
STATUTORY INSTRUMENTS

2011 No. 1785

The Corporation Tax (Instalment Payments) (Amendment) Regulations 2011

Insertion of regulations 4A to 4D

5. After regulation 4 (instalment payments – transitional provision) insert—

“Instalment payments – transitional provisions: the bank levy (applicable accounting periods ending on or before 19th July 2011 where company becomes a large company by virtue of regulation 3(1A))

4A.—(1) This regulation applies if—

- (a) an entity (“E”) is the relevant entity or the responsible member in relation to an applicable accounting period (“the period”) which ended on or before 19th July 2011;
- (b) E is a large company for the purposes of these Regulations only by virtue of regulation 3(1A); and
- (c) accordingly, E would not otherwise be liable to make instalment payments in relation to the period.

(2) The total liability of E for the period shall be treated as becoming due and payable in accordance with regulation 5, but this is subject to paragraphs (3) to (5).

(3) An instalment payment which apart from this regulation would be treated as becoming due and payable on a date falling before 11th August 2011 shall be treated as not being due and payable.

(4) If there is no instalment payment which is treated as becoming due and payable on a date falling on or after 11th August 2011, the total liability of E shall be treated as becoming due and payable on 18th August 2011.

(5) If in relation to the period there is an instalment payment which is treated as becoming due and payable on a date falling on or after 11th August 2011, the amount of that instalment payment, or the amount of the first of those instalment payments, shall be increased by the adjustment amount.

(6) In paragraph (5) the adjustment amount is the aggregate of the amounts of the instalment payments which would have been treated as being due and payable, on a date falling before 11th August 2011, determined on the basis that—

- (a) the provisions of Schedule 19 had effect on the date on which each instalment payment would have been treated as becoming due and payable; and
- (b) paragraph (3) does not apply in relation to each instalment payment.

Instalment payments – transitional provisions: the bank levy (applicable accounting periods ending on or before 19th July 2011 where company is a large company otherwise than by virtue of regulation 3(1A))

4B.—(1) This regulation applies if—

- (a) an entity (“E”) is the relevant entity or the responsible member in relation to an applicable accounting period (“the period”) which ended on or before 19th July 2011; and
- (b) E is a large company for the purposes of these Regulations otherwise than by virtue of regulation 3(1A).

(2) The total liability of E for the period shall be treated as becoming due and payable in accordance with regulation 5, but this is subject to paragraphs (3) to (5).

(3) An instalment payment which apart from this regulation would be treated as becoming due and payable on a date falling before 11 August 2011 shall be treated as not being due and payable to the extent that it includes an amount in respect of the bank levy.

(4) If, apart from paragraph (5), in relation to the period there is an instalment payment, or more than one instalment payment, which is treated as becoming due and payable on a date falling on or after 11th August 2011, the amount of that instalment payment, or the amount of the first of those instalment payments, shall be increased by the adjustment amount.

(5) If, apart from this paragraph, in relation to the period there is no instalment payment which is treated as becoming due and payable on a date falling on or after 11th August 2011, a further instalment payment of an amount equal to the adjustment amount shall be treated as becoming due and payable on 18th August 2011.

(6) For the purposes of paragraphs (4) and (5) the adjustment amount is the difference between—

- (a) the aggregate amount of the instalment payments which were treated as becoming due and payable before 11th August 2011, determined on the basis that the total liability of E did not include any liability to the bank levy; and
- (b) the aggregate amount of those instalment payments including E’s liability to the bank levy determined on the basis that paragraph (3) does not apply in relation to those instalment payments.

Instalment payments – transitional provisions: the bank levy (applicable accounting periods beginning on or before 19th July 2011 and ending after that date where company is a large company by virtue of regulation 3(1A))

4C.—(1) This regulation applies if—

- (a) an entity (“E”) is the relevant entity or the responsible member in relation to an applicable accounting period (“the period”) which began on or before 19th July 2011 and ends after that date;
- (b) E is a large company for the purposes of these Regulations only by virtue of regulation 3(1A); and
- (c) accordingly, E would not otherwise be liable to make instalment payments in relation to the period.

(2) The total liability of E for the period shall be treated as becoming due and payable in accordance with regulation 5, but this is subject to paragraphs (3) and (4).

(3) An instalment payment which apart from this regulation would be treated as becoming due and payable on a date falling before 11th August 2011 shall be treated as not being due and payable.

(4) The amount of the first instalment payment which is treated as becoming due and payable on a date falling on or after 11th August 2011 shall be increased by the adjustment amount.

(5) In paragraph (4) the adjustment amount is the aggregate of the amounts of instalment payments which would have been treated as becoming due and payable before 11th August 2011, determined on the basis that—

- (a) the provisions of Schedule 19 had effect at the date on which each instalment payment would have been treated as becoming due and payable; and
- (b) paragraph (3) does not apply in relation to each instalment.

Instalment payments – transitional provisions: the bank levy (applicable accounting periods beginning on or before 19th July 2011 but ending after that date where company is a large company otherwise than by virtue of regulation 3(1A))

4D.—(1) This regulation applies if—

- (a) an entity (“E”) is the relevant entity or the responsible member in relation to an applicable accounting period (“the period”) which began on or before 19th July 2011 and ends after that date; and
- (b) E is a large company for the purposes of these Regulations otherwise than by virtue of regulation 3(1A).

(2) The total liability of E for the period shall be treated as becoming due and payable in accordance with regulation 5, but this is subject to paragraphs (3) and (4).

(3) An instalment payment which apart from this regulation would be treated as becoming due and payable on a date falling before 11 August 2011 shall be treated as not being due and payable to the extent that it includes an amount in respect of the bank levy.

(4) In relation to the period, the amount of the first instalment payment which is treated as becoming due and payable on a date falling on or after 11th August 2011 shall be increased by the adjustment amount.

(5) For the purposes of paragraph (4) the adjustment amount is the difference between—

- (a) the aggregate amount of the instalment payments which were treated as becoming due and payable on a date falling before 11th August 2011, determined on the basis that the total liability of E did not include any liability to the bank levy; and
- (b) the aggregate amount of those instalment payments including E’s liability to the bank levy determined on the basis that paragraph (3) does not apply in relation to those instalment payments.”.