not fully and accurately disclose all facts and considerations material for the Commissioners' decision under that subsection, any resulting approval is void.

Status: Point in time view as at 06/04/2012.

Changes to legislation: Taxes Management Act 1970, PART XI is up to date with all changes known to be in force on or before 18 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

109C Penalty for company's failure to comply with section 109B

If a company ceases to be resident in the United Kingdom at a time before each of conditions A to D in section 109B is met, the company is liable to a penalty not exceeding the amount of tax—

- (a) which is or will be payable by it in respect of periods beginning before that time, and
- (b) which has not been paid at that time.

109D Penalty for other persons if company fails to comply with section 109B

- (1) Subsection (5) applies if—
 - (a) condition E is met, and
 - (b) either of conditions F and G is met.
- (2) Condition E is that in relation to a company (“the migrating company”) any person (“P”) does or is party to the doing of any act which to P's knowledge amounts to or results in, or forms part of a series of acts which together amount to or result in, or will amount to or result in, the migrating company ceasing to be resident in the United Kingdom at a time before each of conditions A to D in section 109B is met.
- (3) Condition F is that P is—
 - (a) a director of the migrating company,
 - (b) a company which has control of the migrating company, or
 - (c) a director of a company which has control of the migrating company.
- (4) Condition G is that the act mentioned in subsection (2) is a direction or instruction given—
 - (a) to persons within subsection (3), but
 - (b) otherwise than by way of advice given by a person acting in a professional capacity.
- (5) If this subsection applies, P is liable to a penalty not exceeding the amount of tax—
 - (a) which is or will be payable by the migrating company in respect of periods beginning before the time mentioned in subsection (2), and
 - (b) which has not been paid at that time.
- (6) Subsections (7) and (8) apply for the purposes of any proceedings against a person within subsection (3) for the recovery of a penalty under subsection (5).
- (7) It is to be presumed that the person was party to every act of the migrating company unless the person proves that it was done without the person's consent or connivance.
- (8) It is to be presumed, unless the contrary is proved, that any early-migration act was to the person's knowledge an early-migration act.
- (9) In subsection (8) “early-migration act” means an act which in fact amounted to or resulted in, or formed part of a series of acts which together amounted to or resulted in, or would amount to or result in, the migrating company ceasing to be resident in the United Kingdom at a time before each of conditions A to D in section 109B is met.

109E Liability of other persons for unpaid tax

- (1) This section applies if—

Status: Point in time view as at 06/04/2012.

Changes to legislation: Taxes Management Act 1970, PART XI is up to date with all changes known to be in force on or before 18 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (a) a company (“the migrating company”) ceases to be resident in the United Kingdom at any time, and
 - (b) any tax which is payable by the company in respect of periods beginning before that time is not paid within 6 months from the time when it becomes payable.
- (2) The Commissioners for Her Majesty's Revenue and Customs may, at any time before the end of the period of 3 years beginning with the time when the amount of the tax is finally determined, serve on any person within subsection (3) a notice—
 - (a) stating particulars of the tax payable, the amount remaining unpaid and the date when it became payable, and
 - (b) requiring that person to pay that amount within 30 days of the service of the notice.
- (3) The persons within this subsection are—
 - (a) any company which is, or within the pre-migration year was, a member of the same group as the migrating company,
 - (b) any person who is, or within the pre-migration year was, a controlling director of the migrating company, and
 - (c) any person who is, or within the pre-migration year was, a controlling director of a company which has, or within the pre-migration year had, control over the migrating company.
- (4) Any amount which a person is required to pay by a notice under this section may be recovered from the person as if it were tax due and duly demanded from the person.
- (5) If a person (“P”) pays any amount which a notice under this section requires P to pay, P may recover the amount from the migrating company.
- (6) A payment in pursuance of a notice under this section is not allowed as a deduction in calculating any income, profits or losses for any tax purposes.
- (7) In this section—

“controlling director”, in relation to a company, means a director of the company who has control of the company,

“group” has the meaning which would be given by section 170 of the 1992 Act if in that section for references to 75 per cent subsidiaries there were substituted references to 51 per cent subsidiaries, and

“pre-migration year” means the period of 12 months ending with the time when the migrating company ceases to be resident in the United Kingdom.

