

Status: Point in time view as at 08/04/2010.

Changes to legislation: Finance Act 1998, SCHEDULE 18 is up to date with all changes known to be in force on or before 03 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)

SCHEDULES

SCHEDULE 18

Section 117(1).

COMPANY TAX RETURNS, ASSESSMENTS AND RELATED MATTERS

Modifications etc. (not altering text)

- C1** Sch. 18 restricted (31.7.1998) by 1988 c. 1, s. 754B(10) (as inserted (31.7.1998 with effect as mentioned in Sch. 17 para. 37 of 1998 c. 36) by 1998 c. 36, s. 113, **Sch. 17 para. 11**)
- C2** Sch. 18 modified (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 68(c)**; S.I. 2005/1126, art. 2(2)(h)
- C3** Sch. 18 applied (20.7.2005) by Finance (No. 2) Act 2005 (c. 22), s. 61
- C4** Sch. 18 applied (with modifications) (6.4.2006) by The Registered Pension Schemes (Accounting and Assessment) Regulations 2005 (S.I. 2005/3454), regs. 1, 13

PART I

INTRODUCTION

Meaning of “tax”

- 1 In this Schedule “tax” means corporation tax including, except as otherwise indicated, any amount assessable or chargeable as if it was corporation tax.

Amounts are assessable or chargeable as if they were corporation tax under—

[^{F1}section 455 of the Corporation Tax Act 2010] (tax on loan or advance made by close company to a participator),

[^{F2}[^{F3}section 330(1)] of that Act (supplementary charge in respect of ring fence trades), and]

section 747(4)(a) [^{F4}of the Taxes Act 1988] (tax on profits of controlled foreign company).

Textual Amendments

- F1** Words in Sch. 18 para. 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. 297(2)(a)** (with Sch. 2)
- F2** Words in Sch. 18 para. 1 substituted (24.7.2002) by 2002 c. 23, s. 92(3)
- F3** Words in Sch. 18 para. 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. 297(2)(b)** (with Sch. 2)
- F4** Words in Sch. 18 para. 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. 297(2)(c)** (with Sch. 2)

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Duty to give notice of chargeability

- 2 (1) A company which—
 - (a) is chargeable to tax for an accounting period, and
 - (b) has not received a notice requiring a company tax return,
 must give notice to [^{F5}an officer of Revenue and Customs] that it is so chargeable.
- (2) The notice must be given within twelve months from the end of the accounting period.
- ^{F6}(3)
- ^{F7}(4)

Textual Amendments

F5 Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)

F6 Sch. 18 para. 2(3) omitted (with effect in accordance with art. 3 of the commencing S.I.) by virtue of [Finance Act 2008 \(c. 9\)](#), s. 123(2), [Sch. 41 para. 25\(j\)](#); S.I. 2009/511, art. 2 (with art. 4)

F7 Sch. 18 para. 2(4) omitted (with effect in accordance with art. 3 of the commencing S.I.) by virtue of [Finance Act 2008 \(c. 9\)](#), s. 123(2), [Sch. 41 para. 25\(j\)](#); S.I. 2009/511, art. 2 (with art. 4)

PART II

COMPANY TAX RETURN

Company tax return

- 3 (1) [^{F5}An officer of Revenue and Customs] may by notice require a company to deliver a return (a “company tax return”) of such information, accounts, statements and reports—
 - (a) relevant to the tax liability of the company, or
 - (b) otherwise relevant to the application of the Corporation Tax Acts to the company,
 as may reasonably be required by the notice.
- (2) Different information, accounts, statements and reports may be required from different descriptions of company.
- (3) A company tax return must include a declaration by the person making the return that the return is to the best of his knowledge correct and complete.
- (4) The return must be delivered to the officer of the Board by whom the notice was issued not later than the filing date.
- ^{F8}(5) Sub-paragraph (1)(b) has effect as if the reference to the Corporation Tax Acts included a reference to sections 911, 912, 914 and 915 of the Income Tax Act 2007.]

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Textual Amendments

- F5** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F8** Sch. 18 para. 3(5) inserted (6.4.2007) by [Income Tax Act 2007 \(c. 3\), s. 1034\(1\), Sch. 1 para. 385\(2\)](#) (with [Sch. 2](#))

Modifications etc. (not altering text)

- C5** Sch. 18 para. 3 extended (31.7.1998) by [1988 c. 1, s. 488\(12\)\(a\)](#) (as inserted (31.7.1998) by [1998 c. 36, s. 117, Sch. 19 para. 48\(3\)](#))
- C6** Sch. 18 para. 3(1) modified (with effect in accordance with s. 97(5)(6) of the amending Act) by [Finance Act 2004 \(c. 12\), s. 101\(6\)](#) (with [s. 106](#))

Meaning of delivery of return

- 4 References in this Schedule to the delivery of a company tax return are to the delivery of all the information, accounts, statements and reports required to comply with the notice requiring the return.

Period for which return required

- 5 (1) A notice requiring a company tax return must specify the period to which the notice relates.
- (2) If an accounting period of the company ended during (or at the end of) the specified period, a return is required for that accounting period.
- If there is more than one, a separate company tax return is required for each of them.
- (3) If sub-paragraph (2) does not apply but an accounting period of the company began during the specified period, a company tax return is required for the part of the specified period before the accounting period began.
- (4) If the company was outside the charge to corporation tax for the whole of the specified period, a company tax return is required for the whole of the specified period.
- (5) If none of the above provisions applies, no company tax return is required in response to the notice.

Notice relating to period beginning before appointed day

- 6 (1) A notice requiring a company tax return may be given on or after the self-assessment appointed day in relation to a period beginning before that day.
- (2) Where the effect of such a notice is to require a return for an accounting period ending before that day, the provisions of the Tax Acts apply as if it were a notice under section 11 of the ^{M1}Taxes Management Act 1970.
- (3) The provisions of this Act relating to company tax returns, or amending other provisions of the Tax Acts so as to refer to such returns, do not affect the operation of those Acts in relation to such a notice.

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Marginal Citations

M1 1970 c. 9.

Return to include self-assessment

- 7 (1) Every company tax return for an accounting period must include an assessment (a “self-assessment”) of the amount of tax which is payable by the company for that period—
- (a) on the basis of the information contained in the return, and
 - (b) taking into account any relief or allowance for which a claim is included in the return or which is required to be given in relation to that accounting period.
- (2) For this purpose a company tax return is regarded as a return for an accounting period if the period is treated in the return as an accounting period and is not longer than twelve months, even though it is not, or may not be, an accounting period.

Calculation of tax payable

- 8 (1) The amount of tax payable for an accounting period is calculated as follows.

First step

Calculate the corporation tax chargeable on the company’s profits:

- 1 Take the amount of the company’s profits for that period on which corporation tax is chargeable [^{F9}(see section 4(1) and (2) of the Corporation Tax Act 2010)].
- 2 Apply the rate or rates of corporation tax applicable to the company.

Second step

Then give effect to any reliefs or set-offs available against corporation tax chargeable on profits:

- 1 Any reduction under [^{F10}section 19, 20 or 21 of the Corporation Tax Act 2010 (marginal relief for companies with small profits)].
- 1A [^{F11}Any relief under Part V of Schedule 15 to the Finance Act 2000 (corporate venturing scheme: investment relief).]
- 1B [^{F12}Any relief under [^{F13}Part 7 of the Corporation Tax Act 2010] (community investment tax relief).]
- 2 Any double taxation relief under [^{F14}under sections 2 and 6 of TIOPA 2010 or under section 18(1)(b) and (2) of that Act].
- 3 Any set off for advance corporation tax under section 239 of [^{F15}the Taxes Act 1988] or under regulations made under section 32 of this Act.

Third step

Then add any amounts assessable or chargeable as if they were corporation tax (reduced by any reliefs specific to those amounts):

- 1 Any amount due under [^{F16}section 455 of the Corporation Tax Act 2010] (tax on a loan or advance made by close company to a participator).

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1A ^{F17}Any sum chargeable under ^{F18}section 330(1) of that Act (supplementary charge in respect of ring fence trades).]

2 Any sum chargeable under section 747(4)(a) of ^{F19}the Taxes Act 1988] (tax on profits of a controlled foreign company).

Fourth step

Then deduct any amounts to be set off against the company's overall tax liability for that period:

1 Any amount to be set off under ^{F20}section 967 or 968 of the Corporation Tax Act 2010] (income tax borne by deduction).

2 Any amount to be set off under section 246N or 246Q of ^{F21}the Taxes Act 1988] (advance corporation tax paid in respect of foreign income dividend).

(2) Except as otherwise provided, references in this Schedule to the amount of tax payable by a company for an accounting period are to the amount shown in the company's self-assessment as the amount payable.

Textual Amendments

- F9** Words in Sch. 18 para. 8(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. 297(4)(a)** (with Sch. 2)
- F10** Words in Sch. 18 para. 8(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. 297(4)(b)** (with Sch. 2)
- F11** Words in Sch. 18 para. 8(1) inserted (28.7.2000 with application as mentioned in s. 63(4) of the amending Act) by [2000 c. 17](#), s. 63(2), **Sch. 16 para. 5(2)**
- F12** Words in Sch. 18 para. 8(1) inserted (24.7.2002 with effect as mentioned in s. 57(4)(c) of the amending Act) by [2002 c. 23](#), s. 57, **Sch. 17 para. 5**
- F13** Words in Sch. 18 para. 8(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. 297(4)(c)** (with Sch. 2)
- F14** Words in Sch. 18 para. 8(1) substituted (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. 54(2)(a)** (with Sch. 9 paras. 1-9, 22)
- F15** Words in Sch. 18 para. 8(1) substituted (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. 54(2)(b)** (with Sch. 9 paras. 1-9, 22)
- F16** Words in Sch. 18 para. 8(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. 297(4)(d)** (with Sch. 2)
- F17** Words in Sch. 18 para. 8(1) inserted (24.7.2002) by [2002 c. 23](#), s. 92(4)
- F18** Words in Sch. 18 para. 8(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. 297(4)(e)** (with Sch. 2)
- F19** Words in Sch. 18 para. 8(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. 297(4)(f)** (with Sch. 2)
- F20** Words in Sch. 18 para. 8(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. 297(4)(g)** (with Sch. 2)
- F21** Words in Sch. 18 para. 8(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. 297(4)(h)** (with Sch. 2)

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Claims that cannot be made without a return

- 9 (1) No claim to which this paragraph applies may be made by a company before it delivers a company tax return for the period to which the claim relates.
- (2) This paragraph applies to a claim by a company for any repayment of income tax called for by virtue of—
- (a) [F22]section 3 of the Corporation Tax Act 2009] (exclusion of income tax charge in case of UK resident company or income within chargeable profits for corporation tax), or
 - (b) exemptions from income tax conferred by the Corporation Tax Acts.
- [F23(2A) But this paragraph does not apply to a claim by a company for an amount to be exempt from tax by virtue of—
- (a) section 472 of CTA 2010 (gifts qualifying for gift aid relief: charitable companies), or
 - (b) section 475 of that Act (gifts qualifying for gift aid relief: eligible bodies).]

(3) This paragraph applies to a claim by a company for payment of a tax credit, unless—

 - (a) the company is wholly exempt from corporation tax or is only not so exempt in respect of trading income, and
 - (b) the tax credit is not one in respect of which a payment on account may be claimed by the company under Schedule 19AB to the Taxes Act 1988 (pension business).

[F24(4) This paragraph applies to a claim by a company for relief under Part V of Schedule 15 to the Finance Act 2000 (corporate venturing scheme: investment relief).]

Textual Amendments

- F22** Words in Sch. 18 para. 9(2) 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. 454(2)** (with **Sch. 2 Pts. 1, 2**)
- F23** Sch. 18 para. 9(2A) inserted (with effect in accordance with **Sch. 8 para. 8(6)** of the amending Act) by *Finance Act 2010 (c. 13)*, **Sch. 8 para. 6(2)**
- F24** Sch. 18 para. 9(4) inserted (28.7.2000 with application as mentioned in s. 63(4) of the amending Act) by *2000 c. 17*, s. 63(2), **Sch. 16 para. 5(3)**

Other claims and elections to be included in return

- 10 (1) In Part VII of this Schedule (general provisions as to claims and elections) paragraphs 57 to 59 contain provisions as to the circumstances in which a claim or election may or must be made, or is to be treated as having been made, in a company tax return.
- [F25(2) A claim to which Part VIII, IX or IXA of this Schedule applies (claims for group relief, capital allowances[F26], first-year tax credits] or [F27]R&D tax relief]) can only be made by being included in a company tax return (see paragraphs 67, 79[F28], 83ZA] and 83B).]
- [F29(2A) A claim to which Part 9B of this Schedule applies (claims for land remediation tax credit and life assurance company tax credit) can only be made by being included in a company tax return (see paragraph 83H).]
- F30(2B)

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^{F31}(3)

^{F32}(4) A claim to which Part 9D of this Schedule applies (claims for film tax relief) can only be made by being included in a company tax return (see paragraph 83T).]

^{F33}(5) An election under ^{F34}section 1182(7) of the Corporation Tax Act 2009] (election not to be a film production company) can only be made by being included in a company tax return (see ^{F35}section 1182(8)(a)] of that Act).]

Textual Amendments

- F25** Sch. 18 para. 10(2) substituted (28.7.2000 with effect as mentioned in s. 69(1) of the amending Act) by 2000 c. 17, s. 69(2), **Sch. 21 para. 2**
- F26** Words in Sch. 18 para. 10(2) inserted (with effect in accordance with Sch. 25 para. 9 of the amending Act) by **Finance Act 2008 (c. 9), Sch. 25 para. 8(2)(a)**
- F27** Words in Sch. 18 para. 10(2) substituted (with effect in accordance with Sch. 3 para. 10 of the amending Act) by **Finance Act 2006 (c. 25), Sch. 3 para. 2(2)**
- F28** Word in Sch. 18 para. 10(2) inserted (with effect in accordance with Sch. 25 para. 9 of the amending Act) by **Finance Act 2008 (c. 9), Sch. 25 para. 8(2)(b)**
- F29** Sch. 18 para. 10(2A) inserted (11.5.2001 with effect as mentioned in s. 70 of the amending Act) by 2001 c. 9, s.70, **Sch. 23 para. 4**
- F30** Sch. 18 para. 10(2B) 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. 454(3)(a), Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)
- F31** Sch. 18 para. 10(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. 454(3)(a), Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)
- F32** Sch. 18 para. 10(4) inserted (1.1.2007) by **Finance Act 2006 (c. 25), s. 53(1), Sch. 5 para. 27; S.I. 2006/3399, art. 2**
- F33** Sch. 18 para. 10(5) inserted (19.7.2007) by **Finance Act 2007 (c. 11), s. 58(2)**
- F34** Words in Sch. 18 para. 10(5) 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. 454(3)(b)(i)** (with Sch. 2 Pts. 1, 2)
- F35** Words in Sch. 18 para. 10(5) 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. 454(3)(b)(ii)** (with Sch. 2 Pts. 1, 2)

Modifications etc. (not altering text)

- C7** Sch. 18 para. 10 excluded (31.7.1998) by 1988 c. 1, s. 754(5), **Sch. 26 para. 3(6A)(a)** (as inserted (31.7.1998) by 1998 c. 36, s. 113, **Sch. 17 paras. 35(7), 37**)
Sch. 18 para. 10 excluded (31.7.1998) by 1988 c. 1, **s. 749A(4)(a)** (as substituted (31.7.1998) by 1998 c. 36, s. 113, **Sch. 17 paras. 4, 37**)
Sch. 18 para. 10 excluded (31.7.1998) by 1988 c. 1, s. 747(6), **Sch. 24 para. 9(7)** (as added (31.7.1998) by 1998 c. 36, s. 113, **Sch. 17 paras. 20(9), 37**)

^{F36}Accounts required in case of Companies Act company

Textual Amendments

- F36** Sch. 18 para. 11 and cross-heading substituted (6.4.2008) by **The Companies Act 2006 (Consequential Amendments) (Taxes and National Insurance) Order 2008 (S.I. 2008/954), arts. 1(1), 25(2)** (with art. 4)

- 11 In the case of a company which—
(a) is required to deliver a company tax return for a period,

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- (b) is resident in the United Kingdom throughout that period, and
- (c) is required under the Companies Act 2006 to prepare accounts for a period consisting of or including the whole of that period,

the power to require the delivery of accounts as part of the return is limited to such accounts, containing such information and having annexed to them such documents, as are required to be prepared under that Act.]

Information about business carried on in partnership

- 12 (1) A company tax return of a company which carries on a trade, profession or business in partnership must include any amount which in a relevant partnership statement is stated to be its share of any income, loss, consideration, tax, credit or charge.
- (2) A “relevant partnership statement” means a statement under section 12AB of the ^{M2}Taxes Management Act 1970 for the period for which the return is made or a period which includes that period or any part of it.

Marginal Citations

M2 1970 c. 9.

Information about chargeable gains

^{F37}13

Textual Amendments

F37 Sch. 18 para. 13 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. 37**

Filing date

- 14 (1) The filing date for a company tax return is the last day of whichever of the following periods is the last to end—
- (a) twelve months from the end of the period for which the return is made;
 - (b) if the company’s relevant period of account is not longer than 18 months, twelve months from the end of that period;
 - (c) if the company’s relevant period of account is longer than 18 months, 30 months from the beginning of that period;
 - (d) three months from the date on which the notice requiring the return was served.
- (2) In sub-paragraph (1) “relevant period of account” means, in relation to a return for an accounting period, the period of account of the company in which the last day of that accounting period falls.

^{F38} . . .

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Textual Amendments

F38 Words in Sch. 18 Pt. II para. 14(2) repealed (24.7.2002) by 2002 c. 23, s. 141, Sch. 40 Pt. 3(16)

Amendment of return by company

- 15 (1) A company may amend its company tax return by notice to [^{F5}an officer of Revenue and Customs].
- (2) The notice must be in such form as [^{F5}an officer of Revenue and Customs] may require.
- (3) The notice must contain such information and be accompanied by such statements as [^{F5}an officer of Revenue and Customs] may reasonably require.
- (4) Except as otherwise provided, an amendment may not be made more than twelve months after—
- (a) the filing date, or
 - (b) in the case of a return for the wrong period, what would be the filing date if the period for which the return was made were an accounting period.

Textual Amendments

F5 Words in Sch. 18 substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), Sch. 4 para. 68(a); S.I. 2005/1126, art. 2(2)(h)

Modifications etc. (not altering text)

C8 Sch. 18 para. 15 applied (with modifications) (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), 5

Correction of return by Revenue

- 16 (1) [^{F5}An officer of Revenue and Customs] may amend a company tax return so as to correct [^{F39}—
- (a)] obvious errors or omissions in the return (whether errors of principle, arithmetical mistakes or otherwise) [^{F40}, and
 - (b) anything else in the return that the officer has reason to believe is incorrect in the light of information available to the officer].
- (2) A correction under this paragraph is made by notice to the company concerned.
- (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 by the company under paragraph 15, the day on which that amendment was made.
- (4) A correction under this paragraph is of no effect if the company—
- (a) amends its return so as to reject the correction, or

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- (b) after the end of the period within which it may amend its return, but within three months from the date of issue of the notice of correction, gives notice rejecting the correction.

