



Finance Act 2001

2001 CHAPTER 9

PART 3

INCOME TAX, CORPORATION TAX AND CAPITAL GAINS TAX

CHAPTER 2

OTHER PROVISIONS

General

88 Amendments to the machinery of self-assessment

- (1) Schedule 29 to this Act (amendments to the machinery of self-assessment) has effect.
- (2) In that Schedule—
 - Part 1 makes provision about the amendment or correction of returns,
 - Part 2 makes provision about enquiries into returns,
 - Part 3 makes provision for the referral of questions to the Special Commissioners during an enquiry,
 - Part 4 makes provision about the procedure on completion of an enquiry, and
 - Part 5 contains minor and consequential amendments.
- (3) Except as otherwise provided, the amendments in that Schedule have effect as from the passing of this Act in relation to returns—
 - (a) whether made before or after the passing of this Act, and
 - (b) whether relating to periods before or after the passing of this Act.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 2001, Cross Heading: General. (See end of Document for details)

89 Recovery proceedings: minor amendments

- (1) In sections 66(1) and 67(1) of the Taxes Management Act 1970 (c. 9) (proceedings in county court or sheriff court to recover tax due and payable under an assessment), omit the words “under any assessment”.

This amendment applies in relation to proceedings begun after the passing of this Act.

- (2) For section 69 of the Taxes Management Act 1970 substitute—

“69 Recovery of penalty, surcharge or interest

- (1) This section applies to—
- (a) penalties imposed under Part 2, 5A or 10 of this Act or Schedule 18 to the Finance Act 1998;
 - (b) surcharges imposed under Part 5A of this Act; and
 - (c) interest charged under any provision of this Act (or recoverable as if it were interest so charged).
- (2) An amount by way of penalty, surcharge or interest to which this section applies shall be treated for the purposes of the following provisions as if it were an amount of tax.
- (3) Those provisions are—
- (a) sections 61, 63 and 65 to 68 of this Act;
 - (b) section 35(2)(g)(i) of the Crown Proceedings Act 1947 (rules of court: restriction of set-off or counterclaim where proceedings, or set-off or counterclaim, relate to tax) and any rules of court imposing any such restriction;
 - (c) section 35(2)(b) of that Act as set out in section 50 of that Act (which imposes corresponding restrictions in Scotland).”

This amendment applies—

- (a) to proceedings begun (or a counterclaim made) after the passing of this Act, and
 - (b) to a set-off first claimed after the passing of this Act.
- (3) ^{F1} ...

This amendment applies to certificates tendered in evidence after the passing of this Act.

Textual Amendments

F1 S. 89(3) omitted (21.7.2008) by virtue of [Finance Act 2008 \(c. 9\)](#), [Sch. 44 para. 11\(e\)](#)

90 Repayment supplements: claim for relief involving two or more years

- (1) Section 824 of the Taxes Act 1988 (repayment supplements) is amended as follows.

- (2) After subsection (2B) insert—

“(2C) Subsection (1) above shall apply to a repayment made by the Board as a result of a claim for relief under—

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- (a) paragraph 2 of Schedule 1B to the Management Act (carry back of loss relief),
- (b) paragraph 3 of that Schedule (relief for fluctuating profits of farming etc.), or
- (c) Schedule 4A to this Act (relief for fluctuating profits of creative artists etc.),

as if it were a repayment falling within that subsection.”

(3) In subsection (3), after paragraph (aa) insert—

“(ab) if the repayment is a repayment as a result of a claim for relief under any of the provisions mentioned in subsection (2C) above, the relevant time is the 31st January next following the year that is the later year in relation to the claim;”

(4) This section applies in relation to repayments made after the passing of this Act.

91 Power to revise excessive penalties

(1) In section 100 of the Taxes Management Act 1970 (determination of penalties by officer of the Board), in subsection (6) (revision of penalty if amount of tax taken into account discovered to be excessive), after “a penalty under” insert “ section 93(2), (4) or (5) of this Act or ”.

(2) This section applies in relation to penalties determined at any time whether before or after the passing of this Act.

Changes to legislation:

There are currently no known outstanding effects for the Finance Act 2001, Cross Heading: General.