109F Interpretation of sections 109B to 109E

- (1) In sections 109B to 109E, any reference to the tax payable by a company includes a reference to—
 - (a) any amount which the company is liable to pay under section 77C (territorial extension of charge to tax),
 - (b) any amount of tax which the company is liable to pay under regulations made under section 684 of ITEPA 2003 (PAYE),
 - (c) any amount which the company is liable to pay under sections 61 and 62(1) (a) of the Finance Act 2004 (sub-contractors in the construction industry),

Status: Point in time view as at 06/04/2012.

Changes to legislation: Taxes Management Act 1970, PART XI is up to date with all changes known to be in force on or before 18 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (d) any income tax which the company is liable to pay in respect of payments within section 946 of ITA 2007 (collection of tax: deposit-takers, building societies and certain companies), and
 - (e) any amount representing income tax which the company is liable to pay under section 966 of ITA 2007 (entertainers and sportsmen).
- (2) In sections 109B to 109E read in accordance with subsection (1), any reference to the tax payable by a company in respect of periods beginning before any particular time includes a reference to any interest—
- (a) on the tax so payable, or
 - (b) on tax paid by the company in respect of such periods,
- which the company is liable to pay in respect of periods beginning before or after that time.
- (3) In sections 109B to 109E “director”, in relation to a company, is to be read in accordance with the following provisions—
- (a) section 67(1) and (2) of ITEPA 2003, and
 - (b) section 452 of CTA 2010.
- (4) In sections 109B to 109E, any reference to a person having control of a company is to be read in accordance with sections 450 and 451 of CTA 2010.]

Valuation

^{F43} **110 Valuation of land: power of entry.**

.....

Textual Amendments

F43 S. 110 omitted (1.4.2010) by virtue of [The Finance Act 2009, Section 96 and Schedule 48 \(Appointed Day, Savings and Consequential Amendments\) Order 2009 \(S.I. 2009/3054\)](#), art. 1, **Sch. para. 1**

^{F44} **111 Valuation of assets: power to inspect.**

.....

Textual Amendments

F44 S. 111 omitted (1.4.2010) by virtue of [The Finance Act 2009, Section 96 and Schedule 48 \(Appointed Day, Savings and Consequential Amendments\) Order 2009 \(S.I. 2009/3054\)](#), art. 1, **Sch. para. 1**

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, [^{F45}HMRC] may, notwithstanding

Status: Point in time view as at 06/04/2012.

Changes to legislation: Taxes Management Act 1970, PART XI is up to date with all changes known to be in force on or before 18 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

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 [^{F46}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.

^{F47}(1A)

^{F48}(2)

^{F49}[(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

- F45** 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)**
- F46** 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)**
- F47** 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**.
- F48** 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)**
- F49** [Finance Act 1989 \(c. 26\)](#), s. **168(6)**.

Modifications etc. (not altering text)

- C16** S. 112 applied (with modifications) by the [Oil Taxation Act 1975 \(c. 22\)](#), s. 1, **Sch. 2 para. 1(1)**
- C17** S. 112 applied by [Finance Act 1981 \(c. 35\)](#), s. 134, **Sch.17 para.18** (special tax on banking deposits).
- C18** S. 112 applied (with modifications) (31.7.1997) by [Finance \(No. 2\) Act 1997 \(c. 58\)](#), **Sch. 2 para. 18**
- C19** 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**
- C20** 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))
- C21** 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)**
- C22** S. 112 applied (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), **Sch. 1 para. 40(1)(b)**

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

Status: Point in time view as at 06/04/2012.

Changes to legislation: Taxes Management Act 1970, PART XI is up to date with all changes known to be in force on or before 18 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

to make more than one return annually of the sources of his income and the amounts derived therefrom.

^{F50}(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 [^{F51}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.]

^{F52}(1C)

^{F53}(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, ^{F54}[determination of a penalty,] duplicate, warrant, notice of assessment ^{F54}[, of determination] or of demand, or other document required to be used in assessing, charging, collecting and levying tax ^{F54}[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 .