(5) Notice under sub-paragraph (4)(b) must be given—

- (a) in writing,
- (b) to the officer of the Board by whom notice of the correction was given.

Textual Amendments

- F5** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F39** Word in Sch. 18 para. 16(1) inserted (1.4.2010) by [Finance Act 2008 \(c. 9\), s. 119\(4\)\(a\)\(13\)](#); S.I. 2009/405, art. 2
- F40** Words in Sch. 18 para. 16(1) inserted (1.4.2010) by [Finance Act 2008 \(c. 9\), s. 119\(4\)\(b\)\(13\)](#); S.I. 2009/405, art. 2

Modifications etc. (not altering text)

- C9** Sch. 18 para. 16 applied (with modifications) (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\(1\), 5](#)

Failure to deliver return: flat-rate penalty

- 17 (1) A company which is required to deliver a company tax return and fails to do so by the filing date is liable to a flat-rate penalty under this paragraph.

It may also be liable to a tax-related penalty under paragraph 18.

- (2) The penalty is—
 - (a) £100, if the return is delivered within three months after the filing date, and
 - (b) £200, in any other case.
- (3) The amounts are increased to £500 and £1000 for a third successive failure, that is, where—
 - (a) the company is within the charge to corporation tax for three consecutive accounting periods (and at no time between the beginning of the first of those periods and the end of the last is it outside the charge to corporation tax),
 - (b) a company tax return is required for each of those accounting periods,
 - (c) the company was liable to a penalty under this paragraph in respect of each of the first two of those periods, and
 - (d) the company is again liable to a penalty under this paragraph in respect of the third period.
- (4) The first or second period mentioned in sub-paragraph (3) may be a period ending before the self-assessment appointed day, in relation to which—
 - (a) the reference in paragraph (b) to a company tax return shall be construed as a reference to a return under section 11 of the ^{M3}Taxes Management Act 1970, and
 - (b) the references in paragraphs (c) and (d) to a penalty under this paragraph shall be construed as a reference to a penalty under section 94 of that Act.

Status: Point in time view as at 08/04/2010.

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Marginal Citations

M3 1970 c. 9.

Failure to deliver return: tax-related penalty

- 18 (1) A company which is required to deliver a company tax return for an accounting period and fails to do so—
- (a) within 18 months after the end of that period, or
 - (b) if the filing date is later than that, by the filing date,
- is liable to a tax-related penalty under this paragraph.
- This is in addition to any flat-rate penalty under paragraph 17.
- (2) The penalty is—
- (a) 10 per cent. of the unpaid tax, if the return is delivered within two years after the end of the period for which the return is required, and
 - (b) 20 per cent. of the unpaid tax, in any other case.
- (3) The “unpaid tax” means the amount of tax payable by the company for the accounting period for which the return was required which remains unpaid on the date when the liability to the penalty arises under sub-paragraph (1).
- (4) In determining that amount no account shall be taken of any relief under [F⁴¹section 458 of the Corporation Tax Act 2010] (relief in respect of repayment, etc. of loan) which is deferred under [F⁴²subsection (5)] of that section.

Textual Amendments

- F41** Words in Sch. 18 para. 18(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. 297(5)(a)** (with Sch. 2)
- F42** Words in Sch. 18 para. 18(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. 297(5)(b)** (with Sch. 2)

[F⁴³Excuse for late delivery of return

Textual Amendments

- F43** Sch. 18 para. 19 and cross-heading substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments\) \(Taxes and National Insurance\) Order 2008 \(S.I. 2008/954\)](#), arts. 1(1), **25(3)** (with art. 4)

- 19 A company is not liable to a penalty under paragraph 17 (flat rate penalty) if—
- (a) the period for which the return is required is one for which the company is required to deliver accounts under the Companies Act 2006, and
 - (b) the return is delivered no later than the last day for the delivery of those accounts to the registrar of companies.]

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Penalty for incorrect or uncorrected return

^{F44}20

Textual Amendments

F44 Sch. 18 para. 20 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\(c\)](#), [Sch. 27 Pt. 5\(5\)](#); S.I. 2008/568, art. 2(a)(b)(c)(d)(e)(f) (with art. 3)

[^{F45}Voluntary returns

Textual Amendments

F45 Sch. 18 para. 20A and cross-heading inserted (retrospectively) by [Finance Act 2019 \(c. 1\)](#), s. 87(2)(3) (with s. 87(4))

- 20A (1) This paragraph applies where—
- (a) a company delivers a purported return (“the relevant return”) for a period (“the relevant period”),
 - (b) no notice under paragraph 3 has been given to the company in respect of the relevant period, and
 - (c) Her Majesty’s Revenue and Customs 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 company 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 company tax return under paragraph 3).
- (3) “Relevant notice” means a notice under paragraph 3 requiring the company to deliver a return for the relevant period.
- (4) In sub-paragraph (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 company tax return.
- (5) Nothing in this paragraph affects paragraph 46 or any other provisions of the Taxes Acts specifying a time limit for the making of an assessment.]

PART III

DUTY TO KEEP AND PRESERVE RECORDS

Duty to keep and preserve records

- 21 (1) A company which may be required to deliver a company tax return for any period must—

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- (a) keep such records as may be needed to enable it to deliver a correct and complete return for the period, and
 - (b) preserve those records in accordance with this paragraph.
- (2) The records must be preserved [^{F46}until the end of the relevant day.]
- [^{F47}(2A) In this paragraph “relevant day” means—
 - (a) the sixth anniversary of the end of the period for which the company may be required to deliver a company tax return, or
 - (b) 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).]
- (3) If the company is required to deliver a company tax return by notice given before the end of [^{F48}the relevant day], the records must be preserved until any later date on which—
 - (a) any enquiry into the return is completed, or
 - (b) if there is no enquiry, [^{F5}an officer of Revenue and Customs] no longer [^{F49}has] power to enquire into the return.
- (4) If the company is required to deliver a company tax return by notice given after the end of [^{F50}the relevant day] and has in its possession at that time any records that may be needed to enable it to deliver a correct and complete return, it is under a duty to preserve those records until the date on which—
 - (a) any enquiry into the return is completed, or
 - (b) if there is no enquiry, [^{F5}an officer of Revenue and Customs] no longer [^{F49}has] power to enquire into the return.
- (5) The records required to be kept and preserved under this paragraph include records of—
 - (a) all receipts and expenses in the course of the company's activities, and the matters in respect of which the receipts and expenses arise, and
 - (b) in the case of a trade involving dealing in goods, all sales and purchases made in the course of the trade.
- [^{F51}(5A) The Commissioners for Her Majesty's Revenue and Customs may by regulations—
 - (a) provide that the records required to be kept and preserved under this paragraph include, or do not include, records specified in the regulations, and
 - (b) provide that those records include supporting documents so specified.
- (5B) Regulations under this paragraph may—
 - (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) ^{F52}...

“Supporting documents” includes accounts, books, deeds, contracts, vouchers and receipts.

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Textual Amendments

- F5** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); [S.I. 2005/1126](#), art. 2(2)(h)
- F46** Words in Sch. 18 para. 21(2) substituted (1.4.2009) by [Finance Act 2008 \(c. 9\)](#), s. 115(2), [Sch. 37 para. 8\(2\)](#); [S.I. 2009/402](#), art. 2
- F47** Sch. 18 para. 21(2A) inserted (1.4.2009) by [Finance Act 2008 \(c. 9\)](#), s. 115(2), [Sch. 37 para. 8\(3\)](#); [S.I. 2009/402](#), art. 2
- F48** Words in Sch. 18 para. 21(3) substituted (1.4.2009) by [Finance Act 2008 \(c. 9\)](#), s. 115(2), [Sch. 37 para. 8\(4\)](#); [S.I. 2009/402](#), art. 2
- F49** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(c\)](#); [S.I. 2005/1126](#), art. 2(2)(h)
- F50** Words in Sch. 18 para. 21(4) substituted (1.4.2009) by [Finance Act 2008 \(c. 9\)](#), s. 115(2), [Sch. 37 para. 8\(5\)](#); [S.I. 2009/402](#), art. 2
- F51** Sch. 18 para. 21(5A)(5B) inserted (1.4.2009) by [Finance Act 2008 \(c. 9\)](#), s. 115(2), [Sch. 37 para. 8\(6\)](#); [S.I. 2009/402](#), art. 2
- F52** Words in Sch. 18 para. 21(6) omitted (1.4.2009) by virtue of [Finance Act 2008 \(c. 9\)](#), s. 115(2), [Sch. 37 para. 8\(7\)](#); [S.I. 2009/402](#), art. 2

Preservation of information [F53 etc]

Textual Amendments

- F53** Word in Sch. 18 para. 22 cross-heading substituted (1.4.2009) by [Finance Act 2008 \(c. 9\)](#), s. 115(2), [Sch. 37 para. 9\(5\)](#); [S.I. 2009/402](#), art. 2

22 [F54(1) The duty under paragraph 21 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 (3) and any conditions or exceptions specified in writing by the Commissioners for Her Majesty's Revenue and Customs.]

[F55(2)]

(3) [F56Sub-paragraph (1)(b) does not apply in the case of the following kinds of records]—

- (a) any statement in writing such as is mentioned in—
 - (i) [F57section 1100(1) of the Corporation Tax Act 2010] (amount of qualifying distribution and tax credit), or
 - [F58(ii) section 495(1) or 975(2) or (4) of the Income Tax Act 2007 (statements about deduction of income tax),]
 provided by the company or person there mentioned whether after the making of a request or otherwise;

[F59(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;]

- (c) any record relating to an amount of tax—

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- (i) paid under the law of a territory outside the United Kingdom, or
[^{F60}(ii) which would have been payable under the law of a territory outside the United Kingdom (“territory F”) but for a development relief.]

[^{F61}(4) In sub-paragraph (3)(c) “development relief” means a relief—

- (a) given under the law of territory F with a view to promoting industrial, commercial, scientific, educational or other development in a territory outside the United Kingdom, and
(b) about which provision is made in arrangements which have effect under section 2(1) of TIOPA 2010 (double taxation relief by agreement with territories outside the United Kingdom).]

Textual Amendments

- F54** Sch. 18 para. 22(1) substituted (1.4.2009) by [Finance Act 2008 \(c. 9\)](#), s. 115(2), [Sch. 37 para. 9\(2\)](#); [S.I. 2009/402](#), art. 2
- F55** Sch. 18 para. 22(2) omitted (1.4.2009) by virtue of [Finance Act 2008 \(c. 9\)](#), s. 115(2), [Sch. 37 para. 9\(3\)](#); [S.I. 2009/402](#), art. 2
- F56** Words in Sch. 18 para. 22(3) substituted (1.4.2009) by [Finance Act 2008 \(c. 9\)](#), s. 115(2), [Sch. 37 para. 9\(4\)](#); [S.I. 2009/402](#), art. 2
- F57** Words in Sch. 18 para. 22(3)(a)(i) 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. 297\(6\)](#) (with Sch. 2)
- F58** Sch. 18 para. 22(3)(a)(ii) substituted (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), [Sch. 1 para. 385\(4\)](#) (with Sch. 2)
- F59** Sch. 18 para. 22(3)(b) substituted (with effect in accordance with s. 77 of the amending Act) by [Finance Act 2004 \(c. 12\)](#), [Sch. 12 para. 16\(2\)](#)
- F60** Sch. 18 para. 22(3)(c)(ii) substituted (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. 54\(3\)](#) (with Sch. 9 paras. 1-9, 22)
- F61** Sch. 18 para. 22(4) 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. 54\(4\)](#) (with Sch. 9 paras. 1-9, 22)

Penalty for failure to keep and preserve records

- 23 (1) A company which fails to comply with paragraph 21 in relation to an accounting period is liable to a penalty not exceeding £3,000, subject to the following exceptions.
- (2) No penalty is incurred if the records which the company fails to keep or preserve are records which might have been needed only for the purposes of claims, elections or notices not included in the return.
- (3) No penalty is incurred if—
- (a) the records which the company fails to keep or preserve are statements in writing such as are mentioned in—
- (i) [^{F62}section 1100(1) of the Corporation Tax Act 2010] (amount of qualifying distribution and tax credit), or
- [^{F63}(ii) section 495(1) or 975(2) or (4) of the Income Tax Act 2007 (statements about deduction of income tax),]
- provided by the company or person there mentioned whether after the making of a request or otherwise, and

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- (b) [^{F5}an officer of Revenue and Customs][^{F49}is] satisfied that any facts which [^{F49}he] reasonably [^{F49}requires] to be proved, and which would have been proved by the records, are proved by other documentary evidence furnished to [^{F49}him].

Textual Amendments

- F5** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F49** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)
- F62** Words in Sch. 18 para. 23(3)(a)(i) 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. 297\(7\)](#) (with Sch. 2)
- F63** Sch. 18 para. 23(3)(a)(ii) substituted (6.4.2007) by [Income Tax Act 2007 \(c. 3\), s. 1034\(1\), Sch. 1 para. 385\(4\)](#) (with Sch. 2)

Modifications etc. (not altering text)

- C10** Sch. 18 para. 23 excluded (with effect in accordance with s. 33(1) of the amending Act) by [Finance Act 2004 \(c. 12\), s. 33\(3\)\(b\)](#)

PART IV

ENQUIRY INTO COMPANY TAX RETURN

Notice of enquiry

- 24 (1) [^{F5}An officer of Revenue and Customs] may enquire into a company tax return if [^{F49}he gives] notice to the company of [^{F49}his] intention to do so (“notice of enquiry”) within the time allowed.
- (2) If the return was delivered on or before the filing date, notice of enquiry may be given at any time up to twelve months [^{F64}from the day on which the return was delivered (subject to sub-paragraph (6)).]
- (3) If the return was delivered after the filing date, notice of enquiry may be given at any time up to and including the 31st January, 30th April, 31st July or 31st October next following the first anniversary of the day on which the return was delivered.
- (4) If the company amends its return, notice of enquiry may be given at any time up to and including the 31st January, 30th April, 31st July or 31st October next following the first anniversary of the day on which the amendment was made.
- (5) 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) by the company of its return.
- [^{F65}(6) In the case of a company which is a member of a group other than a small group, the 12-month period in sub-paragraph (2) shall start not from the day on which the return was delivered but from the filing date.]
- [^{F66}(7) In sub-paragraph (6) “group” and “small group” have the same meaning as in sections 474(1) and 383 of the Companies Act 2006.]

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Textual Amendments

- F5** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F49** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)
- F64** Words in Sch. 18 para. 24(2) substituted (19.7.2007) by [Finance Act 2007 \(c. 11\), s. 96\(3\)](#) (with s. 96(6))
- F65** Sch. 18 para. 24(6)(7) inserted (19.7.2007) by [Finance Act 2007 \(c. 11\), s. 96\(4\)](#) (with s. 96(6))
- F66** Sch. 18 para. 24(7) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments\) \(Taxes and National Insurance\) Order 2008 \(S.I. 2008/954\), arts. 1\(1\), 25\(4\)](#) (with art. 4)

Modifications etc. (not altering text)

- C11** Sch. 18 para. 24 applied (with modifications) (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\(1\), 5](#)
- C12** Sch. 18 para. 24(4)-(5) applied (8.4.2010) by [Finance Act 2010 \(c. 13\), Sch. 1 para. 23\(5\)\(a\)](#)

Scope of enquiry

- 25 (1) An enquiry into a company tax return extends to anything contained in the return, or required to be contained in the return, including—
- any claim or election included in the return,
 - any amount that affects or may affect—
 - the tax payable by that company for another accounting period, or
 - the tax liability of another company for any accounting period,
- [^{F67}and also extends to consideration of whether to give the company [^{F68}a notice within sub-paragraph (3)]. But this is subject to the following limitation.]
- (2) If the notice of enquiry is given—
- as a result of an amendment by the company of its return, and
 - at a time when it is no longer possible to give notice of enquiry under paragraph 24(2) or (3),
- the enquiry into the return is limited to matters to which the amendment relates or which are affected by the amendment.
- [^{F69}(3) A notice is within this sub-paragraph if it is—
- a notice under section 184G or 184H of the Taxation of Chargeable Gains Act 1992 (avoidance involving capital losses),
 - a notice under section 81(2) of TIOPA 2010 (schemes and arrangements designed to increase relief),
 - a transfer pricing notice under section 168(1) of TIOPA 2010 (provision not at arm's length: medium-sized enterprise), or
 - a notice under section 232 or 249 of TIOPA 2010 (avoidance involving tax arbitrage).]

Textual Amendments

- F67** Words in Sch. 18 para. 25(1) substituted (with effect in accordance with s. 37 of the amending Act) by [Finance Act 2004 \(c. 12\), Sch. 5 para. 10](#)

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F68 Words in Sch. 18 para. 25(1) substituted (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. 321(2)** (with Sch. 9 paras. 1-9, 22)

F69 Sch. 18 para. 25(3) 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. 321(3)** (with Sch. 9 paras. 1-9, 22)

Modifications etc. (not altering text)

C13 Sch. 18 para. 25 applied (with modifications) (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), 5

C14 Sch. 18 para. 25(2) applied (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), **Sch. 1 para. 23(5)(b)**

Enquiry into return for wrong period

- 26 (1) In the case of a company tax return which it appears to [^{F5}an officer of Revenue and Customs] —
- (a) is or may be a return for the wrong period, or
 - (b) has become a return for the wrong period as a result of a direction under [^{F70}section 11(3) of the Corporation Tax Act 2009 (power of officer of Revenue and Customs)] to direct which accounting date to be used where company carries on several trades),
- the power to enquire into the return includes power to enquire into the period for which the return ought to have been made.
- (2) A return is a “return for the wrong period” in the following cases.
 - (3) The first case is where the return is made for a period which is treated in the return as an accounting period, but which is not an accounting period of the company.
 - (4) The second case is where the return is made on the basis that there is no accounting period ending in or at the end of the specified period, but there is such an accounting period.
 - (5) In relation to a return for the wrong period the references to the filing date in paragraph 24(2) and (3) (period within which notice of enquiry may be given) are to the date that would be the filing date if the period for which the return was made were a period of the kind it is treated as in the return.
 - (6) In this paragraph “the specified period” means the period specified in the notice requiring a company tax return.

Textual Amendments

F5 Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), **Sch. 4 para. 68(a)**; S.I. 2005/1126, art. 2(2)(h)

F70 Words in Sch. 18 para. 26(1)(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. 454(5)** (with Sch. 2 Pts. 1, 2)

Notice to produce documents, etc. for purposes of enquiry

^{F71}27

Status: Point in time view as at 08/04/2010.

