

Status: Point in time view as at 12/02/2019.

Changes to legislation: Finance Act 2009, Cross Heading: Interaction with other penalties and late payment surcharges is up to date with all changes known to be in force on or before 09 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 55

PENALTY FOR FAILURE TO MAKE RETURNS ETC

Modifications etc. (not altering text)

- C1 Sch. 55 modified (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), [Sch. 1 para. 38](#)
- C1 Sch. 55 applied (with modifications) by 1992 c.7 (N.I.), s. 11A(1)(3) (as inserted (with effect in accordance with Sch. 1 para. 35 of the amending Act) by [National Insurance Contributions Act 2015 \(c. 5\)](#), [Sch. 1 para. 12](#))
- C1 Sch. 55 applied (with modifications) (with application in accordance with reg. 1 of the amending S.I.) by [The Education \(Postgraduate Masters Degree Loans\) Regulations 2016 \(S.I. 2016/606\)](#), regs. 1(1), [50\(1\)\(2\)](#)
- C1 Sch. 55 applied (with modifications) by 1992 c. 4, s. [11A\(1\)\(3\)](#) (as inserted (with effect in accordance with Sch. 1 para. 35 of the amending Act) by [National Insurance Contributions Act 2015 \(c. 5\)](#), [Sch. 1 para. 3](#))
- C1 Sch. 55 applied by S.I. 2009/470, [reg. 40\(1\)\(2\)](#) (as substituted (6.4.2011) by [The Education \(Student Loans\) \(Repayment\) \(Amendment\) Regulations 2011 \(S.I. 2011/784\)](#), regs. 1(1), [9](#) (with reg. 12(2)))
- C1 Sch. 55 applied by S.R. 2009/128, [reg. 35](#) (as substituted (6.4.2011) by [The Education \(Student Loans\) \(Repayment\) \(Amendment\) Regulations \(Northern Ireland\) 2011 \(S.R. 2011/137\)](#), regs. 1(1), [8\(a\)](#) (with reg. 12))
- C1 Sch. 55 applied (with modifications) by S.I. 2001/1004, [Sch. 4 para. 21G](#) (as inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by [The Social Security \(Contributions\) \(Amendment No. 4\) Regulations 2014 \(S.I. 2014/2397\)](#), regs. 1(1), [3\(5\)](#))

Interaction with other penalties and late payment surcharges

- 17 (1) Where P is liable for a penalty under any paragraph of this Schedule which is determined by reference to a liability to tax, the amount of that penalty is to be reduced by the amount of any other penalty incurred by P, if the amount of the penalty is determined by reference to the same liability to tax.
- (2) In sub-paragraph (1) the reference to “any other penalty” does not include—
- (a) a penalty under any other paragraph of this Schedule, or
 - (b) a penalty under Schedule 56 (penalty for late payment of tax)^[F1], or
 - (c) a penalty under Part 4 of FA 2014 (penalty where corrective action not taken after follower notice etc)^[F2] or
 - (d) a penalty under Schedule 22 to FA 2016 (asset-based penalty)].
- (3) Where P is liable for a penalty under more than one paragraph of this Schedule which is determined by reference to a liability to tax, the aggregate of the amounts of those penalties must not exceed ^[F3]100%^[F3] the relevant percentage of the liability to tax.
- ^[F4](4) The relevant percentage is—

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- (a) if one of the penalties is a penalty under paragraph 6(3) or (4) and the information withheld is category 3 information, 200%,
- (b) if one of the penalties is a penalty under paragraph 6(3) or (4) and the information withheld is category 2 information, 150%, and
- (c) in all other cases, 100%.]

Textual Amendments

- F1** Sch. 55 para. 17(2)(c) and word inserted (17.7.2014) by [Finance Act 2014 \(c. 26\)](#), [Sch. 33 para. 5](#)
- F2** Sch. 55 para. 17(2)(d) and preceding word inserted (with effect in accordance with reg. 2(b) of the commencing S.I.) by [Finance Act 2016 \(c. 24\)](#), s. 165(2), [Sch. 22 para. 20\(5\)](#); S.I. 2017/277, reg. 2(b)
- F3** Words in Sch. 55 para. 17(3) substituted (6.4.2011 for specified purposes) by [Finance Act 2010 \(c. 13\)](#), s. 35(2), [Sch. 10 para. 14\(a\)](#); S.I. 2011/975, art. 2(2) (with art. 5)
- F4** Sch. 55 para. 17(4) inserted (6.4.2011 for specified purposes) by [Finance Act 2010 \(c. 13\)](#), s. 35(2), [Sch. 10 para. 14\(b\)](#); S.I. 2011/975, art. 2(2) (with art. 5)

Commencement Information

- I1** Sch. 55 para. 17 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, [art. 2](#) (with [art. 1\(2\)](#))
- I2** Sch. 55 para. 17 in force at 6.10.2011 for specified purposes by S.I. 2011/2391, [art. 2\(b\)](#) (with [art. 3\(1\)\(2\)](#))
- I3** Sch. 55 para. 17 in force at 6.10.2014 for specified purposes and 6.3.2015 for specified purposes by S.I. 2014/2395, [art. 2\(1\)\(b\)](#)
- I4** Sch. 55 para. 17 in force at 6.4.2018 for specified purposes by S.I. 2018/468, [art. 2\(b\)](#)
- I5** Sch. 55 para. 17 in force at 12.2.2019 for specified purposes by 2019 c. 1, [Sch. 2 para. 29\(3\)](#)

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