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STATUTORY INSTRUMENTS

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**2005 No. 2045**

**The Income Tax (Construction  
Industry Scheme) Regulations 2005**

**PART 8**

**SUPPLEMENTARY PROVISIONS**

**Inspection of records of sub-contractors – additional provisions**

**52.**—(1) Where a sum deducted under section 61 of the Act is treated as paid on account of the liabilities mentioned in regulation 56(2) (application by Commissioners for Her Majesty’s Revenue and Customs of sums deducted under section 61), the sub-contractor, whose liabilities they are, shall—

- (a) maintain the records specified in paragraph (2), and
  - (b) produce to a person nominated by the Commissioners for Her Majesty’s Revenue and Customs for inspection those records, or such of them as may be specified by him, at such time as he may reasonably require, at the prescribed place.
- (2) The records are all documents and records relating to the calculation of—
- (a) the amounts which the sub-contractor would have been liable to pay to the Commissioners for Her Majesty’s Revenue and Customs in the preceding three tax years, under the provisions mentioned in regulation 56(2), but for the withholding by a contractor of sums due to him; and
  - (b) the amounts deducted by a contractor under section 61 of the Act which the sub-contractor claims to be entitled to set off against those liabilities.
- (3) “The prescribed place” means such place in the United Kingdom as the sub-contractor and the nominated person may agree upon, or in the absence of agreement—
- (a) the place in the United Kingdom at which the documents and records mentioned in paragraph (2) are normally kept, or
  - (b) if there is no such place, the sub-contractor’s principal place of business in the United Kingdom.
- (4) The nominated person may—
- (a) take copies of, or make extracts from, any document produced for inspection in accordance with paragraph (1)(b);
  - (b) remove any document so produced if it appears to the nominated person to be necessary to do so, at a reasonable time and for a reasonable period.
- (5) If a lien is claimed on a document produced in accordance with paragraph (1)(b), the removal of the document under paragraph (4)(b) is not to be regarded as breaking the lien.
- (6) If records are maintained by computer, the person required to make them available for inspection must provide the nominated person with all facilities necessary for obtaining information from them.