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Textual Amendments

- F71** Sch. 18 para. 27 omitted (1.4.2009) by virtue of [Finance Act 2008 \(c. 9\)](#), s. 113(2), [Sch. 36 para. 88](#) (with [Sch. 36 para. 38](#)); [S.I. 2009/404](#), art. 2 (with arts. 7, 8)

Appeal against notice to produce documents, etc

F7228

Textual Amendments

- F72** Sch. 18 para. 28 omitted (1.4.2009) by virtue of [Finance Act 2008 \(c. 9\)](#), s. 113(2), [Sch. 36 para. 88](#) (with [Sch. 36 para. 38](#)); [S.I. 2009/404](#), art. 2 (with arts. 7, 8)

Penalty for failure to produce documents, etc

F7329

Textual Amendments

- F73** Sch. 18 para. 29 omitted (1.4.2009) by virtue of [Finance Act 2008 \(c. 9\)](#), s. 113(2), [Sch. 36 para. 88](#) (with [Sch. 36 para. 38](#)); [S.I. 2009/404](#), art. 2 (with arts. 7, 8)

Amendment of self-assessment during enquiry to prevent loss of tax

- 30 (1) If after notice of enquiry has been given and before the enquiry is completed [^{F5}an officer of Revenue and Customs][^{F49}forms] the opinion—
- (a) that the amount stated in the company's self-assessment 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,
- [^{F49}he] may by notice to the company amend its self-assessment to make good the deficiency.
- (2) In the case of an enquiry which under paragraph 25(2) is limited to matters arising from an amendment of the return, sub-paragraph (1) above only applies so far as the deficiency is attributable to the amendment.
- (3) An appeal may be brought against an amendment of a company's self-assessment by [^{F5}an officer of Revenue and Customs] under this paragraph.
- (4) Notice of appeal must be given—
- (a) in writing,
 - (b) within 30 days after the amendment was notified to the company,
 - (c) to the officer of the Board by whom the notice of amendment was given.
- [^{F74}(5) None of the steps mentioned in section 49A(2)(a) to (c) of the Taxes Management Act 1970 may be taken in relation to the appeal before the completion of the enquiry.]

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Textual Amendments

- F5** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F49** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)
- F74** Sch. 18 para. 30(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. 257](#)

Amendment of return by company during enquiry

- 31 (1) This paragraph applies if a company amends its company tax return 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—
- (a) the amount stated in the company's self-assessment as the amount of tax payable, or
 - (b) any amount that affects or may affect—
 - (i) the tax payable by the company for another accounting period, or
 - (ii) the tax liability of another company for any accounting period,
 it does not take effect until after the enquiry is completed.
- This does not affect any claim by the company under section 59DA of the ^{M4}Taxes Management Act 1970 (claim for repayment in advance of liability being established).
- (4) An amendment whose effect is deferred under sub-paragraph (3) takes effect as follows—
- (a) if the conclusions in the closure notice state either—
 - (i) that the amendment was not taken into account in the enquiry, or
 - (ii) that no amendment of the return is required arising from the enquiry,
 the amendment takes effect on the completion of the enquiry;
 - ^{F75}(b) in any other case, the amendment takes effect as part of the amendments made by the closure notice.]
- (5) For the purposes of this paragraph the period during which an enquiry is in progress is the whole of the period—
- (a) beginning with the day on which ^{F5}an officer of Revenue and Customs]^{F49} gives] notice of enquiry into the return, and
 - (b) ending with the day on which the enquiry is completed.

Textual Amendments

- F5** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F49** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)

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F75 Sch. 18 para. 31(4)(b) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\), s. 119\(5\)\(13\)](#); S.I. 2009/405, art. 2

Modifications etc. (not altering text)

C15 Sch. 18 paras. 31-34 applied (with modifications) (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), 5

C16 Sch. 18 para. 31 applied (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), [Sch. 1 para. 23\(5\)\(c\)](#)

Marginal Citations

M4 [1970 c. 9](#).

[^{F76}Referral of questions to [^{F77}the tribunal] during enquiry

Textual Amendments

F76 Sch. 18 Pt. IV para. 31A-31D inserted (11.5.2001 with application as mentioned in [Sch. 29 para. 7\(2\)](#) of the amending Act) by [2001 c. 9, s. 88](#), [Sch. 29 para. 7](#)

F77 Words in Sch. 18 para. 31A 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. 258\(2\)](#)

31A (1) At any time when an enquiry is in progress into a company's tax return any question arising in connection with the subject-matter of the enquiry may be referred to the [^{F78}tribunal] for ^{F79}... determination.

(2) Notice of referral must be given—

(a) jointly by the company and [^{F5}an officer of Revenue and Customs],

^{F80}(b)

(c) to the [^{F81}tribunal].

^{F82}(3)

(4) More than one notice of referral may be given under this paragraph in relation to an enquiry.

(5) For the purposes of this paragraph the period during which an enquiry is in progress is the whole of the period—

(a) beginning with the day on which [^{F5}an officer of Revenue and Customs][^{F49}gives] notice of enquiry into the return, and

(b) ending with the day on which the enquiry is completed.

Textual Amendments

F5 Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)

F49 Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)

F78 Word in Sch. 18 para. 31A(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. 258\(3\)](#)

F79 Word in Sch. 18 para. 31A(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. 258\(3\)](#)

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- F80** Sch. 18 para. 31A(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. 258(4)(a)**
- F81** Word in Sch. 18 para. 31A(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. 258(4)(b)**
- F82** Sch. 18 para. 31A(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. 258(5)**

Modifications etc. (not altering text)

- C15** Sch. 18 paras. 31-34 applied (with modifications) (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), **5**
- C17** Sch. 18 paras. 31A-31D applied (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), **Sch. 1 para. 23(5)(d)**

Withdrawal of notice of referral

- 31B (1) [^{F5}An officer of Revenue and Customs] or the company may withdraw a notice of referral under paragraph 31A ^{F83} ...
- ^{F84}(2)

Textual Amendments

- F5** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), **Sch. 4 para. 68(a)**; [S.I. 2005/1126](#), art. 2(2)(h)
- F83** Words in Sch. 18 para. 31B(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. 259(2)**
- F84** Sch. 18 para. 31B(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. 259(3)**

Modifications etc. (not altering text)

- C15** Sch. 18 paras. 31-34 applied (with modifications) (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), **5**
- C17** Sch. 18 paras. 31A-31D applied (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), **Sch. 1 para. 23(5)(d)**

Effect of referral on enquiry

- 31C (1) While proceedings on a referral under paragraph 31A 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 paragraph 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 sub-paragraph (2)(c) a question referred is finally determined when—
- (a) it has been determined by the [^{F85}tribunal], and
 - (b) there is no further possibility of that determination being varied or set aside (disregarding any power to grant permission to appeal out of time).

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Textual Amendments

F85 Word in Sch. 18 para. 31C(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. 260**

Modifications etc. (not altering text)

C15 Sch. 18 paras. 31-34 applied (with modifications) (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), **5**

C17 Sch. 18 paras. 31A-31D applied (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), **Sch. 1 para. 23(5)(d)**

Effect of determination

- 31D (1) The determination of a question referred to the [^{F86}tribunal] under paragraph 31A 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 [^{F5}an officer of Revenue and Customs] in reaching [^{F49}his] conclusions on the enquiry.
- (3) Any right of appeal under paragraph 30 or 34(3) 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

F5 Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), **Sch. 4 para. 68(a)**; S.I. 2005/1126, art. 2(2)(h)

F49 Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), **Sch. 4 para. 68(c)**; S.I. 2005/1126, art. 2(2)(h)

F86 Word in Sch. 18 para. 31D(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. 261**

Modifications etc. (not altering text)

C15 Sch. 18 paras. 31-34 applied (with modifications) (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), **5**

C17 Sch. 18 paras. 31A-31D applied (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), **Sch. 1 para. 23(5)(d)**

Completion of enquiry

- 32 (1) An enquiry is completed when [^{F5}an officer of Revenue and Customs] by notice (a “closure notice”) [^{F49}informs] the company [^{F49}he has] completed [^{F49}his] enquiry and [^{F49}states his] conclusions.
- The notice takes effect when it is issued.
- (2) If [^{F5}an officer of Revenue and Customs][^{F49}concludes] that the return was a return for the wrong period, the closure notice must designate the accounting period for which a return should have been made (specifying the dates on which the period begins and ends).

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- (3) If there is more than one accounting period ending in or at the end of the period specified in the notice requiring a return, the closure notice shall only designate the first of those accounting periods for which no return has been delivered.

Paragraph 35 provides for a return to be delivered for any other outstanding accounting period.

Textual Amendments

- F5** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F49** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)

Modifications etc. (not altering text)

- C15** Sch. 18 paras. 31-34 applied (with modifications) (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), [5](#)
- C18** Sch. 18 para. 32(1) applied (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), [Sch. 1 para. 23\(5\)\(e\)](#)

Direction to complete enquiry

- 33 (1) The company may apply to the [^{F87}tribunal] for a direction that [^{F5}an officer of Revenue and Customs] give a closure notice within a specified period.
- [^{F88}(2) Any such application is to be subject to the relevant provisions of Part 5 of the Taxes Management Act 1970 (see, in particular, section 48(2)(b) of that Act).]
- (3) The [^{F89}tribunal] shall give a direction unless ^{F90}... satisfied that [^{F5}an officer of Revenue and Customs][^{F49}has] reasonable grounds for not giving a closure notice within a specified period.

Textual Amendments

- F5** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F49** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)
- F87** Word in Sch. 18 para. 33(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. 262\(2\)](#)
- F88** Sch. 18 para. 33(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. 262\(3\)](#)
- F89** Word in Sch. 18 para. 33(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. 262\(4\)\(a\)](#)
- F90** Words in Sch. 18 para. 33(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. 262\(4\)\(b\)](#)

Modifications etc. (not altering text)

- C15** Sch. 18 paras. 31-34 applied (with modifications) (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), [5](#)
- C19** Sch. 18 para. 33 applied (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), [Sch. 1 para. 23\(5\)\(f\)](#)

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Amendment of return after enquiry

- 34 ^{F91}(1) This paragraph applies where a closure notice is given to a company by an officer.
- (2) The closure notice must—
- (a) state that, in the officer's opinion, no amendment is required of the return that was the subject of the enquiry, or
 - (b) make the amendments of that return that are required—
 - (i) to give effect to the conclusions stated in the notice, and
 - (ii) in the case of a return for the wrong period, to make it a return appropriate to the designated period.
- (2A) The officer may by further notice to the company make any amendments of other company tax returns delivered by the company that are required to give effect to the conclusions stated in the closure notice.]
- (3) An appeal may be brought against ^{F92}an amendment of a company's return under sub-paragraph (2) or (2A)].
- (4) Notice of appeal must be given—
- (a) in writing,
 - (b) within 30 days after the amendment was notified to the company,
 - (c) to the officer of the Board by whom the ^{F93}closure notice] was given.
- (5) In this paragraph “the designated period” means the period designated in the closure notice.

Textual Amendments

- F91** Sch. 18 para. 34(1)-(2A) substituted for Sch. 18 para. 34(1)(2) (1.4.2010) by [Finance Act 2008 \(c. 9\), s. 119\(6\)\(13\)](#); [S.I. 2009/405, art. 2](#)
- F92** Words in Sch. 18 para. 34(3) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\), s. 119\(7\)\(13\)](#); [S.I. 2009/405, art. 2](#)
- F93** Words in Sch. 18 para. 34(4)(c) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\), s. 119\(8\)\(13\)](#); [S.I. 2009/405, art. 2](#)

Modifications etc. (not altering text)

- C15** Sch. 18 paras. 31-34 applied (with modifications) (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), 5
- C20** Sch. 18 para. 34 applied (8.4.2010) by [Finance Act 2010 \(c. 13\), Sch. 1 para. 23\(5\)\(g\)](#)

Further return for outstanding period

- 35 (1) Where, following an enquiry into a company tax return—
- (a) it is finally determined—
 - (i) that the return is a return for the wrong period, and
 - (ii) what the period is for which the return should have been made, and
 - (b) the effect of the determination is that there is a further period (“the outstanding period”) for which a company tax return should have been made under the original notice requiring a return,

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then, if there is no such return delivered by the company which can be amended so as to become a return for the outstanding period, the original notice shall be taken to require the company to deliver a return in respect of that period.

- (2) The filing date for such a return for an outstanding period is whichever is the later of—
- (a) the original filing date, and
 - (b) the last day of the period of 30 days beginning with the day on which the matters mentioned in sub-paragraph (1)(a) are finally determined.

PART V

REVENUE DETERMINATIONS AND ASSESSMENTS

Determination of tax payable if no return delivered in response to notice

- 36 (1) If no return is delivered in response to a notice requiring a company tax return, [^{F5}an officer of Revenue and Customs] may determine to the best of [^{F49}his] information and belief the amount of tax payable by the company.
- (2) The power to make a determination under this paragraph becomes exercisable if no return is delivered on or before the following date—
- (a) if the filing date for any return required by the notice can be ascertained, that date;
 - (b) if no such date can be ascertained, the later of—
 - (i) 18 months from the end of the period specified in the notice, or
 - (ii) three months from the day on which the notice was served.
- (3) The accounting period or periods for which a determination may be made are—
- (a) if there is only one accounting period ending in or at the end of the period specified in the notice, that period;
 - (b) if there is more than one accounting period ending in or at the end of the period specified in the notice, each of those periods;
 - (c) if [^{F5}an officer of Revenue and Customs][^{F49}has] insufficient information to identify the accounting periods of the company, such period or periods ending in or at the end of the period specified in the notice as [^{F49}he] may determine.
- (4) Notice of a determination under this paragraph must be served on the company, stating the date on which the determination is issued.
- (5) No determination under this paragraph may be made more than [^{F94}3 years] after the day on which the power becomes exercisable.
- (6) If the company shows—
- (a) that there is no accounting period of the company ending in or at the end of the period specified in the notice, or
 - (b) that it has delivered a return for the accounting period, or each accounting period, ending in or at the end of the period specified in the notice, or
 - (c) that no return is yet due for any such period,
- any determination under this paragraph is of no effect.

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Textual Amendments

- F5** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F49** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)
- F94** Words in Sch. 18 para. 36(5) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. 118(2), [Sch. 39 para. 38](#); S.I. 2009/403, art. 2(2) (with art. 10)

Modifications etc. (not altering text)

- C21** Sch. 18 para. 36 applied (with modifications) (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), 6

Determination of tax payable if notice complied with in part

- 37 (1) If a notice requiring a company tax return is served on a company and—
- (a) a return is delivered for an accounting period ending in or at the end of the period specified in the notice, but
 - (b) there is another period so ending (the “outstanding period”) which appears to ^[F5]an officer of Revenue and Customs] is or may be an accounting period, ^[F5]an officer of Revenue and Customs] may determine to the best of ^[F49]his] information and belief the amount of corporation tax payable by the company for the outstanding period.
- (2) The power to make a determination under this paragraph becomes exercisable—
- (a) if the filing date for the outstanding period can be ascertained and no return is delivered on or before that date;
 - (b) if no such date can be ascertained and no return for that period is delivered by the later of—
 - (i) 30 months from the end of the period specified in the notice, or
 - (ii) three months from the day on which the notice was served.
- (3) Notice of a determination under this paragraph must be served on the company, stating the date on which the determination is issued.
- (4) No determination under this paragraph may be made more than ^[F95]3 years] after the day on which the power first became exercisable.
- (5) If the company shows—
- (a) that the outstanding period is not an accounting period, or
 - (b) that it has delivered a return for that period,
- any determination under this paragraph is of no effect.

Textual Amendments

- F5** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F49** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)

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F95 Words in Sch. 18 para. 37(4) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. 118(2), [Sch. 39 para. 39](#); S.I. 2009/403, art. 2(2) (with art. 10)

Extent of power to make determination

- 38 (1) The power to make a determination under paragraph 36 or 37 includes power to determine—
- (a) any of the amounts mentioned in paragraph 8(1) (calculation of amount of tax payable), and
 - (b) any amount forming part of the calculation of any of those amounts.
- (2) Notice of a determination under either of those paragraphs may be accompanied by notice of any determination by [^{F5}an officer of Revenue and Customs] relating to the dates on which amounts of tax become due and payable under section 59D or 59E of the ^{M5}Taxes Management Act 1970.

Textual Amendments

F5 Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)

Marginal Citations

M5 1970 c. 9.

Determination to have effect as self-assessment

- 39 (1) A determination under paragraph 36 or 37 has effect for enforcement purposes as if it were a self-assessment by the company.
- (2) In sub-paragraph (1) “for enforcement purposes” means for the purposes of—
- (a) the following Parts of the ^{M6}Taxes Management Act 1970—
 - Part VA (payment),
 - Part VI (collection and recovery),
 - Part IX (interest on overdue tax), and
 - Part XI (miscellaneous and supplementary provisions);
 - (b) the provisions of this Schedule imposing tax-related penalties; and
 - (c) the provisions of the Corporation Tax Acts enabling unpaid tax assessed on a company to be assessed on other persons.
- (3) For those purposes the period for which the determination is made shall be treated as an accounting period of the company, even though—
- (a) in the case of a determination under paragraph 36, [^{F5}an officer of Revenue and Customs][^{F49}has] insufficient information to determine the accounting periods of the company and [^{F49}exercises his] power under sub-paragraph (3)
 - (c) of that paragraph, or

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- (b) in the case of a determination under paragraph 37, [^{F5}an officer of Revenue and Customs][^{F49}has] insufficient information to determine whether the outstanding period is an accounting period.

Textual Amendments

- F5** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F49** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)

Marginal Citations

- M6** 1970 c. 9.

Determination superseded by actual self-assessment

- 40 (1) If after a determination has been made under paragraph 36—
- (a) the company delivers a company tax return for a period ending in or at the end of the period specified in the notice requiring a company tax return, and
- (b) the period is, or is treated in the return as, an accounting period,
- the self-assessment included in that return supersedes the determination or, if there is more than one, the determination for the period which is, or most closely approximates to, the period for which the return is made.
- (2) If after a determination has been made under paragraph 37—
- (a) the company delivers a further company tax return for a period ending in or at the end of the period specified in the notice requiring a company tax return, and
- (b) the period is, or is treated in the return as, an accounting period,
- the self-assessment included in that return supersedes the determination.
- (3) Sub-paragraphs (1) and (2) do not apply to a return made—
- (a) more than [^{F96}3 years] after the day on which the power to make the determination first became exercisable (see paragraph 36(2) or 37(2)), or
- (b) more than twelve months after the date of the determination,
- whichever is the later.
- (4) Where—
- (a) [^{F97}proceedings have been begun] for the recovery of any tax charged by a determination under paragraph 36 or 37, and
- (b) before the proceedings are concluded the determination is superseded by a self-assessment,
- the 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.

Textual Amendments

- F96** Words in Sch. 18 para. 40(3) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. 118(2), [Sch. 39 para. 40](#); S.I. 2009/403, art. 2(2) (with art. 10)

Status: Point in time view as at 08/04/2010.

