

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1996, Cross Heading: Adjustment of contracts. (See end of Document for details)

SCHEDULES

SCHEDULE 5

LANDFILL TAX

Modifications etc. (not altering text)

C1 Sch. 5 extended (19.3.1997) by 1997 c. 16, s. 50(1), Sch. 5 Pt. I para. 4(3)

PART VII

MISCELLANEOUS

Adjustment of contracts

- 45 (1) This paragraph applies where—
- (a) material undergoes a ^{F1}... disposal,
 - (b) a payment falls to be made under a disposal contract relating to the material, and
 - (c) after the making of the contract there is a change in the tax chargeable on the ^{F2}... disposal.
- (2) In such a case the amount of any payment mentioned in sub-paragraph (1)(b) above shall be adjusted, unless the disposal contract otherwise provides, so as to reflect the tax chargeable on the ^{F3}... disposal.
- (3) For the purposes of this paragraph a disposal contract relating to material is a contract providing for the disposal of the material, and it is immaterial—
- (a) when the contract was made;
 - (b) whether the contract also provides for other matters;
 - (c) whether the contract provides for a method of disposal and (if it does) what method it provides for.
- (4) The reference in sub-paragraph (1) above to a change in the tax chargeable is a reference to a change—
- (a) to or from no tax being chargeable, or
 - (b) in the amount of tax chargeable.

Textual Amendments

- F1** Word in Sch. 5 para. 45(1)(a) omitted (with effect in accordance with s. 42(2), Sch. 12 para. 29(1) of the amending Act) by virtue of Finance Act 2018 (c. 3), Sch. 12 para. 16(6)
- F2** Word in Sch. 5 para. 45(1)(c) omitted (with effect in accordance with s. 42(2), Sch. 12 para. 29(1) of the amending Act) by virtue of Finance Act 2018 (c. 3), Sch. 12 para. 16(6)

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1996, Cross Heading: Adjustment of contracts. (See end of Document for details)

F3 Word in [Sch. 5 para. 45\(2\)](#) omitted (with effect in accordance with s. 42(2), Sch. 12 para. 29(1) of the amending Act) by virtue of [Finance Act 2018 \(c. 3\)](#), [Sch. 12 para. 16\(6\)](#)

- 46 (1) This paragraph applies where—
- (a) work is carried out under a construction contract,
 - (b) as a result of the work, material undergoes a ^{F4}... disposal,
 - (c) the contract makes no provision as to the disposal of such material, and
 - (d) the contract was made on or before 29th November 1994 (when the proposal to create tax was announced).
- (2) In such a case the amount of any payment which falls to be made—
- (a) under the construction contract, and
 - (b) in respect of the work,
- shall be adjusted, unless the contract otherwise provides, so as to reflect the tax (if any) chargeable on the disposal.
- (3) For the purposes of this paragraph a construction contract is a contract under which all or any of the following work is to be carried out—
- (a) the preparation of a site;
 - (b) demolition;
 - (c) building;
 - (d) civil engineering.

Textual Amendments

F4 Word in [Sch. 5 para. 46\(1\)\(b\)](#) omitted (with effect in accordance with s. 42(2), Sch. 12 para. 29(1) of the amending Act) by virtue of [Finance Act 2018 \(c. 3\)](#), [Sch. 12 para. 16\(7\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Finance Act 1996, Cross Heading:
Adjustment of contracts.