Textual Amendments

F50 Finance Act 1970 (c. 24), s.18, Sch. 4, para. 10.

F51 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

F52 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)**

F53 Finance Act 1989 (c. 26), **s. 168(7)(a)**.

F54 Finance Act 1989 (c. 26), **s. 168(7)(b)**.

Modifications etc. (not altering text)

C20 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))

C21 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)**

C23 S. 113(1A)(3) applied (with modifications) by the Oil Taxation Act 1975 (c. 22), s. 1, **Sch. 2 para. 1(1)**

Status: Point in time view as at 06/04/2012.

Changes to legislation: Taxes Management Act 1970, PART XI is up to date with all changes known to be in force on or before 18 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- C24** 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**
- C25** S. 113(1A)(1B)(3) applied by [Finance Act 1981 \(c. 35\)](#), s. 134, **Sch.17 para.18** (special tax on banking deposits).
- C26** 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**
- C27** 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**
- C28** 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**
- C29** 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**
- C30** S. 113(3) applied (with modifications) (31.7.1997) by [Finance \(No. 2\) Act 1997 \(c. 58\)](#), **Sch. 2 para. 18**
- C31** 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 ^{F55}[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 ^{F55}[or determination] shall not be impeached or affected—
- by reason of a mistake therein as to—
 - the name or surname of a person liable, or
 - the description of any profits or property, or
 - the amount of the tax charged, or
 - by reason of any variance between the notice and the assessment ^{F55}[or determination].

Textual Amendments

F55 [Finance Act 1989 \(c. 26\)](#), s. **160(5)**.

Modifications etc. (not altering text)

- C20** 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))
- C21** 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)**
- C32** S. 114 applied by [See Finance Act 1981 \(c. 35\)](#), s. 134, **Sch.17 para.18** (special tax on banking deposits).

Status: Point in time view as at 06/04/2012.

Changes to legislation: Taxes Management Act 1970, PART XI is up to date with all changes known to be in force on or before 18 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- C33** S. 114 applied (with modifications) (31.7.1997) by [Finance \(No. 2\) Act 1997 \(c. 58\), Sch. 2 para. 18](#)
- C34** 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](#)
- C35** 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](#)
- C36** S. 114 applied (21.7.2009) by [Finance Act 2009 \(c. 10\), Sch. 49 para. 7\(b\)](#) (with [Sch. 49](#))
- C37** 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\(b\)](#)
- C38** S. 114 applied (8.4.2010) by [Finance Act 2010 \(c. 13\), Sch. 1 para. 40\(1\)\(c\)](#)
- C39** S. 114 applied (with modifications) (1.4.2012) by [Finance Act 2011 \(c. 11\), Sch. 23 paras. 43\(b\), 65\(1\)\(a\)](#) (with [Sch. 23 paras. 50, 65\(1\)\(b\)](#))
- C40** 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 [^{F56}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.

^{F57F58}(4)

^{F57}(5)

Textual Amendments

- F56** 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\(2\)](#)
- F57** 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\(3\)](#)
- F58** 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)

- C20** 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\(4\)\(6\)](#))
- C21** 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\(6\)](#)

Status: Point in time view as at 06/04/2012.

Changes to legislation: Taxes Management Act 1970, PART XI is up to date with all changes known to be in force on or before 18 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- C41** 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
- C42** S. 115 applied (with modifications) (31.7.1997) by Finance (No. 2) Act 1997 (c. 58), **Sch. 2 para. 18**
- C43** 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
- C44** 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)**
- C45** S. 115 applied (21.7.2009) by Finance Act 2009 (c. 10), **Sch. 49 para. 7(c)** (with Sch. 49)
- C46** S. 115 applied (8.4.2010) by Finance Act 2010 (c. 13), **Sch. 1 para. 40(1)(d)**
- C47** S. 115 applied (with modifications) (1.4.2012) by Finance Act 2011 (c. 11), **Sch. 23 paras. 43(c), 65(1)(a)** (with Sch. 23 paras. 50, 65(1)(b))
- C48** S. 115(1)-(3) applied by Finance Act 1981 (c. 35), s. 134, **Sch.17 para.18** (special tax on banking deposits).
- C49** 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**

[^{F59}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

- F59** S. 115A inserted (1.5.1995) by Finance Act 1995 (c. 4), **Sch. 28 para. 1**

Modifications etc. (not altering text)

- C20** 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))
- C21** 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)**

^{F60}116

Textual Amendments

- F60** (*Receipts, etc. exempt from stamp duty.*) Repealed by Finance Act 1970 s.36(8) and Sch.8 Part V, as from 1 February 1971.