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F97 Words in Sch. 18 para. 40(4) substituted (11.5.2001 with application as mentioned in Sch. 29 para 17(3) of the amending Act) by 2001 c. 9, s. 88, **Sch. 29 para. 17(2)**

Modifications etc. (not altering text)

C22 Sch. 18 para. 40 applied (with modifications) (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), **6**

*Assessment where loss of tax discovered or
 determination of amount discovered to be incorrect*

- 41 (1) If [^{F5}an officer of Revenue and Customs][^{F49}discovers] as regards an accounting period of a company that—
- (a) an amount which ought to have been assessed to tax has not been assessed, or
 - (b) an assessment to tax is or has become insufficient, or
 - (c) relief has been given which is or has become excessive,
- [^{F49}he] may make an assessment (a “discovery assessment”) in the amount or further amount which ought in [^{F49}his] opinion to be charged in order to make good to the Crown the loss of tax.
- (2) If [^{F5}an officer of Revenue and Customs][^{F49}discovers] that a company tax return delivered by a company for an accounting period incorrectly states—
- (a) an amount that affects, or may affect, the tax payable by that company for another accounting period, or
 - (b) an amount that affects, or may affect, the tax liability of another company,
- [^{F49}he] may make a determination (a “discovery determination”) of the amount which in [^{F49}his] opinion ought to have been stated in the return.

Textual Amendments

F5 Words in Sch. 18 substituted (18.4.2005) by **Commissioners for Revenue and Customs Act 2005 (c. 11)**, s. 53(1), **Sch. 4 para. 68(a)**; S.I. 2005/1126, art. 2(2)(h)

F49 Words in Sch. 18 substituted (18.4.2005) by virtue of **Commissioners for Revenue and Customs Act 2005 (c. 11)**, s. 53(1), **Sch. 4 para. 68(c)**; S.I. 2005/1126, art. 2(2)(h)

Modifications etc. (not altering text)

C23 Sch. 18 para. 41(2)-44 applied (with modifications) (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), **7**

Restrictions on power to make discovery assessment or determination

- 42 (1) The power to make—
- (a) a discovery assessment for an accounting period for which the company has delivered a company tax return, or
 - (b) a discovery determination,
- is only exercisable in the circumstances specified in paragraph 43 or 44 and subject to paragraph 45 below.

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- (2) Those restrictions do not apply to an assessment or determination which only gives effect to a discovery determination duly made with respect to an amount stated in another company's company tax return.
- [^{F98}(2A) Those restrictions, other than the restriction in paragraph 45, do not apply so far as regards any income or chargeable gains of the company in relation to which the company has been given, after any enquiries have been completed into the return, a notice [^{F99}within sub-paragraph (4).]]
- (3) Any objection to a discovery assessment or determination on the ground that those paragraphs have not been complied with can only be made on an appeal against the assessment or determination.
- [^{F100}(4) A notice is within this sub-paragraph if it is—
- (a) a notice under section 184G or 184H of the Taxation of Chargeable Gains Act 1992 (avoidance involving capital losses),
 - (b) a notice under section 81(2) of TIOPA 2010 (schemes and arrangements designed to increase relief), or
 - (c) a notice under section 232 or 249 of TIOPA 2010 (avoidance involving tax arbitrage).]

Textual Amendments

- F98** Sch. 18 para. 42(2A) inserted (with effect in accordance with s. 88(5) of the amending Act) by [Finance Act 2005 \(c. 7\), s. 88\(4\)](#)
- F99** Words in Sch. 18 para. 42(2A) substituted (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. 321\(4\)](#) (with [Sch. 9 paras. 1-9, 22](#))
- F100** Sch. 18 para. 42(4) 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. 321\(5\)](#) (with [Sch. 9 paras. 1-9, 22](#))

Modifications etc. (not altering text)

- C23** Sch. 18 para. 41(2)-44 applied (with modifications) (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\(1\), 7](#)

[^{F101}Loss of tax brought about carelessly or deliberately]

Textual Amendments

- F101** Sch. 18 para. 43 cross-heading substituted (1.4.2010) by [Finance Act 2008 \(c. 9\), s. 118\(2\), Sch. 39 para. 41\(3\)](#); [S.I. 2009/403, art. 2\(2\)](#) (with [art. 10](#))

- 43 A discovery assessment for an accounting period for which the company has delivered a company tax return, or a discovery determination, may be made if the situation mentioned in paragraph 41(1) or (2) [^{F102}was brought about carelessly or deliberately by]—
- (a) the company, or
 - (b) a person acting on behalf of the company, or
 - (c) a person who was a partner of the company at the relevant time.

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Textual Amendments

F102 Words in Sch. 18 para. 43 substituted (1.4.2010) by [Finance Act 2008 \(c. 9\), s. 118\(2\), Sch. 39 para. 41\(2\)](#); [S.I. 2009/403, art. 2\(2\)](#) (with [art. 10](#))

Modifications etc. (not altering text)

C23 Sch. 18 para. 41(2)-44 applied (with modifications) (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\(1\), 7](#)

Situation not disclosed by return or related documents etc.

- 44 (1) A discovery assessment for an accounting period for which the company has delivered a company tax return, or a discovery determination, may be made if at the time when [^{F5}an officer of Revenue and Customs]—
- (a) ceased to be entitled to give a notice of enquiry into the return, or
 - (b) completed [^{F49}his] enquiries into the return,
- [^{F49}he] could not have been reasonably expected, on the basis of the information made available to [^{F49}him] before that time, to be aware of the situation mentioned in paragraph 41(1) or (2).
- (2) For this purpose information is regarded as made available to [^{F5}an officer of Revenue and Customs] if—
- (a) it is contained in a relevant return by the company or in documents accompanying any such return, or
 - (b) it is contained in a relevant claim made by the company or in any accounts, statements or documents accompanying any such claim, or
 - (c) it is contained in any documents, accounts or information produced or provided by the company to [^{F5}an officer of Revenue and Customs] for the purposes of an enquiry into any such return or claim, or
 - (d) it is information the existence of which, and the relevance of which as regards the situation mentioned in paragraph 41(1) or (2)—
 - (i) could reasonably be expected to be inferred by [^{F5}an officer of Revenue and Customs] from information falling within paragraphs (a) to (c) above, or
 - (ii) are notified in writing to [^{F5}an officer of Revenue and Customs] by the company or a person acting on its behalf.
- (3) In sub-paragraph (2)—
- “relevant return” means the company’s company tax return for the period in question or either of the two immediately preceding accounting periods, and
- “relevant claim” means a claim made by or on behalf of the company as regards the period in question [^{F103}or an application under section 751A of the Taxes Act 1988 made by or on behalf of the company which affects the company’s tax return for the period in question].

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Textual Amendments

- F5** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F49** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)
- F103** Words in Sch. 18 para. 44(3) inserted (with effect in accordance with Sch. 15 para. 10 of the amending Act) by [Finance Act 2007 \(c. 11\)](#), [Sch. 15 para. 9](#)

Modifications etc. (not altering text)

- C23** Sch. 18 para. 41(2)–44 applied (with modifications) (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), 7
- C24** Sch. 18 para. 44(2)(3) applied by [Taxation of Chargeable Gains Act 1992 \(c. 12\)](#), s. 184I(6) (as inserted by [Finance Act 2006 \(c. 25\)](#), s. 71(1)(4))
- C25** Sch. 18 para. 44(2)(3) applied (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\)](#), ss. 256(5), 381(1) (with [Sch. 9 paras. 1–9, 22](#))

Return made in accordance with prevailing practice

- 45 No discovery assessment for an accounting period for which the company has delivered a company tax return, or discovery determination, may be made if—
- the situation mentioned in paragraph 41(1) or (2) is attributable to a mistake in the return as to the basis on which the company’s liability ought to have been computed, and
 - the return was in fact made on the basis or in accordance with the practice generally prevailing at the time when it was made.

General time limits for assessments

- 46 (1) Subject to any provision of the Taxes Acts allowing a longer period in any particular class of case no assessment may be made more than [^{F104}4 years] after the end of the accounting period to which it relates.
- [^{F105}(2) An assessment in a case involving a loss of tax brought about carelessly by the company (or a related person) may be made at any time not more than 6 years after the end of the accounting period to which it relates (subject to sub-paragraph (2A) and to any other provision of the Taxes Acts allowing a longer period).
- (2A) An assessment in a case involving a loss of tax—
- brought about deliberately by the company (or a related person),
 - attributable to a failure by the company to comply with an obligation under paragraph 2, or
 - attributable to arrangements in respect of which the company has failed to comply with an obligation under section 309, 310 or 313 of the Finance Act 2004 (obligation of parties to tax avoidance schemes to provide information to Her Majesty's Revenue and Customs),
- may be made at any time not more than 20 years after the end of the accounting period to which it relates (subject to any provision of the Taxes Acts allowing a longer period).

- (2B) In this paragraph “related person”, in relation to a company, means—

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- (a) a person acting on behalf of the company, or
 - (b) a person who was a partner of the company at the relevant time.]
- (3) Any objection to the making of an assessment on the ground that the time limit for making it has expired can only be made on an appeal against the assessment.

Textual Amendments

- F104** Words in Sch. 18 para. 46(1) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. 118(2), **Sch. 39 para. 42(2)**; [S.I. 2009/403](#), art. 2(2) (with art. 10)
- F105** Sch. 18 para. 46(2)-(2B) substituted for Sch. 18 para. 46(2) (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. 118(2), **Sch. 39 para. 42(3)**; [S.I. 2009/403](#), art. 2(2) (with arts. 8, 10)

Modifications etc. (not altering text)

- C26** Sch. 18 paras. 46-49 applied (with modifications) (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), 7
- C27** Sch. 18 para. 46(2)(3) applied (28.7.2000 with application as mentioned in s. 63(4) of the amending Act) by [2000 c. 17](#), s. 63(1), **Sch. 15 Pt. VI para. 62(3)**
- C28** Sch. 18 para. 46(2) 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

Assessment procedure

- 47 (1) Notice of an assessment to tax on a company must be served on the company stating—
- (a) the date on which the notice is issued, and
 - (b) the time within which any appeal against the assessment may be made.
- (2) After that notice has been served on the company, the assessment may not be altered except in accordance with the express provisions of the Taxes Acts.

Modifications etc. (not altering text)

- C26** Sch. 18 paras. 46-49 applied (with modifications) (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), 7

Appeal against assessment

- 48 (1) An appeal may be brought against any assessment to tax on a company which is not a self-assessment.
- (2) Notice of appeal must be given—
- (a) in writing,
 - (b) within 30 days after notice of the assessment was issued,
 - (c) to the officer of the Board by whom the notice of the assessment was given.

Modifications etc. (not altering text)

- C26** Sch. 18 paras. 46-49 applied (with modifications) (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), 7

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- C29** Sch. 18 para. 48 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**

Application of provisions to discovery determinations

- 49 The provisions of paragraphs 46 to 48 (assessments: general provisions as to time limits, procedure and appeals) apply to a discovery determination as they apply to an assessment.

Modifications etc. (not altering text)

- C26** Sch. 18 paras. 46-49 applied (with modifications) (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), **7**

PART VI

[^{F106}OVERPAID TAX,] EXCESSIVE ASSESSMENTS OR REPAYMENTS, ETC

Textual Amendments

- F106** Words in Sch. 18 Pt. VI heading inserted (with effect in accordance with s. 100(2) of the amending Act) by [Finance Act 2009 \(c. 10\)](#), **Sch. 52 para. 14**

Relief in case of double assessment

- 50 (1) A company which believes it has been assessed to tax more than once for the same cause and for the same accounting period may make a claim for relief—
- (a) by notice in writing,
 - (b) given to the Board.
- (2) If on a claim being made the Board are satisfied that the company has been assessed to tax more than once for the same cause and for the same accounting period, they shall amend the assessment or assessments concerned, or give relief by way of discharge or repayment of tax or otherwise, so as to eliminate the double charge.
- [^{F107}(3) An appeal may be brought against the Board's decision on a claim for relief under this paragraph.]

Textual Amendments

- F107** Sch. 18 para. 50(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. 263**

Modifications etc. (not altering text)

- C30** Sch. 18 paras. 50-50G applied (with modifications) (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), **Sch. 1 paras. 31, 33**

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f¹⁰⁸ Claim for relief for overpaid tax etc

Textual Amendments

F108 Sch. 18 paras. 51-51G and cross-headings substituted for Sch. 18 para. 51 (with effect in accordance with s. 100(2) of the amending Act) by [Finance Act 2009 \(c. 10\)](#), [Sch. 52 para. 13](#)

- 51 (1) This paragraph applies where—
- (a) a person has paid an amount by way of tax but believes that the tax was not due, or
 - (b) a person has been assessed as liable to pay an amount by way of 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 Her Majesty's Revenue and Customs for repayment or discharge of the amount.
- (3) Paragraph 51A makes provision about cases in which the Commissioners for Her Majesty's Revenue and Customs are not liable to give effect to a claim under this paragraph.
- (4) The following make further provision about making and giving effect to claims under this paragraph—
- (a) paragraphs 51B to 51F and Part 7 of this Schedule, and
 - (b) Schedule 1A to the Taxes Management Act 1970 (which is applied by that Part).
- (5) Paragraph 51G makes provision about the application of this paragraph and paragraphs 51A to 51F to amounts paid under contract settlements.
- (6) The Commissioners for Her Majesty's Revenue and Customs are not liable to give relief in respect of a case described in sub-paragraph (1)(a) or (b) except as provided—
- (a) by this Schedule and Schedule 1A to the Taxes Management Act 1970 (following a claim under this paragraph), or
 - (b) by or under another provision of the Corporation Tax Acts.
- (7) For the purposes of this paragraph and paragraphs 51A to 51G, an amount paid by one person on behalf of another is treated as paid by the other person.

Modifications etc. (not altering text)

- C30** Sch. 18 paras. 50-50G applied (with modifications) (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), [Sch. 1 paras. 31, 33](#)
- C31** Sch. 18 para. 51 applied (with modifications) (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\(1\), 8](#)

Cases in which Commissioners not liable to give effect to a claim

- 51A (1) The Commissioners for Her Majesty's Revenue and Customs are not liable to give effect to a claim under paragraph 51 if or to the extent that the claim falls within a case described in this paragraph (see also paragraph 51C(5)).

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- (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 a 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 Corporation Tax Acts.
- (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 of the Taxes Management Act 1970 (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),
 - (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 corporation tax, and
 - (b) liability was calculated in accordance with the practice generally prevailing at the time.

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Modifications etc. (not altering text)

C30 Sch. 18 paras. 50-50G applied (with modifications) (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), [Sch. 1 paras. 31, 33](#)

Making a claim

- 51B (1) A claim under paragraph 51 may not be made more than 4 years after the end of the relevant accounting period.
- (2) In relation to a claim made in reliance on paragraph 51(1)(a), the relevant accounting period is—
- (a) where the amount paid, or liable to be paid, is excessive by reason of a mistake in a company tax return or returns, the accounting period to which the return (or, if more than one, the first return) relates, and
 - (b) otherwise, the accounting period in respect of which the amount was paid.
- (3) In relation to a claim made in reliance on paragraph 51(1)(b), the relevant accounting period is the accounting period to which the assessment, determination or direction relates.
- (4) A claim under paragraph 51 may not be made by being included in a company tax return.

Modifications etc. (not altering text)

C30 Sch. 18 paras. 50-50G applied (with modifications) (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), [Sch. 1 paras. 31, 33](#)

The claimant: one person accountable for amounts payable by another

- 51C (1) Sub-paragraph (2) applies where a person (“P”) is accountable to the Commissioners for Her Majesty's Revenue and Customs under a relevant enactment for an amount that has been or is to be set off against a liability of another person (“T”) under a relevant enactment.
- (2) A claim under paragraph 51 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) 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 paragraph 51 in respect of the amount may be made only by P.
- (5) The Commissioners for Her Majesty's Revenue and Customs 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) Chapter 3 of Part 3 of the Finance Act 2004 or regulations under that Chapter (construction industry scheme), or

Status: Point in time view as at 08/04/2010.

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- (b) any other provision of or made under the Taxes Acts.

Modifications etc. (not altering text)

C30 Sch. 18 paras. 50-50G applied (with modifications) (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), [Sch. 1 paras. 31, 33](#)

The claimant: partnerships

- 51D (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 paragraph 51 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 paragraphs 51A to 51F 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.

Modifications etc. (not altering text)

C30 Sch. 18 paras. 50-50G applied (with modifications) (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), [Sch. 1 paras. 31, 33](#)

Assessment of claimant in connection with claim

- 51E (1) This paragraph applies where—
- (a) a claim is made under paragraph 51,
 - (b) the grounds for giving effect to the claim also provide grounds for a discovery assessment or discovery determination on the claimant in respect of any accounting period, and
 - (c) such an assessment or determination could be made but for a relevant restriction.
- (2) The following are relevant restrictions—
- (a) the restrictions in paragraphs 42 to 45, and
 - (b) the expiry of a time limit for making a discovery assessment or discovery determination.
- (3) Where this paragraph applies—

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- (a) the relevant restrictions are to be disregarded, and
 - (b) the discovery assessment or discovery determination is not out of time if it is made before the final determination of the claim.
- (4) 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).

Modifications etc. (not altering text)

C30 Sch. 18 paras. 50-50G applied (with modifications) (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), [Sch. 1 paras. 31, 33](#)

Amendment of partnership return etc in connection with claim

- 51F (1) This paragraph applies where—
- (a) a claim is made under paragraph 51,
 - (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) of the Taxes Management Act 1970 (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) of the Taxes Management Act 1970, 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.
- (4) 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).

Modifications etc. (not altering text)

C30 Sch. 18 paras. 50-50G applied (with modifications) (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), [Sch. 1 paras. 31, 33](#)

Contract settlements

- 51G (1) In paragraph 51(1)(a) the reference to an amount paid by a company by way of tax includes an amount paid by a person under a contract settlement in connection with tax believed to be due.
- (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.

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- (3) In relation to a claim under paragraph 51 in respect of that amount—
- (a) the references to the claimant in paragraph 51A(5) to (7) (Cases D, E and F) have effect as if they included the taxpayer,
 - (b) the reference to the claimant in paragraph 51A(8) (Case G) has effect as if it were a reference to the taxpayer,
 - (c) the references to the claimant in paragraphs 51E(1)(b) and 51F(1)(b) have effect as if they were references to the taxpayer, and
 - (d) references to tax in Schedule 1A to the Taxes Management Act 1970 (as it applies to a claim under this Part of 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 discovery determination on the taxpayer in respect of any chargeable period.
- (5) The Commissioners for Her Majesty's Revenue and Customs 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 for Her Majesty's Revenue and Customs and the taxpayer are discharged to the extent of any set-off under sub-paragraph (5).
- (7) “Contract settlement” means an agreement made in connection with any person's liability to make a payment to the Commissioners for Her Majesty's Revenue and Customs under or by virtue of an enactment.]

