



Taxes Management Act 1970

1970 CHAPTER 9

PART XI

MISCELLANEOUS AND SUPPLEMENTAL

[^{F1}Companies ceasing to be UK resident

[^{F1}109E Liability of other persons for unpaid tax

- (1) This section applies if—
- a company (“the migrating company”) ceases to be resident in the United Kingdom at any time, and
 - 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.

[The reference in subsection (1)(b) to the time when tax becomes payable is a reference ^{F2}(1A) to—

- in a case where an exit charge payment plan has been entered into in accordance with Schedule 3ZB in respect of the tax, the time when the tax becomes payable under the plan, and
 - in any other case, the time when the tax becomes payable in accordance with section 59D or 59E.]
- (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 [^{F3}the relevant time], serve on any person within subsection (3) a notice—
- stating particulars of the tax payable, the amount remaining unpaid and the date when it became payable, and
 - requiring that person to pay that amount within 30 days of the service of the notice.

[In subsection (2) the “relevant time” means—
^{F4}(2A)

Status: Point in time view as at 17/07/2013. This version of this provision has been superseded.

Changes to legislation: Taxes Management Act 1970, Section 109E is up to date with all changes known to be in force on or before 31 July 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) in a case where an exit charge payment plan has been entered into in accordance with Schedule 3ZB in respect of the tax, the later of—
 - (i) the first day after the period of 12 months beginning immediately after the migration accounting period (as defined in Part 1 or 2 of Schedule 3ZB, as the case may be), and
 - (ii) the date on which the tax is payable under the plan, and
 - (b) in any other case, the time when the amount of the tax is finally determined.]
- (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.]

Textual Amendments

- F1** 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](#))
- F2** S. 109E(1A) inserted (with effect in accordance with Sch. 49 para. 8 of the amending Act) by [Finance Act 2013 \(c. 29\), Sch. 49 para. 5\(2\)](#)
- F3** Words in s. 109E(2) substituted (with effect in accordance with Sch. 49 para. 8 of the amending Act) by [Finance Act 2013 \(c. 29\), Sch. 49 para. 5\(3\)](#)
- F4** S. 109E(2A) inserted (with effect in accordance with Sch. 49 para. 8 of the amending Act) by [Finance Act 2013 \(c. 29\), Sch. 49 para. 5\(4\)](#)

Status:

Point in time view as at 17/07/2013. This version of this provision has been superseded.

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