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.

Status: Point in time view as at 06/04/2012.

Changes to legislation: Taxes Management Act 1970, PART XI is up to date with all changes known to be in force on or before 18 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Modifications etc. (not altering text)

C50 See the [Northern Ireland Constitution Act 1973 \(c.36\)](#), [s.40](#) and Sch.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,

^{F61}

“chargeable gain” has the same meaning as in ^{F62}[the ^{F63}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 ^{F64}section 1121(1) of CTA 2010 (with section 617 of that Act)]^{F65} ... ,

^{F66}“CTA 2009” means the Corporation Tax Act 2009,]

^{F67}“CTA 2010” means the Corporation Tax Act 2010,]

^{F68}

^{F69}“HMRC” means Her Majesty’s Revenue and Customs;]

“incapacitated person” means any infant, person of unsound mind, lunatic, idiot or insane person,

^{F70}“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,

^{F71}“ITEPA 2003” means the Income Tax (Earnings and Pensions) Act 2003,]

^{F72}“ITTOIA 2005” means the Income Tax (Trading and Other Income) Act 2005,]

^{F73}“ITA 2007” means the Income Tax Act 2007,]

^{F74}

^{F75}“partnership return” has the meaning given by section 12AA(10A) of this Act,]

“the principal Act” means the Income and Corporation Taxes Act ^{F76}[1988],

^{F77}“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,

^{F78}

Status: Point in time view as at 06/04/2012.

Changes to legislation: Taxes Management Act 1970, PART XI is up to date with all changes known to be in force on or before 18 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

[^{F79}“successor”, in relation to a person who is required to make and deliver, or has made and delivered, [^{F80}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 ^{F81}[nor development land tax] is specified, means any of those taxes ^{F82}[except that in sections ^{F83}... 20A, 20B ^{F84}... and 20D it does not include development land tax],

“the Taxes Acts” means this Act and—

- (a) the Tax Acts ^{F85}... and
- (b) [^{F86}the Taxation of Chargeable Gains Act 1992] and all other enactments relating to capital gains tax,
- (c) ^{F87}.....

[^{F88}“the 1992 Act ” means the Taxation of Chargeable Gains Act 1992]

[^{F89}“TIOPA 2010” means the Taxation (International and Other Provisions) Act 2010,]

[^{F69}“the TCEA 2007” means the Tribunals, Courts and Enforcement Act 2007;]

“trade” includes every trade, manufacture, adventure or concern in the nature of trade .

[^{F69}“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 [^{F90}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 ^{F91}[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:

^{F92}.....

^{F93}(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 [^{F94}the tribunal on an appeal notified to it] or by the order of any court.

[^{F95}(5) For the purposes of this Act a loss of tax or a situation is brought about carelessly by a person if the person fails to take reasonable care to avoid bringing about that loss or situation.

(6) Where—

- (a) information is provided to Her Majesty's Revenue and Customs,
- (b) the person who provided the information, or the person on whose behalf the information was provided, discovers some time later that the information was inaccurate, and
- (c) that person fails to take reasonable steps to inform Her Majesty's Revenue and Customs,

any loss of tax or situation brought about by the inaccuracy shall be treated for the purposes of this Act as having been brought about carelessly by that person.

Status: Point in time view as at 06/04/2012.

Changes to legislation: Taxes Management Act 1970, PART XI is up to date with all changes known to be in force on or before 18 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (7) In this Act references to a loss of tax or a situation brought about deliberately by a person include a loss of tax or a situation that arises as a result of a deliberate inaccuracy in a document given to Her Majesty's Revenue and Customs by or on behalf of that person.]