Modifications etc. (not altering text)

C30 Sch. 18 paras. 50-50G applied (with modifications) (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), [Sch. 1 paras. 31, 33](#)

Recovery of excessive repayments etc

- 52 (1) The provisions of paragraphs 41 to 48 relating to discovery assessments apply to an amount to which this paragraph applies as if it were unpaid tax, unless—
- (a) it is assessable under those provisions apart from this paragraph, or
 - (b) it is recoverable under section 826(8A) of the Taxes Act 1988 (interest overpaid which is recoverable in same way as interest charged).
- (2) This paragraph applies to an amount paid to a company by way of—
- (a) repayment of tax (or income tax) or payment of a tax credit,
 - (b) repayment supplement under section 825 of the Taxes Act 1988,
 - ^{F109}(ba) R&D tax credit under [^{F110}Chapter 2 or 7 of Part 13 of the Corporation Tax Act 2009],]
 - ^{F111}(bb) land remediation tax credit or life assurance company tax credit under [^{F112}Part 14 of the Corporation Tax Act 2009],] or
 - ^{F113}(bc)
 - ^{F114}(bd) film tax credit [^{F115}under Part 15 of the Corporation Tax Act 2009],]
 - (c) interest paid under section 826 of [^{F116}the Taxes Act 1988],
- to the extent that it ought not to have been paid.

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[^{F117}(2A) The provisions of paragraphs 41 and 45 to 48 relating to discovery assessments apply to an amount paid to a company by way of first-year tax credit under Schedule A1 to the Capital Allowances Act as if it were unpaid tax, but only to the extent that the company was not, or is no longer, entitled to it.]

(3) For the purposes of this paragraph—

- (a) an amount is regarded as paid if it is allowed by way of set-off, and
- (b) an amount is regarded as a repayment if it was intended as repayment but exceeds the amount paid by the company.

^{F118}(4)

(5) An assessment to recover—

- (a) an amount of tax repaid to a company in respect of an accounting period, or interest on any such repayment,

[^{F119}(ab) an amount of R&D tax credit paid to a company for an accounting period,]

[^{F120}(ac) an amount of land remediation tax credit or life assurance company tax credit paid to a company for an accounting period,] or

^{F121}(ad)

[^{F122}(ae) an amount of film tax credit paid to a company for an accounting period,]

[^{F123}(af) an amount of first-year tax credit under Schedule A1 to the Capital Allowances Act paid to a company for an accounting period,]

- (b) an amount of income tax repaid to a company in respect of a payment received by the company in an accounting period, or interest on any such repayment,

shall be treated as an assessment to tax for the accounting period referred to in paragraph (a)[^{F124}, (ab)][^{F125}(ac)]^{F126}... [^{F127}, (ae)] or (b).

(6) The sum assessed shall carry interest at the prescribed rate for the purposes of section 87A of the ^{M7}Taxes Management Act 1970 (interest on overdue corporation tax, etc.) from the date when the payment being recovered was made until payment.

Textual Amendments

F109 Sch. 18 para. 52(2)(ba) inserted (28.7.2000 with effect as mentioned in s. 69(1) of the amending Act) by 2000 c. 17, s. 69(2), **Sch. 21 para. 3(a)**

F110 Words in Sch. 18 para. 52(2)(ba) 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. 454(6)(a)(i)** (with Sch. 2 Pts. 1, 2)

F111 Sch. 18 para. 52(2)(bb) inserted (11.5.2001 with effect as mentioned in s. 70 of the amending Act) by 2001 c. 9, s. 70, **Sch. 23 para. 5(a)**

F112 Words in Sch. 18 para. 52(2)(bb) 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. 454(6)(a)(ii)** (with Sch. 2 Pts. 1, 2)

F113 Sch. 18 para. 52(2)(bc) 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. 454(6)(a)(iii)**, **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

F114 Sch. 18 para. 52(2)(bd) inserted (1.1.2007) by Finance Act 2006 (c. 25), s. 53(1), **Sch. 5 para. 28(a)**; S.I. 2006/3399, art. 2

F115 Words in Sch. 18 para. 52(2)(bd) 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. 454(6)(a)(iv)** (with Sch. 2 Pts. 1, 2)

F116 Words in Sch. 18 para. 52(2)(C) substituted (11.5.2001 with effect as mentioned in s. 70 of the amending Act) by 2001 c. 9, s. 70, **Sch. 23 para. 5(b)**

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- F117** Sch. 18 para. 52(2A) inserted (with effect in accordance with Sch. 25 para. 9 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 25 para. 8(3)**
- F118** Sch. 18 para. 52(4) 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. 454(6)(b), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)
- F119** Sch. 18 para. 52(5)(ab) inserted (28.7.2000 with effect as mentioned in s. 69(1) of the amending Act) by 2000 c. 17, s. 69(2), **Sch. 21 para. 3(b)**
- F120** Sch. 18 para. 52(5)(ac) inserted (11.5.2001 with effect as mentioned in s. 70 of the amending Act) by 2001 c. 9, s. 70, **Sch. 23 para. 5(c)**
- F121** Sch. 18 para. 52(5)(ad) 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. 454(6)(c)(i), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)
- F122** Sch. 18 para. 52(5)(ae) inserted (1.1.2007) by Finance Act 2006 (c. 25), s. 53(1), **Sch. 5 para. 28(b)**; S.I. 2006/3399, art. 2
- F123** Sch. 18 para. 52(5)(af) inserted (with effect in accordance with Sch. 25 para. 9 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 25 para. 8(4)**
- F124** Words in Sch. 18 para. 52(5) inserted (28.7.2000 with effect as mentioned in s. 69(1) of the amending Act) by 2000 c. 17, s. 69(2), **Sch. 21 para. 3(c)**
- F125** Word in Sch. 18 para. 52(2)(c) inserted (11.5.2001 with effect as mentioned in s. 70 of the amending Act) by 2001 c. 9, s. 70, **Sch. 23 para. 5(d)**
- F126** Word in Sch. 18 para. 52(5) 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. 454(6)(c)(ii), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)
- F127** Word in Sch. 18 para. 52(5) inserted (1.1.2007) by Finance Act 2006 (c. 25), s. 53(1), **Sch. 5 para. 28(c)**; S.I. 2006/3399, art. 2

Marginal Citations

M7 1970 c. 9.

Time limit for recovery of excessive repayments, etc.

- 53 (1) An assessment made by virtue of paragraph 52 is not out of time under paragraph 46(1) (general [^{F128}4 year] time limit for assessments) if it is made—
- before the end of the accounting period following that in which the amount assessed was paid, or
 - if later, before the end of the period of three months beginning with the day on which [^{F5}an officer of Revenue and Customs][^{F49}completes] an enquiry into a relevant company tax return by the company concerned.
- (2) Sub-paragraph (1) above is without prejudice to [^{F129}paragraph 46(2) and (2A) (time limit for assessment in case of loss of tax brought about carelessly or deliberately)].

Textual Amendments

- F5** Words in Sch. 18 substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 68(a)**; S.I. 2005/1126, art. 2(2)(h)
- F49** Words in Sch. 18 substituted (18.4.2005) by virtue of Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 68(c)**; S.I. 2005/1126, art. 2(2)(h)
- F128** Words in Sch. 18 para. 53(1) substituted (1.4.2010) by Finance Act 2008 (c. 9), s. 118(2), **Sch. 39 para. 44(2)**; S.I. 2009/403, art. 2(2) (with art. 10)
- F129** Words in Sch. 18 para. 53(2) substituted (1.4.2010) by Finance Act 2008 (c. 9), s. 118(2), **Sch. 39 para. 44(3)**; S.I. 2009/403, art. 2(2) (with art. 10)

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PART VII

GENERAL PROVISIONS AS TO CLAIMS AND ELECTIONS

Claims must be quantified

- 54 A claim under any provision of the Corporation Tax Acts for a relief, an allowance or a repayment of tax must be for an amount which is quantified at the time when the claim is made.

Modifications etc. (not altering text)

- C32** Sch. 18 para. 54-60 excluded (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by **1990 c. 1, s. 59C(7)(b)** (as substituted (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by **1999 c. 16, s. 93(1)(2), Sch. 11 para. 6**)
 Sch. 18 paras. 54-60 excluded (28.7.2000) by **1990 c. 1, s. 76B(5)(b)** (as inserted (28.7.2000) by **2000 c. 17, s. 77(1)**)
 Sch. 18 paras. 54-60 applied (22.3.2001 with effect as mentioned in **s. 579(1)** of the amending Act) by **2001 c. 2, s. 3(5)(6)**
 Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned **s. 579(1)** of the amending Act) by **2001 c. 2, s. 201 (5)(b)** (with Sch. 3 Pt. 4 paras. 54, 55)
 Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned in **s. 579(1)** of the amending Act) by **2001 c. 2, s. 227(5)(b)** (with **Sch. 3 Pt. 4 paras. 54, 55**)
- C33** Sch. 18 paras. 54-60 excluded by Income and Corporation Taxes Act 1988 (c. 1), s. 444ABBA(3) (as inserted (with effect in accordance with art. 1(4) of the amending S.I.) by **S.I. 2008/381, arts. 1(1), 14**)

General time limit for making claims

- 55 Subject to any provision prescribing a longer or shorter period, a claim for relief under any provision of the Corporation Tax Acts must be made within [^{F130}4 years] from the end of the accounting period to which it relates.

Textual Amendments

- F130** Words in Sch. 18 para. 55 substituted (1.4.2010) by **Finance Act 2008 (c. 9), s. 118(2), Sch. 39 para. 45; S.I. 2009/403, art. 2(2)** (with art. 10)

Modifications etc. (not altering text)

- C32** Sch. 18 para. 54-60 excluded (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by **1990 c. 1, s. 59C(7)(b)** (as substituted (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by **1999 c. 16, s. 93(1)(2), Sch. 11 para. 6**)
 Sch. 18 paras. 54-60 excluded (28.7.2000) by **1990 c. 1, s. 76B(5)(b)** (as inserted (28.7.2000) by **2000 c. 17, s. 77(1)**)
 Sch. 18 paras. 54-60 applied (22.3.2001 with effect as mentioned in **s. 579(1)** of the amending Act) by **2001 c. 2, s. 3(5)(6)**
 Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned **s. 579(1)** of the amending Act) by **2001 c. 2, s. 201 (5)(b)** (with Sch. 3 Pt. 4 paras. 54, 55)
 Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned in **s. 579(1)** of the amending Act) by **2001 c. 2, s. 227(5)(b)** (with **Sch. 3 Pt. 4 paras. 54, 55**)
- C33** Sch. 18 paras. 54-60 excluded by Income and Corporation Taxes Act 1988 (c. 1), s. 444ABBA(3) (as inserted (with effect in accordance with art. 1(4) of the amending S.I.) by **S.I. 2008/381, arts. 1(1), 14**)

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Supplementary claim or election

- 56 A company which has made a claim or election under any provision of the Corporation Tax Acts (by including it in a return or otherwise) and subsequently discovers that a mistake has been made in it may make a supplementary claim or election within the time allowed for making the original claim or election.

Modifications etc. (not altering text)

- C32** Sch. 18 para. 54-60 excluded (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by 1990 c. 1, s. 59C(7)(b) (as substituted (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by 1999 c. 16, s. 93(1)(2), Sch. 11 para. 6)
Sch. 18 paras. 54-60 excluded (28.7.2000) by 1990 c. 1, s. 76B(5)(b) (as inserted (28.7.2000) by 2000 c. 17, s. 77(1))
Sch. 18 paras. 54-60 applied (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 3(5)(6)
Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned s. 579(1) of the amending Act) by 2001 c. 2, s. 201 (5)(b) (with Sch. 3 Pt. 4 paras. 54, 55)
Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 227(5)(b) (with Sch. 3 Pt. 4 paras. 54, 55)
- C33** Sch. 18 paras. 54-60 excluded by Income and Corporation Taxes Act 1988 (c. 1), s. 444ABBA(3) (as inserted (with effect in accordance with art. 1(4) of the amending S.I.) by S.I. 2008/381, arts. 1(1), 14)
- C34** Sch. 18 para. 56 applied (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), ss. 192(6)(b), 1184(1) (with Sch. 2)

Claims or elections affecting a single accounting period

- 57 (1) This paragraph applies to a claim or election for tax purposes which affects only one accounting period ("the relevant accounting period").

[^{F131}(1A) But this paragraph does not apply to a claim by a company for an amount to be exempt from tax by virtue of—

- (a) section 472 of CTA 2010 (gifts qualifying for gift aid relief: charitable companies), or
- (b) section 475 of that Act (gifts qualifying for gift aid relief: eligible bodies).]

(2) If notice has been given under paragraph 3 requiring a company to deliver a company tax return for the relevant accounting period, a claim or election by the company which can be made by being included in the return (as originally made or by amendment) must be so made.

(3) If a company has delivered a company tax return for the relevant accounting period, a claim or election made by the company which could be made by amending the return is treated as an amendment of the return.

The provisions of paragraph 15 (amendment of return by company) apply.

(4) Schedule 1A to the ^{M8}Taxes Management Act 1970 (claims and elections not included in returns) applies to a claim or election made by a company which cannot be included in a company tax return for the relevant accounting period.

This applies in particular to a claim or election made—

- (a) before any notice is given under paragraph 3 requiring a company tax return for the relevant accounting period, or

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- (b) at a time when its return for the relevant accounting period cannot be amended.

Textual Amendments

F131 Sch. 18 para. 57(1A) inserted (with effect in accordance with Sch. 8 para. 8(6) of the amending Act) by Finance Act 2010 (c. 13), **Sch. 8 para. 6(3)**

Modifications etc. (not altering text)

C32 Sch. 18 para. 54-60 excluded (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by 1990 c. 1, s. 59C(7)(b) (as substituted (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by 1999 c. 16, s. 93(1)(2), **Sch. 11 para. 6**)

Sch. 18 paras. 54-60 excluded (28.7.2000) by 1990 c. 1, s. 76B(5)(b) (as inserted (28.7.2000) by 2000 c. 17, s. 77(1))

Sch. 18 paras. 54-60 applied (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 3(5)(6)

Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned s. 579(1) of the amending Act) by 2001 c. 2, s. 201 (5)(b) (with Sch. 3 Pt. 4 paras. 54, 55)

Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 227(5)(b) (with Sch. 3 Pt. 4 paras. 54, 55)

C33 Sch. 18 paras. 54-60 excluded by Income and Corporation Taxes Act 1988 (c. 1), s. 444ABBA(3) (as inserted (with effect in accordance with art. 1(4) of the amending S.I.) by S.I. 2008/381, arts. 1(1), 14)

Marginal Citations

M8 1970 c. 9.

Claims or elections involving more than one accounting period

- 58 (1) This paragraph applies to a claim or election for tax purposes if—
- the event or occasion giving rise to it occurs in one accounting period (the period to which it “relates”), and
 - it affects one or more other accounting periods (whether or not it also affects the period to which it relates).
- (2) If a company makes a claim or election which—
- relates to an accounting period for which the company has delivered a company tax return and could be made by amendment of the return, or
 - affects an accounting period for which the company has delivered a company tax return and could be given effect by amendment of the return,
- the claim or election is treated as an amendment of the return.
- The provisions of paragraph 15 (amendment of return by company) apply.
- (3) Schedule 1A to the ^{M9}Taxes Management Act 1970 (claims and elections not included in returns) applies to a claim or election made by a company if or to the extent that it is not—
- made by being included (by amendment or otherwise) in the company tax return for the accounting period to which it relates, and
 - given effect by being included (by amendment or otherwise) in company tax returns for the accounting periods affected by it.

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Modifications etc. (not altering text)

- C32** Sch. 18 para. 54-60 excluded (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by [1990 c. 1, s. 59C\(7\)\(b\)](#) (as substituted (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by [1999 c. 16, s. 93\(1\)\(2\)](#), [Sch. 11 para. 6](#))
Sch. 18 paras. 54-60 excluded (28.7.2000) by [1990 c. 1, s. 76B\(5\)\(b\)](#) (as inserted (28.7.2000) by [2000 c. 17, s. 77\(1\)](#))
Sch. 18 paras. 54-60 applied (22.3.2001 with effect as mentioned in [s. 579\(1\)](#) of the amending Act) by [2001 c. 2, s. 3\(5\)\(6\)](#)
Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned [s. 579\(1\)](#) of the amending Act) by [2001 c. 2, s. 201](#) (5)(b) (with Sch. 3 Pt. 4 paras. 54, 55)
Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned in [s. 579\(1\)](#) of the amending Act) by [2001 c. 2, s. 227\(5\)\(b\)](#) (with [Sch. 3 Pt. 4 paras. 54, 55](#))
- C33** Sch. 18 paras. 54-60 excluded by Income and Corporation Taxes Act 1988 (c. 1), s. 444ABBA(3) (as inserted (with effect in accordance with art. 1(4) of the amending S.I.) by [S.I. 2008/381, arts. 1\(1\), 14](#))

Marginal Citations

- M9** [1970 c. 9.](#)

Other claims and elections

- 59 (1) Schedule 1A to the Taxes Management Act 1970 applies to a claim or election for tax purposes which is not within paragraph 57 or 58, whether or not it is included (by amendment or otherwise) in a company tax return.
- (2) The provisions of this Schedule do not apply where or to the extent that the provisions of Schedule 1A apply.

Modifications etc. (not altering text)

- C32** Sch. 18 para. 54-60 excluded (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by [1990 c. 1, s. 59C\(7\)\(b\)](#) (as substituted (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by [1999 c. 16, s. 93\(1\)\(2\)](#), [Sch. 11 para. 6](#))
Sch. 18 paras. 54-60 excluded (28.7.2000) by [1990 c. 1, s. 76B\(5\)\(b\)](#) (as inserted (28.7.2000) by [2000 c. 17, s. 77\(1\)](#))
Sch. 18 paras. 54-60 applied (22.3.2001 with effect as mentioned in [s. 579\(1\)](#) of the amending Act) by [2001 c. 2, s. 3\(5\)\(6\)](#)
Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned [s. 579\(1\)](#) of the amending Act) by [2001 c. 2, s. 201](#) (5)(b) (with Sch. 3 Pt. 4 paras. 54, 55)
Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned in [s. 579\(1\)](#) of the amending Act) by [2001 c. 2, s. 227\(5\)\(b\)](#) (with [Sch. 3 Pt. 4 paras. 54, 55](#))
- C33** Sch. 18 paras. 54-60 excluded by Income and Corporation Taxes Act 1988 (c. 1), s. 444ABBA(3) (as inserted (with effect in accordance with art. 1(4) of the amending S.I.) by [S.I. 2008/381, arts. 1\(1\), 14](#))
- C35** Sch. 18 para. 59 applied (with effect in accordance with [s. 381\(1\)](#) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\), ss. 183\(2\), 381\(1\)](#) (with [ss. 213, 214, Sch. 9 paras. 1-9, 22](#))

Provisions supplementary to paragraphs 57 to 59

- 60 (1) Paragraphs 57 to 59 have effect subject to any express provision to the contrary.

Status: Point in time view as at 08/04/2010.

Changes to legislation: Finance Act 1998, SCHEDULE 18 is up to date with all changes known to be in force on or before 03 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)

- (2) Nothing in those paragraphs affects the time limit or any other conditions for making a claim or election.
- (3) Where Schedule 1A to the ^{M10}Taxes Management Act 1970 applies by virtue of any of those paragraphs and the claim or election results in an increase in the amount of tax payable, all such adjustments by way of assessment or otherwise shall be made as are necessary to give effect to it.

