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*Changes to legislation: There are currently no known outstanding effects for the Finance Act 2021, Cross Heading: Settlements. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 24

#### PENALTIES FOR FAILURE TO MAKE RETURNS ETC

#### PART 3

##### SUPPLEMENTARY PROVISION

##### *Settlements*

- 26 (1) For the purposes of this Schedule—
- (a) the trustees of a settlement are together to be treated as if they were a single person (distinct from the persons who are trustees of the settlement);
  - (b) a failure by one or more trustees of the settlement to make a return on or before the due date is to be treated as a failure by the deemed single person referred to in paragraph (a);
  - (c) other things done by or in relation to a trustee of the settlement are also to be treated as done by or in relation to that deemed single person.
- (2) The deemed single person referred to in paragraph (a) is to be treated as continuing in existence even if there is a change in the trustees of the settlement.
- (3) Where the deemed single person referred to in paragraph (a) is assessed to a penalty, every relevant trustee is jointly and severally liable for the penalty.
- (4) For the purposes of sub-paragraph (3)—
- (a) “relevant trustee” means a person who is a trustee of the settlement on the day on which the penalty is assessed;
  - (b) a person is a relevant trustee even if the person was not a trustee of the settlement when liability was incurred to one or more of the penalty points by virtue of which liability to the penalty arose;
  - (c) the relevant trustees are jointly and severally liable for the penalty even if none of them were trustees of the settlement when liability was incurred to the penalty points by virtue of which liability to the penalty arose.

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#### **Commencement Information**

- I1** Sch. 24 para. 26 in force at 1.1.2023 for specified purposes by S.I. 2022/1278, reg. 2(1)
- I2** Sch. 24 para. 26 in force at 6.4.2024 for specified purposes by S.I. 2024/440, reg. 2(1)

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