Textual Amendments

- F61** 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)**
- F62** [Capital Gains Tax Act 1979 \(c. 14\)](#), s.157(2), **Sch.7 para.8** for 1979—80 et seq.
- F63** 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))
- F64** Words in s. 118(1) substituted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), **Sch. 1 para. 159(a)** (with Sch. 2)
- F65** *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**
- F66** 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)
- F67** Words in s. 118(1) inserted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), **Sch. 1 para. 159(b)** (with Sch. 2)
- F68** 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)**
- F69** 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)**
- F70** 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))
- F71** 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)
- F72** 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)
- F73** 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)
- F74** 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)
- F75** 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)**
- F76** [Income and Corporation Taxes Act 1988 \(c. 1\)](#), **Sch. 29 para. 32**.
- F77** 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)
- F78** 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)**
- F79** 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)
- F80** 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)**
- F81** 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.
- F82** Words in s. 118(1) inserted by [Finance Act 1976 \(c. 40\)](#), s.57(2)
- F83** 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)

Status: Point in time view as at 06/04/2012.

Changes to legislation: Taxes Management Act 1970, PART XI is up to date with all changes known to be in force on or before 18 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- F84** 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)
- F85** Repealed by Income and Corporation Taxes Act 1988 (c. 1), s. 844, Sch. 31
- F86** 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))
- F87** 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**.
- F88** 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))
- F89** Words in s. 118(1) inserted (with effect in accordance with s. 381(1) of the amending Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), s. 381(1), **Sch. 8 para. 314** (with Sch. 9 paras. 1-9, 22)
- F90** 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)**
- F91** Finance (No. 2) Act 1987 (c. 51), s. 94.
- F92** S. 118(2) proviso repealed by Finance Act 1970 s.36(8), Sch.8 Part VII.
- F93** 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
- F94** 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)**
- F95** S. 118(5)-(7) inserted (1.4.2010) by Finance Act 2008 (c. 9), s. 118(2), **Sch. 39 para. 15**; S.I. 2009/403, art. 2(2) (with art. 10)

Modifications etc. (not altering text)

- C51** 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).
- C52** 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**
- C53** 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)**
- C54** S. 118(1) applied in part by Income and Corporation Taxes Act 1988 (c. 1), s. **754(9)**
- C55** S. 118(2)(4) applied (with modifications) (31.7.1997) by Finance (No. 2) Act 1997 (c. 58), **Sch. 2 para. 18**
- C56** 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
- C57** 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
- C58** 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))
- C59** 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))
- C60** 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)**
- C61** 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))

Status: Point in time view as at 06/04/2012.

Changes to legislation: Taxes Management Act 1970, PART XI is up to date with all changes known to be in force on or before 18 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- C62** S. 118(2) applied (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Investment Trusts \(Dividends\) \(Optional Treatment as Interest Distributions\) Regulations 2009](#) (S.I. 2009/2034), regs. 1(1), **22(4)**
- C63** S. 118(2) applied by [The Authorised Investment Funds \(Tax\) Regulations 2006](#) (S.I. 2006/964), **reg. 85H** (as inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by S.I. 2010/294, regs. 1(1), **21**)
- C64** S. 118(2) applied by [The Authorised Investment Funds \(Tax\) Regulations 2006](#) (S.I. 2006/964), **reg. 85I** (as inserted (with effect in accordance with reg. 1(2) of the amending S.I.) by S.I. 2010/294, regs. 1(1), **21**)
- C65** S. 118(5)-(7) applied (with modifications) (8.4.2010) by [Finance Act 2010](#) (c. 13), **Sch. 1 para. 42**
- C66** S. 118(5)-(7) applied (with modifications) by [Oil Taxation Act 1975](#) (c. 22), **Sch. 2 para. 12B(8)** (as inserted (1.4.2011) by [Finance Act 2009](#) (c. 10), s. 99(2), **Sch. 51 para. 22**; S.I. 2010/867, art. 2(2))

Status:

Point in time view as at 06/04/2012.

Changes to legislation:

Taxes Management Act 1970, PART XI is up to date with all changes known to be in force on or before 18 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.