Modifications etc. (not altering text)

- C32** Sch. 18 para. 54-60 excluded (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by 1990 c. 1, s. 59C(7)(b) (as substituted (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by 1999 c. 16, s. 93(1)(2), Sch. 11 para. 6)
 Sch. 18 paras. 54-60 excluded (28.7.2000) by 1990 c. 1, s. 76B(5)(b) (as inserted (28.7.2000) by 2000 c. 17, s. 77(1))
 Sch. 18 paras. 54-60 applied (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 3(5)(6)
 Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned s. 579(1) of the amending Act) by 2001 c. 2, s. 201 (5)(b) (with Sch. 3 Pt. 4 paras. 54, 55)
 Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 227(5)(b) (with Sch. 3 Pt. 4 paras. 54, 55)
- C33** Sch. 18 paras. 54-60 excluded by Income and Corporation Taxes Act 1988 (c. 1), s. 444ABBA(3) (as inserted (with effect in accordance with art. 1(4) of the amending S.I.) by S.I. 2008/381, arts. 1(1), 14)

Marginal Citations

M10 1970 c. 9.

Consequential claims, etc. arising out of certain Revenue amendments or assessments

- 61 (1) Paragraphs 62 to 64 have effect to allow certain claims, elections, applications and notices to be made or given, or if previously given to be revoked or varied, where—
- (a) an amendment of a company tax return is made under paragraph [F¹³²34(2A)] (amendments of other returns required in consequence of closure notice) which has the effect of increasing the amount of tax payable by a company,
 - (b) a discovery assessment is made, or
 - (c) an assessment is made under paragraph 76 (recovery of excessive group relief).
- (2) Paragraphs 62 to 64 do not apply in relation to an assessment made in a case involving [F¹³³a loss of tax brought about carelessly or deliberately by]—
- (a) the company, or
 - (b) a person acting on behalf of the company, or
 - (c) a person who was a partner of the company at the relevant time.
- In such a case more limited provision is made by paragraph 65.
- (3) In paragraphs 62 to 64 “the relevant accounting period”, in relation to the time limit for making a consequential claim, election, application or notice, means—
- (a) in relation to an amendment of a company tax return under paragraph [F¹³⁴34(2A)], the accounting period in which the closure notice was issued;

Status: Point in time view as at 08/04/2010.

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- (b) in relation to an assessment, the accounting period in which the assessment was made.

Textual Amendments

- F132** Word in Sch. 18 para. 61(1)(a) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\), s. 119\(9\)\(13\)](#); [S.I. 2009/405, art. 2](#)
- F133** Words in Sch. 18 para. 61(2) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\), s. 118\(2\)](#), [Sch. 39 para. 46](#); [S.I. 2009/403, art. 2\(2\)](#) (with [art. 10](#))
- F134** Word in Sch. 18 para. 61(3)(a) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\), s. 119\(9\)\(13\)](#); [S.I. 2009/405, art. 2](#)

Consequential claims etc that may be made

- 62 (1) A claim, election, application or notice to which this paragraph applies—
- (a) may be made or given at any time within one year from the end of the relevant accounting period, or
- (b) if 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, if a person has died, by or with the consent of his personal representatives),
- unless, by virtue of any enactment, it is irrevocable.
- [^{F135}(1A) This paragraph applies to a claim under paragraph 51 relating to the accounting period in respect of which the amendment or assessment is made.]
- (2) This paragraph applies to [^{F136}any other claim], election, application or notice—
- (a) relating to the accounting period in respect of which the amendment or assessment is made, or
- (b) made or given by reference to an event occurring in that period, whose making, giving, revocation or variation has or could have the effect of reducing a relevant liability of the company.
- (3) The following are relevant liabilities of the company for this purpose—
- (a) the increased liability to tax resulting from the amendment or assessment;
- (b) any other liability to tax of the company—
- (i) for the accounting period to which the amendment or assessment relates, or
- (ii) for any subsequent accounting period ending not later than one year after the end of the relevant accounting period.
- (4) Where a claim, election, application or notice is made, given, revoked or varied by virtue of this paragraph, all such adjustments shall be made, whether by way of discharge or repayment of tax or the making of amendments, 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 chargeable period.
- (5) The provisions of the ^{M11}Taxes Management Act 1970 relating to appeals against decisions on claims apply with any necessary modifications to a decision on the revocation or variation of a claim by virtue of this paragraph.

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- (6) This paragraph has effect subject to—
 paragraph 63 (consequential claims etc. affecting tax liability of another person), and
 paragraph 64 (consequential claims etc. not to give rise to reduction in liability).

Textual Amendments

F135 Sch. 18 para. 62(1A) inserted (with effect in accordance with s. 100(2) of the amending Act) by [Finance Act 2009 \(c. 10\)](#), [Sch. 52 para. 15\(2\)](#)

F136 Words in Sch. 18 para. 62(2) substituted (with effect in accordance with s. 100(2) of the amending Act) by [Finance Act 2009 \(c. 10\)](#), [Sch. 52 para. 15\(3\)](#)

Modifications etc. (not altering text)

C36 Sch. 18 para. 62 applied (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), [ss. 192\(6\)\(b\)](#), 1184(1) (with Sch. 2)

Marginal Citations

M11 1970 c. 9.

Consequential claims etc. affecting tax liability of another person

- 63 (1) If the effect of the exercise by any person of a power conferred by paragraph 62 would be to alter the liability to tax of another person, the power may not be exercised except with the consent in writing of that other person or, if he has died, of his personal representatives.
- (2) Where such a power is exercised so as to increase the liability to tax of another person, neither paragraph 61 above nor section 43A of the ^{M12}Taxes Management Act 1970 (which makes corresponding provision in relation to income tax or capital gains tax) applies in relation to any amendment or assessment made because of that increased liability.
- (3) In this paragraph “tax” includes income tax or capital gains tax.

Marginal Citations

M12 1970 c. 9.

Consequential claims etc. not to give rise to reduction in liability

- 64 (1) If in any case—
- (a) one or more claims, elections, applications or notices are made, given, revoked or varied under paragraph 62 in consequence of an amendment or assessment, and
 - (b) the total of the reductions in liability to tax resulting from that action would exceed the additional liability to tax resulting from the amendment or assessment,
- the excess is not available to reduce any liability to tax.
- (2) Where sub-paragraph (1) has the effect of limiting either—

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- (a) the reduction in a person's liability to tax for more than one period, or
 - (b) the reduction in the liability to tax of more than one person,
- the limited amount shall be apportioned between the periods or persons concerned.
- (3) The apportionment shall be made in such manner as [^{F5}an officer of Revenue and Customs] may specify by notice in writing to the person or persons concerned, unless notice is given under the following provision.
- (4) If the person concerned gives (or the persons concerned jointly give) notice in writing to [^{F5}an officer of Revenue and Customs] within the period of 30 days beginning with—
- (a) the day on which notice under sub-paragraph (3) is given to the person concerned, or
 - (b) where more than one person is concerned, the latest date on which such notice is given to any of them,
- the apportionment shall be made in such manner as may be specified in the notice given by the person or persons concerned.
- (5) In this paragraph “tax” includes income tax or capital gains tax.

Textual Amendments

F5 Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)

Modifications etc. (not altering text)

C37 Sch. 18 para. 64 excluded (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), [ss. 192\(6\)\(b\)](#), 1184(1) (with [Sch. 2](#))

Consequential claims in case of [^{F137}loss of tax brought about carelessly or deliberately]

Textual Amendments

F137 Words in Sch. 18 para. 65 cross-heading substituted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. 118(2), [Sch. 39 para. 47\(3\)](#); S.I. 2009/403, art. 2(2) (with [art. 10](#))

- 65 (1) This paragraph applies where an assessment is made on a company in a case involving [^{F138}a loss of tax brought about carelessly or deliberately by]—
- (a) the company, or
 - (b) a person acting on behalf of the company, or
 - (c) a person who was a partner of the company at the relevant time.
- (2) If the company so requires, effect shall be given in determining the amount of the tax charged by the assessment to any relief or allowance to which the company would have been entitled for that accounting period on a claim or application made within the time allowed by the Taxes Acts.

Status: Point in time view as at 08/04/2010.

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Textual Amendments

F138 Words in Sch. 18 para. 65(1) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. 118(2), [Sch. 39 para. 47\(2\)](#); [S.I. 2009/403](#), art. 2(2) (with art. 10)

PART VIII

CLAIMS FOR GROUP RELIEF

Modifications etc. (not altering text)

C38 Sch. 18 Pt. VIII (except paras. 70(4), 71(4)) applied (with modifications) (23.11.1999) by [S.I. 1999/2975](#), [reg. 10\(3\)](#)
 Sch. 18 Pt. VIII (except para. 77) applied (28.7.2000) by [2000 c. 17](#), s. 82, [Sch. 22 Pt. IX para. 81\(3\)](#)

Introduction

66 This Part of this Schedule applies to claims for relief under [^{F139}Part 5 of the Corporation Tax Act 2010] (group relief).

Textual Amendments

F139 Words in Sch. 18 para. 66 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. 297\(8\)](#) (with Sch. 2)

Claim to be included in company tax return

67 (1) A claim for group relief must be made by being included in the claimant company's company tax return for the accounting period for which the claim is made.
 (2) It may be included in the return originally made or by amendment.

Modifications etc. (not altering text)

C39 Sch. 18 para. 67 applied (with modifications) (31.3.2001 with effect as mentioned in reg. 1(2) of the amending S.I.) by [S.I. 2001/1163](#), [regs. 1, 8](#)

Content of claims

68 (1) A claim for group relief must specify—
 (a) the amount of relief claimed, and
 (b) the name of the surrendering company.
 (2) The amount specified must be an amount which is quantified at the time the claim is made.
 [^{F140}(3) A claim for group relief must also state whether or not there is a company mentioned in sub-paragraph (4) that was not resident in the United Kingdom in either or both of the following periods—

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- (a) the accounting period of the surrendering company to which the surrender relates,
 - (b) the corresponding accounting period of the claimant company.
- (4) Those companies are the claimant company, the surrendering company and any other company by reference to which—
- (a) the claimant company and the surrendering company are members of the same group, or
 - ^[F141](b) consortium condition 1, 2 or 3 in sections 132 and 133 of the Corporation Tax Act 2010 is satisfied in the case of the claimant company and the surrendering company.]]

Textual Amendments

F140 Sch. 18 para. 68(3)(4) inserted (28.7.2000 with effect as mentioned in Sch. 27 para. 12(1) of the amending Act) by 2000 c. 17, s. 97, Sch. 27 Pt. II para. 11

F141 Sch. 18 para. 68(4)(b) 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. 297(9) (with Sch. 2)

Modifications etc. (not altering text)

C40 Sch. 18 para. 68 applied (with modifications) (31.3.2001 with effect as mentioned in reg. 1(2) of the amending S.I.) by S.I. 2001/1163, regs. 1, 8

Claims for more or less than the amount available for surrender

- 69 (1) A claim for group relief may be made for less than the amount available for surrender at the time the claim is made.
- (2) A claim is ineffective if the amount claimed exceeds the amount available for surrender at the time the claim is made.
- (3) For these purposes the amount available for surrender at any time is calculated as follows.
- First step*
- Determine the total amount available for surrender under ^[F142]Part 5 of the Corporation Tax Act 2010]—
- (a) on the basis of the information in the company's company tax return, and
 - (b) disregarding any amendments whose effect is deferred under paragraph 31(3).
- Second step*
- Then deduct the total of all amounts for which notices of consent have been given by the company and not withdrawn.
- (4) Where one or more claims are withdrawn on the same day as one or more claims are made, the withdrawals are given effect first.
- (5) Where more than one claim is made on the same day, and the claims together take the amount claimed over the limit of what is available for surrender, ^[F5]an officer of Revenue and Customs] may determine which of the claims is to be ineffective.

Status: Point in time view as at 08/04/2010.

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- (6) The power under sub-paragraph (5) shall not be exercised to any greater extent than is necessary to bring the total amount claimed within the amount available for surrender.

Textual Amendments

F5 Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)

F142 Words in Sch. 18 para. 69(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. 297\(10\)](#) (with Sch. 2)

Consent to surrender

- 70 (1) [^{F143}In accordance with Requirement 1 in section 130(2) of the Corporation Tax Act 2010 or Requirement 1 in section 135(2) of that Act (as the case may be), a] claim for group relief requires the consent of the surrendering company.
- (2) A consortium claim also requires the consent of each member of the consortium.
- (3) The necessary consent or consents must be given—
- (a) by notice in writing,
 - (b) to the officer of the Board to whom the surrendering company makes its company tax returns,
 - (c) at or before the time the claim is made.
- Otherwise the claim is ineffective.
- (4) A claim for group relief is ineffective unless it is accompanied by a copy of the notice of consent to surrender given by the surrendering company.
- (5) A consortium claim is ineffective unless it is also accompanied by a copy of the notice of consent to surrender given by each member of the consortium.
- [^{F144}(6) In this paragraph “consortium claim” means a claim for group relief under Part 5 of the Corporation Tax Act 2010 based on consortium condition 1, 2 or 3 (see Requirement 3 in section 130(2) of that Act).]

Textual Amendments

F143 Words in Sch. 18 para. 70(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. 297\(11\)\(a\)](#) (with Sch. 2)

F144 Sch. 18 para. 70(6) 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. 297\(11\)\(b\)](#) (with Sch. 2)

Modifications etc. (not altering text)

C41 Sch. 18 para. 70(1)(3)(4) applied (with modifications) (31.3.2001 with effect as mentioned in reg. 1(2) of the amending S.I.) by S.I. 2001/1163, [regs. 1, 8](#)

Notice of consent

- 71 (1) Notice of consent by the surrendering company must contain all the following details—

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- (a) the name of the surrendering company;
- (b) the name of the company to which relief is being surrendered;
- (c) the amount of relief being surrendered;
- (d) the accounting period of the surrendering company to which the surrender relates;
- (e) the tax district references of the surrendering company and the company to which relief is being surrendered.

Otherwise the notice is ineffective.

- (2) Notice of consent may not be amended, but it may be withdrawn and replaced by another notice of consent.
- (3) Notice of consent may be withdrawn by notice to the officer of the Board to whom the notice of consent was given.
- (4) Except where the consent is withdrawn under paragraph 75 (withdrawal in consequence of reduction of amount available for surrender), the notice of withdrawal must be accompanied by a notice signifying the consent of the claimant company to the withdrawal.

Otherwise the notice is ineffective.

- (5) The claimant company must, so far as it may do so, amend its company tax return for the accounting period for which the claim was made so as to reflect the withdrawal of consent.

Modifications etc. (not altering text)

C42 Sch. 18 para. 71 applied (with modifications) (31.3.2001 with effect as mentioned in reg. 1(2) of the amending S.I.) by [S.I. 2001/1163](#), [regs. 1, 8](#)

Notice of consent requiring amendment of return

- 72
- (1) Where notice of consent by the surrendering company is given after the company has made a company tax return for the period to which the surrender relates, the surrendering company must at the same time amend its return so as to reflect the notice of consent.
 - (2) Where notice of consent by the surrendering company relates to a loss in respect of which relief has been given under [^{F145}section 45 of the Corporation Tax Act 2010] (carry forward of trading losses), the surrendering company must at the same time amend its company tax return for the period or, if more than one, each of the periods in which relief for that loss has been given under [^{F146}section 45] so as to reflect the new notice of consent.

For this purpose relief under [^{F146}section 45] is treated as given for losses incurred in earlier accounting periods before losses incurred in later accounting periods.

- (3) The time limits otherwise applicable to amendment of a company tax return do not prevent an amendment being made under sub-paragraph (1) or (2).
- (4) If the surrendering company fails to comply with sub-paragraph (1) or (2), the notice of consent is ineffective.

Status: Point in time view as at 08/04/2010.

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Textual Amendments

- F145** Words in Sch. 18 para. 72(2) 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. 297(12)(a)** (with Sch. 2)
- F146** Words in Sch. 18 para. 72(2) 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. 297(12)(b)** (with Sch. 2)

Modifications etc. (not altering text)

- C43** Sch. 18 para. 72(1)(4) applied (with modifications) (31.3.2001 with effect as mentioned in reg. 1(2) of the amending S.I.) by [S.I. 2001/1163](#), **regs. 1, 8**

Withdrawal or amendment of claim

- 73 (1) A claim for group relief may be withdrawn by the claimant company only by amending its company tax return.
- (2) A claim for group relief may not be amended, but must be withdrawn and replaced by another claim.

Modifications etc. (not altering text)

- C44** Sch. 18 para. 73 applied (with modifications) (31.3.2001 with effect as mentioned in reg. 1(2) of the commencing Regulations) by [S.I. 2001/1163](#), **regs. 1, 8**

Time limit for claims

- 74 (1) A claim for group relief may be made or withdrawn at any time up to whichever is the last of the following dates—
- (a) the first anniversary of the filing date for the company tax return of the claimant company for the accounting period for which the claim is made;
 - (b) if notice of enquiry is given into that return, 30 days after the enquiry is completed;
 - (c) if after such an enquiry [^{F5}an officer of Revenue and Customs][^{F49}amends] the return under paragraph 34(2), 30 days after notice of the amendment is issued;
 - (d) if an appeal is brought against such an amendment, 30 days after the date on which the appeal is finally determined.
- (2) A claim for group relief may be made or withdrawn at a later time if [^{F5}an officer of Revenue and Customs][^{F49}allows] it.
- (3) The time limits otherwise applicable to amendment of a company tax return do not apply to an amendment to the extent that it makes or withdraws a claim for group relief within the time allowed by or under this paragraph.
- (4) The references in sub-paragraph (1) to an enquiry into a company tax return do not include an enquiry restricted to a previous amendment making or withdrawing a claim for group relief.
- An enquiry is so restricted if—
- (a) the scope of the enquiry is limited as mentioned in paragraph 25(2), and

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- (b) the amendment giving rise to the enquiry consisted of the making or withdrawing of a claim for group relief.

Textual Amendments

- F5** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), **Sch. 4 para. 68(a)**; S.I. 2005/1126, art. 2(2)(h)
- F49** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), **Sch. 4 para. 68(c)**; S.I. 2005/1126, art. 2(2)(h)

Modifications etc. (not altering text)

- C45** Sch. 18 para. 74 applied by Income and Corporation Taxes Act 1988 (c. 1), Sch. 19B para. 15(3) (as inserted (22.7.2004) by [Finance Act 2004 \(c. 12\)](#), **Sch. 38**)
- C46** Sch. 18 para. 74 applied (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), **ss. 320(2), 1184(1)** (with Sch. 2)
- C47** Sch. 18 para. 74 applied (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), **ss. 321(3), 1184(1)** (with Sch. 2)

Reduction in amount available for surrender

- 75 (1) This paragraph applies if, after the surrendering company has given one or more notices of consent to surrender, the [^{F147}total amount available for surrender] is reduced to less than the amount stated in the notice, or the total of the amounts stated in the notices, as being surrendered.
- (2) The company must within 30 days withdraw the notice of consent, or as many of the notices as is necessary to bring the total amount surrendered within the new [^{F148}total] amount available for surrender, and may give one or more new notices of consent.
- (3) The company must give notice in writing of the withdrawal of consent, and send a copy of any new notice of consent—
- (a) to each of the companies affected, and
- (b) to [^{F5}an officer of Revenue and Customs].
- (4) If the surrendering company fails to act in accordance with sub-paragraph (2), [^{F5}an officer of Revenue and Customs] may by notice to the surrendering company give such directions as [^{F49}he thinks] fit as to which notice or notices are to be ineffective or are to have effect in a lesser amount.
- This power shall not be exercised to any greater extent than is necessary to secure that the total amount stated in the notice or notices is consistent with the [^{F148}total] amount available for surrender.
- (5) [^{F5}An officer of Revenue and Customs] must at the same time send a copy of the notice to the claimant company, or each claimant company, affected by [^{F49}his] action.
- (6) A claimant company which receives—
- (a) notice of the withdrawal of consent, or a copy of a new notice of consent, under sub-paragraph (3), or
- (b) a copy of a notice containing directions by [^{F5}an officer of Revenue and Customs] under sub-paragraph (4),

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must, so far as it may do so, amend its company tax return for the accounting period for which the claim is made so that it is consistent with the new position with regard to consent to surrender.

- (7) An appeal may be brought by the surrendering company against any directions given by [^{F5}an officer of Revenue and Customs] under sub-paragraph (4).
- (8) Notice of appeal must be given—
- (a) in writing,
 - (b) within 30 days after the notice containing the directions was issued,
 - (c) to the officer of the Board by whom the notice was given.

Textual Amendments

- F5** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F49** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)
- F147** Words in Sch. 18 para. 75(1) substituted (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by [1999 c. 16, s. 92\(2\)\(a\)\(7\)](#)
- F148** Words in Sch. 18 para. 75(2)(4) inserted (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by [1999 c. 16, s. 92\(2\)\(b\)\(7\)](#)

Modifications etc. (not altering text)

- C48** Sch. 18 para. 75 applied (with modifications) (31.3.2001 with effect as mentioned in reg. 1(2) of the commencing Regulations) by [S.I. 2001/1163, regs. 1, 8](#)

F149 [Assessment on other claimant companies]

Textual Amendments

- F149** Sch. 18 para. 75A and crossheading inserted (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by [1999 c. 16, s. 92\(3\)\(7\)](#)

[^{F150}75(A)] This paragraph applies where, after the surrendering company has given notice of consent to surrender, a claimant company (“the chargeable company”) has become liable to tax in consequence of receiving—

- (a) notice of the withdrawal of consent, or a copy of a new notice of consent, under paragraph 75(3), or
 - (b) a copy of a notice containing directions by [^{F5}an officer of Revenue and Customs] under paragraph 75(4).
- (2) If any of the tax is unpaid six months after the chargeable company’s time limit for claims, [^{F5}an officer of Revenue and Customs] may make an assessment to tax in the name of the chargeable company on any other company that has obtained group relief as a result of the surrender.
- (3) The assessment may not be made more than two years after that time limit.
- (4) The amount of the assessment must not exceed—
- (a) the amount of the unpaid tax, or

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- (b) if less, the amount of tax which the other company saves by virtue of the surrender.
- (5) A company assessed to an amount of tax under sub-paragraph (2) is entitled to recover from the chargeable company—
 - (a) a sum equal to that amount, and
 - (b) any interest on that amount which it has paid under section 87A of the ^{M13}Taxes Management Act 1970 (interest on unpaid corporation tax).
- (6) For the purposes of this paragraph the chargeable company's time limit for claims is the last of the dates mentioned in paragraph 74(1) on which the chargeable company could make or withdraw a claim for group relief for the accounting period for which the claim in question is made.]

Textual Amendments

- F5** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F150** Sch. 18 Pt. VIII para. 75A inserted (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by [1999 c. 16, s. 92\(3\)\(7\)](#)

Modifications etc. (not altering text)

- C49** Sch. 18 para. 75A applied (with modifications) (31.3.2001 with effect as mentioned in reg. 1(2) of the commencing Regulations) by [S.I. 2001/1163, regs. 1, 8](#)

Marginal Citations

- M13** [1970 c.9.](#)

Assessment to recover excessive group relief

- 76 (1) If [^{F5}an officer of Revenue and Customs][^{F49}discovers] that any group relief which has been given is or has become excessive, [^{F49}he] may make an assessment to tax in the amount which in [^{F49}his] opinion ought to be charged.
- (2) This power is without prejudice to—
- (a) the power to make a discovery assessment under paragraph 41(1);
 - (b) the making of all such adjustments by way of discharge or repayment of tax or otherwise as may be required where a claimant company has obtained too much relief, or a surrendering company has forgone relief in respect of a corresponding amount.
- ^{F151}(3) If an assessment under this paragraph is made because a claimant company fails, or is unable, to amend its company tax return under paragraph 75(6), the assessment is not out of time if it is made within one year from—
- (a) the date on which the surrendering company gives notice of the withdrawal of consent, or (if later) sends a copy of a new notice of consent, to the claimant company under paragraph 75(3), or
 - (b) the date on which [^{F5}an officer of Revenue and Customs][^{F49}sends] the claimant company a copy of a notice containing [^{F49}his] directions under paragraph 75(4).]

Status: Point in time view as at 08/04/2010.

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Textual Amendments

- F5** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F49** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)
- F151** Sch. 18 para. 76(3) added (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by [1999 c. 16, s. 92\(4\)\(7\)](#)

Modifications etc. (not altering text)

- C50** Sch. 18 para. 76 applied (with modifications) (31.3.2001 with effect as mentioned in reg. 1(2) of the amending S.I.) by [S.I. 2001/1163, regs. 1, 8](#)

Joint amended returns

- 77 (1) The Treasury may by regulations make provision for arrangements under which—
- (a) a claim for group relief may be made without being accompanied by a copy of the notice of consent to surrender given by the surrendering company [^{F152}, provided authority for the claim being so made is given by a company which is authorised in relation to the claimant company as mentioned in paragraph (b)], and
 - (b) one company may be authorised to act on behalf of two or more companies in the same group in amending their company tax returns for the purpose of claiming or surrendering group relief or revising the amounts of group relief claimed or surrendered by them.
- (2) Regulations under this paragraph may add to, exclude or modify the operation of any provisions of this Part of this Schedule to such extent as the Treasury think necessary or expedient for the purpose of, or in connection with, such arrangements.
- (3) Provision may in particular be made—
- (a) altering the conditions for making and withdrawing claims for group relief, and
 - (b) giving [^{F5}an officer of Revenue and Customs] power to recover from the authorised company or another company in the group any amount which might be recovered from the claimant company by an assessment under paragraph 76.

Textual Amendments

- F5** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F152** Words in Sch. 18 para. 77(1)(a) inserted (28.7.2000) by [2000 c. 17, s. 99](#)

Status: Point in time view as at 08/04/2010.

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[^{F153}Claims in respect of overseas losses of non-resident companies

Textual Amendments

F153 Sch. 18 para. 77A and cross-heading inserted (with effect in accordance with Sch. 1 para. 9 of the amending Act) by [Finance Act 2006 \(c. 25\)](#), [Sch. 1 para. 8](#)

- 77A (1) This paragraph applies if a claim for group relief is made in respect of any loss or other amount as a result of the condition in [^{F154}section 136 of the Corporation Tax Act 2010 being met (claims for group relief based on the EEA group condition).]
- (2) In relation to the surrendering company, this Part of this Schedule applies as if—
- (a) references to the relief being surrendered were to the EEA amount and to the relief being claimed, and
 - (b) references to its accounting period were to [^{F155}the accounting period that the company is assumed to have under section 125 of the Corporation Tax Act 2010 for the purpose of recalculating the EEA amount at Step 3 in section 113 of that Act.]
- (3) Notice of consent of the surrendering company—
- (a) is to be given to the officer of the Board under paragraph 70(3)(b) by the claimant company (and not by the surrendering company), and
 - (b) is to be given to the officer to whom the claimant company makes its company tax returns.
- (4) If the surrendering company is not within the charge to income or corporation tax, the requirement under paragraph 71(1)(e) for notice of consent by the surrendering company to contain details of its tax district reference is not to apply.
- (5) If notice of consent is withdrawn under paragraph 71, the notice of the withdrawal is to be given to the officer of the Board by the claimant company (and not by the surrendering company).
- (6) If notice of consent is withdrawn under paragraph 75—
- (a) the notice of withdrawal, and any copy of any new notice of consent, is to be sent to an officer of Revenue and Customs by the claimant company (and not by the surrendering company), and
 - (b) any notice containing directions by an officer of Revenue and Customs under sub-paragraph (4) of that paragraph is to be given to the claimant company (and not to the surrendering company).
- (7) The remaining provisions of that paragraph, and the rest of this Part of this Schedule, are, accordingly, to be read with the appropriate modifications (so that, in particular, it is the claimant company (and not the surrendering company) which can bring an appeal under paragraph 75(7)).
- (8) A notice under [^{F156}paragraph 1 of Schedule 36 to the Finance Act 2008 (notice to taxpayer to produce documents etc)] given to the claimant company may require the claimant company—
- (a) to explain why the EEA amount meets the conditions mentioned in [^{F157}Step 2 in section 113(2) of the Corporation Tax Act 2010 and is not prevented from being surrendered by section 127] of that Act, and

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- (b) to provide details of the recalculation required under [F158 Step 3 in section 113(2) of that Act] in relation to the EEA amount.
- (9) Except where expressly indicated, requirements imposed under this paragraph are in addition to those imposed apart from this paragraph.
- (10) In this paragraph “the EEA amount” has the same meaning as in [F159 Chapter 3 of Part 5 of the Corporation Tax Act 2010].]

Textual Amendments

- F154** Words in Sch. 18 para. 77A(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. 297(13)(a)** (with [Sch. 2](#))
- F155** Words in Sch. 18 para. 77A(2)(b) 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. 297(13)(b)** (with [Sch. 2](#))
- F156** Words in Sch. 18 para. 77A(8) substituted (13.8.2009) by [The Finance Act 2009, Schedule 47 \(Consequential Amendments\) Order 2009 \(S.I. 2009/2035\)](#), art. 1, **Sch. para. 38**
- F157** Words in Sch. 18 para. 77A(8)(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. 297(13)(c)** (with [Sch. 2](#))
- F158** Words in Sch. 18 para. 77A(8)(b) 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. 297(13)(d)** (with [Sch. 2](#))
- F159** Words in Sch. 18 para. 77A(10) 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. 297(13)(e)** (with [Sch. 2](#))

PART IX

CLAIMS FOR CAPITAL ALLOWANCES

Modifications etc. (not altering text)

- C51** Sch. Pt. IX applied (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by [2001 c. 2](#), s. 135(5) (with [Sch. 3 Pt. IV paras. 54, 55](#))

Introduction

- [F160]78 This Part of this Schedule applies to claims for allowances under the Capital Allowances Act which—
- (a) are made for corporation tax purposes, and
 - (b) are required under section 3 of that Act to be included in a tax return.]

Textual Amendments

- F160** Sch. 18 para. 78 substituted (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by [2001 c. 2](#), ss. 578, 579, **Sch. 2 para. 103(1)**

Claim to be included in company tax return

- [F161]79(1) A claim for capital allowances must be included in the claimant company’s company tax return for the accounting period for which the claim is made.]

Status: Point in time view as at 08/04/2010.

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(2) It may be included in the return originally made or by amendment.

Textual Amendments

F161 Sch. 18 para. 79(1) substituted (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, ss. 578, 579, **Sch. 2 para. 103(2)**

Content of claims

80 A claim for capital allowances must specify the amount claimed, which must be an amount which is quantified at the time the claim is made.

Amendment or withdrawal of claim

81 A claim for capital allowances may be amended or withdrawn by the claimant company only by amending its company tax return.

Time limit for claims

82 (1) A claim for capital allowances may be made, amended or withdrawn at any time up to whichever is the last of the following dates—

- (a) the first anniversary of the filing date for the company tax return of the claimant company for the accounting period for which the claim is made;
- (b) if notice of enquiry is given into that return, 30 days after the enquiry is completed;
- (c) if after such an enquiry [^{F5}an officer of Revenue and Customs][^{F49}amends] the return under paragraph 34(2), 30 days after notice of the amendment is issued;
- (d) if an appeal is brought against such an amendment, 30 days after the date on which the appeal is finally determined.

(2) A claim for capital allowances may be made, amended or withdrawn at a later time if [^{F5}an officer of Revenue and Customs][^{F49}allows] it.

(3) The time limits otherwise applicable to amendment of a company tax return do not apply to an amendment to the extent that it makes, amends or withdraws a claim for capital allowances within the time allowed by or under this paragraph.

(4) The references in sub-paragraph (1) to an enquiry into a company tax return do not include an enquiry restricted to a previous amendment making, amending or withdrawing a claim for capital allowances.

An enquiry is so restricted if—

- (a) the scope of the enquiry is limited as mentioned in paragraph 25(2), and
- (b) the amendment giving rise to the enquiry consisted of the making, amending or withdrawing of a claim for capital allowances.

Textual Amendments

F5 Words in Sch. 18 substituted (18.4.2005) by **Commissioners for Revenue and Customs Act 2005 (c. 11)**, s. 53(1), **Sch. 4 para. 68(a)**; S.I. 2005/1126, art. 2(2)(h)

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F49 Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)

Consequential amendment of return for another accounting period

- 83 (1) This paragraph applies if the effect of a claim for capital allowances is to reduce the amount available by way of capital allowances for another accounting period of the company for which a company tax return has been delivered.
- (2) The company has 30 days within which to make any necessary amendments of the company tax return for that other period.
- (3) If it does not do so, [^{F5}an officer of Revenue and Customs] may by notice in writing to the company amend the return to make it consistent with the amount available by way of capital allowances.
- (4) The time limits otherwise applicable to amendment of a company tax return do not prevent an amendment being made under sub-paragraph (2) or (3).
- (5) An appeal may be brought by the company against any such amendment.
- (6) Notice of appeal must be given—
- (a) in writing,
 - (b) within 30 days after notice of the amendment was issued,
 - (c) to the officer of the Board by whom the notice of amendment was issued.

Textual Amendments

F5 Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)

[^{F162}83(1) Subject as follows, this Part of this Schedule applies to claims for a first-year tax credit under Schedule A1 to the Capital Allowances Act as it applies to claims for allowances under that Act.

- (2) A company tax return in which a claim to a first-year tax credit is made must specify—
- (a) the plant or machinery to which the relevant first-year expenditure relates,
 - (b) the amount of the relevant first-year expenditure incurred in respect of that plant or machinery, and
 - (c) the date on which that expenditure was incurred.
- (3) Where an order under section 45B or 45I of that Act (first-year allowance available only if relevant certificate in force) applies in relation to the plant or machinery, the company tax return must be accompanied by the relevant certificate.

^{F163}(4)

^{F164}(5)]

Status: Point in time view as at 08/04/2010.

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Textual Amendments

- F162** Sch. 18 para. 83ZA inserted (with effect in accordance with Sch. 25 para. 9 of the amending Act) by [Finance Act 2008 \(c. 9\)](#), **Sch. 25 para. 8(5)**
- F163** Sch. 18 para. 83ZA(4) omitted (1.4.2009) by virtue of [Finance Act 2008 \(c. 9\)](#), s. 122(2), **Sch. 40 para. 21(f)**; S.I. 2009/571, art. 2
- F164** Sch. 18 para. 83ZA(5) omitted (1.4.2009) by virtue of [Finance Act 2008 \(c. 9\)](#), s. 122(2), **Sch. 40 para. 21(f)**; S.I. 2009/571, art. 2

[^{F165}PART IXA

CLAIMS FOR [^{F166}R&D TAX RELIEF]

Textual Amendments

- F165** [Sch. 18 Pt. 9A](#) (paras. 83A-83F) inserted (28.7.2000 with effect as mentioned in [s. 69\(1\)](#) of the amending Act) by [2000 c. 17](#), s. 69(2), **Sch. 21 para. 4**
- F166** Words in [Sch. 18 Pt. 9A](#) title substituted (with effect in accordance with Sch. 3 para. 10 of the amending Act) by [Finance Act 2006 \(c. 25\)](#), **Sch. 3 para. 5**

Introduction

- 83A This Part of this Schedule applies to [^{F167}claims for R&D tax relief] under [^{F168}Part 13 of the Corporation Tax Act 2009].

Textual Amendments

- F167** Words in [Sch. 18 para. 83A](#) substituted (with effect in accordance with Sch. 3 para. 10 of the amending Act) by [Finance Act 2006 \(c. 25\)](#), **Sch. 3 para. 3**
- F168** Words in [Sch. 18 para. 83A](#) 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. 454(7)** (with [Sch. 2 Pts. 1, 2](#))

Claim to be included in company tax return

- 83B (1) A [^{F169}claim to which this Part of this Schedule applies] must be made by being included in the claimant company's company tax return for the accounting period for which the claim is made.
- (2) It may be included in the return originally made or by amendment.

Textual Amendments

- F169** Words in [Sch. 18 para. 83B\(1\)](#) substituted (with effect in accordance with Sch. 3 para. 10 of the amending Act) by [Finance Act 2006 \(c. 25\)](#), **Sch. 3 para. 4(a)**

Status: Point in time view as at 08/04/2010.

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Content of claim

- 83C A [^{F170}claim to which this Part of this Schedule applies] must specify the amount of the relief claimed, which must be an amount quantified at the time the claim is made.

Textual Amendments

F170 Words in Sch. 18 para. 83C substituted (with effect in accordance with Sch. 3 para. 10 of the amending Act) by [Finance Act 2006 \(c. 25\)](#), [Sch. 3 para. 4\(b\)](#)

Amendment or withdrawal of claim

- 83D A [^{F171}claim to which this Part of this Schedule applies] may be amended or withdrawn by the claimant company only by amending its company tax return.

Textual Amendments

F171 Words in Sch. 18 para. 83D substituted (with effect in accordance with Sch. 3 para. 10 of the amending Act) by [Finance Act 2006 \(c. 25\)](#), [Sch. 3 para. 4\(c\)](#)

Time limit for claims

- 83E (1) A [^{F172}claim to which this Part of this Schedule applies] may be made, amended or withdrawn at any time up to the first anniversary of the filing date for the company tax return of the claimant company for the accounting period for which the claim is made.
- (2) The claim may be made, amended or withdrawn at a later date if [^{F5}an officer of Revenue and Customs][^{F49}allows] it.

Textual Amendments

- F5** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F49** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)
- F172** Words in Sch. 18 para. 83E(1) substituted (with effect in accordance with Sch. 3 para. 10 of the amending Act) by [Finance Act 2006 \(c. 25\)](#), [Sch. 3 para. 4\(d\)](#)

Penalty

- ^{F173}83F]

Textual Amendments

F173 Sch. 18 para. 83F omitted (1.4.2009) by virtue of [Finance Act 2008 \(c. 9\)](#), s. 122(2), [Sch. 40 para. 21\(f\)](#); S.I. 2009/571, art. 2

Status: Point in time view as at 08/04/2010.

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[^{F174}PART 9B

CLAIMS RELATING TO REMEDIATION OF CONTAMINATED [^{F175}OR DERELICT] LAND

Textual Amendments

F174 Sch. 18 Pt. 9B inserted (11.5.2001 with effect as mentioned in s. 70 of the amending Act) by virtue of 2001 c. 9, s. 70, **Sch. 23 para. 6**

F175 Words in Sch. 18 Pt. 9B heading inserted (with effect in accordance with Sch. 7 paras. 27, 28 of the amending Act) by **Finance Act 2009 (c. 10), Sch. 7 para. 25**

Introduction

- 83G This Part of this Schedule applies to claims for—
- (a) land remediation tax credits under [^{F176}section 1151 of the Corporation Tax Act 2009] (“land remediation tax credits”), and
 - (b) life assurance company tax credits under [^{F177}section 1164 of that Act] (“life assurance company tax credits”).

Textual Amendments

F176 Words in Sch. 18 para. 83G(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. 454(9)(a)** (with Sch. 2 Pts. 1, 2)

F177 Words in Sch. 18 para. 83G(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. 454(9)(b)** (with Sch. 2 Pts. 1, 2)

Claim to be included in company tax return

- ^{F178}83H(1) A claim for a land remediation tax credit or a life assurance company tax credit must be made by being included in the claimant company’s company tax return for the accounting period for which the claim is made.
- (2) It may be included in the return originally made or by amendment.

Textual Amendments

F178 Sch. 18 Pt. 9B para. 83H inserted (11.5.2001 with effect as mentioned in s. 70 of the amending Act) by 2001 c. 9, s. 70, **Sch. 23 para. 6**

Content of claim

- ^{F179}83I A claim for a land remediation tax credit or a life assurance company tax credit must specify the amount of the tax credit claimed, which must be an amount quantified at the time the claim is made.

Textual Amendments

F179 Sch. 18 Pt. 9B para. 83I inserted (11.5.2001 with effect as mentioned in s. 70 of the amending Act) by 2001 c. 9, s. 70, **Sch. 23 para. 6**

Status: Point in time view as at 08/04/2010.

Changes to legislation: Finance Act 1998, SCHEDULE 18 is up to date with all changes known to be in force on or before 03 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)

Amendment or withdrawal of claim

^{F180}83J A claim for a land remediation tax credit or a life assurance company tax credit may be amended or withdrawn by the claimant company only by amending its company tax return.

Textual Amendments

F180 Sch. 18 Pt. 9B para. 83J inserted (11.5.2001 with effect as mentioned in s. 70 of the amending Act) by 2001 c. 9, s. 70, **Sch. 23 para. 6**

Time limit for claims

^{F181}83K(1) A claim for a land remediation tax credit or a life assurance company tax credit may be made, amended or withdrawn at any time up to the first anniversary of the filing date for the company tax return of the claimant company for the accounting period for which the claim is made.

(2) The claim may be made, amended or withdrawn at a later date if [^{F5}an officer of Revenue and Customs][^{F49}allows] it.

Textual Amendments

F5 Words in Sch. 18 substituted (18.4.2005) by **Commissioners for Revenue and Customs Act 2005 (c. 11)**, s. 53(1), **Sch. 4 para. 68(a)**; S.I. 2005/1126, art. 2(2)(h)
F49 Words in Sch. 18 substituted (18.4.2005) by virtue of **Commissioners for Revenue and Customs Act 2005 (c. 11)**, s. 53(1), **Sch. 4 para. 68(c)**; S.I. 2005/1126, art. 2(2)(h)
F181 Sch. 18 Pt. 9B para. 83K inserted (11.5.2001 with effect as mentioned in s. 70 of the amending Act) by 2001 c. 9, s. 70, **Sch. 23 para. 6**

Penalty

^{F182}83L]

Textual Amendments

F182 Sch. 18 para. 83L omitted (1.4.2009) by virtue of **Finance Act 2008 (c. 9)**, s. 122(2), **Sch. 40 para. 21(f)**; S.I. 2009/571, art. 2

^{F183} **PART 9BA**

CLAIMS FOR RELIEF UNDER SCHEDULE 12 TO THE FINANCE ACT 2002

Textual Amendments

F183 Sch. 18 Pt. 9BA 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. 454(10), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

Status: Point in time view as at 08/04/2010.

Changes to legislation: Finance Act 1998, SCHEDULE 18 is up to date with all changes known to be in force on or before 03 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)

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^{F184}PART 9C

CLAIMS FOR RELIEF UNDER SCHEDULE 13 TO THE FINANCE ACT 2002

Textual Amendments

F184 Sch. 18 Pt. 9C 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. 454(11), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

^{F185}PART 9D

CLAIMS FOR FILM TAX RELIEF

Textual Amendments

F185 Sch. 18 Pt. 9D inserted (1.1.2007) by [Finance Act 2006 \(c. 25\)](#), s. 53(1), **Sch. 5 para. 29**; S.I. 2006/3399, art. 2

Introduction

83S This Part of this Schedule applies to claims for film tax relief.

Status: Point in time view as at 08/04/2010.

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Claim to be included in company tax return

- 83T (1) A claim to which this Part of this Schedule applies must be made by being included in the claimant company's tax return for the accounting period for which the claim is made.
- (2) It may be included in the return originally made or by amendment.

Content of claim

- 83U A claim to which this Part of this Schedule applies must specify the amount of the relief claimed, which must be an amount quantified at the time the claim is made.

Amendment or withdrawal of claim

- 83V A claim to which this Part of this Schedule applies may be amended or withdrawn by the claimant company only by amending its company tax return.

Time limits for claim

- 83W (1) A claim to which this part of this Schedule applies may be made, amended or withdrawn at any time up to the first anniversary of the filing date for the company tax return of the claimant company for the accounting period for which the claim is made.
- (2) The claim may be made, amended or withdrawn at a later date if an officer of Revenue and Customs allows it.

Penalty

^{F186}83X]

Textual Amendments

F186 Sch. 18 para. 83X omitted (1.4.2009) by virtue of [Finance Act 2008 \(c. 9\)](#), s. 122(2), [Sch. 40 para. 21\(f\)](#); [S.I. 2009/571](#), art. 2

PART X

SPECIAL PROVISIONS

^{F187}

Textual Amendments

F187 Sch. 18 para. 84 and cross-heading 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. 454\(12\)](#), [Sch. 3 Pt. 1](#) (with [Sch. 2 Pts. 1, 2](#))

^{F187}84

Status: Point in time view as at 08/04/2010.

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Non-annual accounting of general insurance business

- 85 (1) This paragraph applies where a company carrying on insurance business delivers a company tax return based wholly or partly on accounts drawn up using the method described in [F188] paragraph 58 in Section E of Part 2 of Schedule 3 to the Large and Medium-sized Companies and Groups (Accounts and Reports) Regulations 2008].

That paragraph provides for a technical provision to be made in the accounts which is later replaced by a provision for estimated claims outstanding.

- (2) Where this paragraph applies—
- (a) the company may make any amendments of its return arising from the replacement of the technical provision at any time within twelve months from the date on which the provision was replaced, and
 - (b) [F5] an officer of Revenue and Customs] may give notice of enquiry into the return at any time up to two years from that date.
- (3) Nothing in this paragraph prevents notice of enquiry being given at any later time in accordance with the general rule in paragraph 24(3).

Textual Amendments

F5 Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)

F188 Words in Sch. 18 para. 85(1) substituted (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments\) \(Taxes and National Insurance\) Order 2009 \(S.I. 2009/1890\)](#), arts. 1(1), [5\(2\)\(b\)](#)

Insurance companies with non-annual actuarial investigations

F189 86

Textual Amendments

F189 Sch. 18 para. 86 repealed (19.7.2007) by [Finance Act 2007 \(c. 11\)](#), [Sch. 10 para. 16\(7\)](#), [Sch. 27 Pt. 2\(10\)](#)

Friendly societies with non-annual actuarial investigations

- 87 (1) This paragraph applies where a company tax return is delivered by a friendly society which is required by section [F190] 5.2 of the Prudential Sourcebook (Friendly Societies)] to cause an investigation to be made into its financial condition at least once in every period of three years.

- (2) Where this paragraph applies—
- (a) the society may make any amendments of its return arising from the relevant investigation at any time within 15 months from the date as at which that investigation is carried out, and
 - (b) [F5] an officer of Revenue and Customs] may give notice of enquiry into the return at any time up to 27 months from that date.

- (3) “The relevant investigation” means—

Status: Point in time view as at 08/04/2010.

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- (a) if the return is for a period as at the end of which there is carried out an investigation under section [F190 5.2 of the Prudential Sourcebook (Friendly Societies)] into the financial condition of the society, that investigation;
- (b) if the return is not for such a period, the first such investigation to be made into the financial condition of the company as at the end of a subsequent period.

[F191(4) In this paragraph “the Prudential Sourcebook (Friendly Societies)” means the Interim Prudential Sourcebook for Friendly Societies made by the Financial Services Authority under the Financial Services and Markets Act 2000 F192.]

Textual Amendments

- F5** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F190** Words in Sch. 18 paras. 87(1)(3) substituted (1.12.2001 with effect as mentioned in art. 103(5) of the amending S.I.) by [S.I. 2001/3629](#), [art. 103\(4\)\(a\)\(5\)](#)
- F191** Sch. 18 para. 87(4) inserted (1.12.2001 with effect as mentioned in art. 103(5) of the amending S.I.) by [S.I. 2001/3629](#), [art. 103\(4\)\(b\)\(5\)](#)
- F192** This sourcebook is part of the FSA Handbook. The FSA Handbook may be purchased on paper and on CD Rom from the Publications Department (Sales), Financial Services Authority, 25 The North Colonnade, Canary Wharf, London E14 5HS and is available on line at www.fsa.gov.uk.

[F193]PART 10A

SES

Textual Amendments

- F193** Sch. 18 Pt. 10A 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. 108\(2\)](#) (with Sch. 9 paras. 1-9, 22)

Company ceasing to be UK resident on formation of SE by merger

- 87A (1) Sub-paragraph (2) applies if at any time a company ceases to be resident in the United Kingdom in the course of the formation of an SE by merger, whether or not the company continues to exist after the formation of the SE.
- (2) The other Parts of this Schedule apply after that time, but in relation to liabilities accruing and matters arising before that time—
- (a) as if the company were still resident in the United Kingdom, and
 - (b) if the company has ceased to exist, as if the SE were the company.

SE ceasing to be UK resident

- 87B (1) Sub-paragraph (2) applies if at any time an SE—
- (a) transfers its registered office from the United Kingdom, and
 - (b) ceases to be resident in the United Kingdom.

Status: Point in time view as at 08/04/2010.

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- (2) The other Parts of this Schedule apply after that time, but in relation to liabilities accruing and matters arising before that time, as if the SE were still resident in the United Kingdom.

Meaning of SE

- 87C In this Part “SE” means a European public limited-liability company (or Societas Europaea) within the meaning of Council Regulation (EC) No. 2157/2001 on the Statute for a European company.]

PART XI

SUPPLEMENTARY PROVISIONS

Conclusiveness of amounts stated in return

- 88 (1) This paragraph applies to an amount stated in a company tax return for an accounting period which is required to be included in the return and which affects or may affect—
- (a) the tax payable by the company making the return for another accounting period, or
 - (b) the tax liability of another company for any accounting period.
- (2) If such an amount can no longer be altered it is taken to be conclusively determined for the purposes of the Corporation Tax Acts in relation to that other period or other company.

Sub-paragraphs (3) to (5) explain what is meant by can no longer be altered.

- (3) An amount is regarded as one that can no longer be altered if—
- (a) the period specified in paragraph 15(4) (general period for amendment by company) has ended,
 - (b) any enquiry into the return has been completed ^{F194} ... ,
 - (c) if [^{F5}an officer of Revenue and Customs][^{F49}amends] the return under paragraph [^{F195}34], the period within which an appeal may be brought against that amendment has ended, and
 - (d) if an appeal is brought, the appeal has been finally determined.
- (4) If the return is amended by the company under a provision that allows an amendment after the end of the period specified in paragraph 15(4), an amount affected by the amendment ceases to be regarded as one that can no longer be altered until after whichever is the last of the following—
- (a) the end of the period within which notice of enquiry into the return may be given in consequence of the amendment;
 - (b) if such a notice is given, [^{F196}the completion of the enquiry];
 - (c) if [^{F5}an officer of Revenue and Customs][^{F49}amends] the return under paragraph [^{F197}34], the end of the period within which an appeal against that amendment may be brought;
 - (d) if an appeal is brought, the date on which the appeal is finally determined.

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- (5) If the return is amended by [^{F5}an officer of Revenue and Customs] under paragraph 83(3) (consequential amendment of return where amount available by way of capital allowances is reduced), an amount affected by the amendment ceases to be regarded as one that can no longer be altered until after—
- (a) the end of the period within which an appeal against that amendment may be brought, or
 - (b) if an appeal is brought, the date on which the appeal is finally determined.
- (6) For the purposes of this paragraph an amount carried forward from a period for which a return was made under section 11 of the ^{M14}Taxes Management Act 1970 is not regarded as one required to be included in a company tax return for a later period.
- (7) Nothing in this paragraph affects any power to make an assessment other than a self-assessment or the power to make a discovery determination.
- [^{F198}(8) Nothing in this paragraph affects a power of the company making the return to make a claim under paragraph 51 (claim for relief for overpaid tax).]

Textual Amendments

- F5** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F49** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(e\)](#); S.I. 2005/1126, art. 2(2)(h)
- F194** Words in Sch. 18 para. 88(3)(b) omitted (1.4.2010) by virtue of [Finance Act 2008 \(c. 9\)](#), s. [119\(10\)\(a\)\(13\)](#); S.I. 2009/405, art. 2
- F195** Word in Sch. 18 para. 88(3)(c) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. [119\(10\)\(b\)\(13\)](#); S.I. 2009/405, art. 2
- F196** Words in Sch. 18 para. 88(4)(b) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. [119\(10\)\(c\)\(13\)](#); S.I. 2009/405, art. 2
- F197** Word in Sch. 18 para. 88(4)(c) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. [119\(10\)\(d\)\(13\)](#); S.I. 2009/405, art. 2
- F198** Sch. 18 para. 88(8) inserted (with effect in accordance with s. 100(2) of the amending Act) by [Finance Act 2009 \(c. 10\)](#), [Sch. 52 para. 16](#)

Marginal Citations

- M14** 1970 c. 9.

Penalty for fraud or negligence

^{F199}89

Textual Amendments

- F199** Sch. 18 para. 89 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\(c\)](#), [Sch. 27 Pt. 5\(5\)](#); S.I. 2008/568, art. 2(a)(b)(c)(d)(e)(f) (with art. 3) (see also S.I. 2009/56, [Sch. 1 para. 265](#))

Status: Point in time view as at 08/04/2010.

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Multiple tax-related penalties in respect of same accounting period

- 90 (1) This paragraph applies where a company incurs more than one penalty whose amount falls to be determined by reference to the tax payable by it for an accounting period.
- (2) Each penalty after the first shall be reduced so that the total amount of the penalties, so far as determined by reference to any particular part of the tax, does not exceed whichever is, or but for this paragraph would be, the greater or greatest of them, so far as so determined.

European Economic Interest Groupings

- 91 An act or omission such as is mentioned in section 98B of the ^{M15}Taxes Management Act 1970 (European Economic Interest Groupings: acts or omissions attracting penalties) on the part of a grouping, or a member of a grouping, is treated as the act or omission of each member of the grouping for the purposes of—
- paragraphs 43 and 46(2) (assessment in case of fraud or negligence), and
- paragraphs 61(2) and 65(1) (consequential claims in case of such an assessment).

Marginal Citations

M15 1970 c. 9.

Notices of appeal

- 92 (1) This paragraph applies in relation to any appeal under this Schedule.
- (2) The notice of appeal shall specify the grounds of appeal.
- ^{F200}(3)

Textual Amendments

F200 Sch. 18 para. 92(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. 266**

General jurisdiction of Special or General Commissioners

- ^{F201}93

Textual Amendments

F201 Sch. 18 para. 93 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. 267**

Election to take appeal to Special Commissioners

- ^{F202}94

Status: Point in time view as at 08/04/2010.

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Textual Amendments

F202 Sch. 18 para. 94 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. 267**

Meaning of “the Inland Revenue”

F203⁹⁵

Textual Amendments

F203 Sch. 18 para. 95 repealed (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(b\)](#), **Sch. 5**; S.I. 2005/1126, art. 2(2)(h)(i)

The self-assessment appointed day

96 In this Schedule “the self-assessment appointed day” means the day appointed by the Treasury under section 199 of the ^{M16}Finance Act 1994 for the purposes of Chapter III of Part IV of that Act (corporation tax self-assessment).

Marginal Citations

M16 1994 c. 9.

Construction of references to assessment

97 Any reference in the Tax Acts (however expressed) to a person being assessed to tax, or being charged to tax by an assessment, include a reference to his being so assessed, or being so charged—

- (a) by a self-assessment under this Schedule, or an amendment of such a self-assessment, or
- (b) by a determination under paragraph 36 or 37 of this Schedule (which, until superseded by a self-assessment, has effect as if it were one).

[^{F204}Meaning of TIOPA 2010

Textual Amendments

F204 Sch. 18 para. 97A 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. 8 para. 321(6)** (with [Sch. 9 paras. 1-9, 22](#))

97A In this Schedule “TIOPA 2010” means the Taxation (International and Other Provisions) Act 2010.]

Status: Point in time view as at 08/04/2010.

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Index of defined expressions

98 In this Schedule the expressions listed below are defined or otherwise explained by the provisions indicated—

the Board	paragraph 95(6)
closure notice	paragraph 32(1)
company tax return	paragraph 3(1)
delivery (in relation to company tax return)	paragraph 4
discovery assessment	paragraph 41(1)
discovery determination	paragraph 41(2)
filing date	paragraph 14
Inland Revenue	paragraph 95
notice of enquiry	paragraph 24(1)
notice requiring company tax return	paragraph 3(1)
[^{F205} SE (in Part 10A)	paragraph 87C]
self-assessment	paragraph 7
self-assessment appointed day	paragraph 96
tax	paragraph 1 (and see paragraphs 63(3) and 64(5))
tax payable	paragraph 8
[^{F206} TIOPA 2010	paragraph 97A]
wrong period (return for)	paragraph 26(2) to (4)

Textual Amendments

F205 Words in Sch. 18 para. 98 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. 108\(3\)](#) (with Sch. 9 paras. 1-9, 22)

F206 Words in Sch. 18 para. 98 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. 321\(7\)](#) (with Sch. 9 paras. 1-9, 22)

Status:

Point in time view as at 08/04/2010.

Changes to legislation:

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