



Tax Collection and Management (Wales) Act 2016

2016 anaw 6

PART 3

TAX RETURNS, ENQUIRIES AND ASSESSMENTS

CHAPTER 7

RELIEF IN CASE OF EXCESSIVE ASSESSMENT OR OVERPAID TAX

Other grounds for disallowing claims

67 Cases in which WRA need not give effect to a claim

- (1) WRA need not give effect to a claim for relief made under section 63 if, or to the extent that, the claim falls within a case described in this section.
- (2) Case 1 is where the amount of a devolved tax paid, or liable to be paid, is excessive because of—
 - (a) a mistake in a claim [^{F1}or election], or
 - (b) a mistake consisting of making, or failing to make, a claim [^{F2}or election].

[^{F3}(2A) In subsection (2), “election” means an election made under paragraph 3, 5 or 12 of Schedule 15 to LTTA (social housing reliefs).]

- (3) Case 2 is where the claimant is or will be able to seek relief by taking other steps under this Part.
- (4) Case 3 is where the claimant—
 - (a) could have sought relief by taking such steps within a period that has now expired, and

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- (b) knew or ought reasonably to have known, before the end of that period, that such relief was available.
- (5) Case 4 is where the claim is made on grounds that—
- (a) have been put to the tribunal in the course of an appeal by the claimant relating to the amount paid or liable to be paid, or
 - (b) have been put to WRA in the course of a review by the claimant relating to the amount paid or liable to be paid that is treated as having been determined by the tribunal by virtue of section 184.
- (6) Case 5 is where the claimant knew, or ought reasonably to have known, of the grounds for the claim before the latest of the following—
- (a) the day on which a relevant appeal in the course of which the ground could have been put forward was determined by the tribunal (or is treated as having been so determined);
 - (b) the day on which the claimant withdrew a relevant appeal to the tribunal;
 - (c) the end of the period in which the claimant was entitled to make a relevant appeal to the tribunal.
- (7) In subsection (6), “relevant appeal” means an appeal by the claimant relating to the amount paid or liable to be paid.
- (8) Case 6 is where the amount in question was paid or is liable to be paid—
- (a) in consequence of proceedings enforcing the payment of that amount brought against the claimant by WRA, or
 - (b) in accordance with an agreement between the claimant and WRA settling such proceedings.
- (9) Case 7 is where—
- (a) the amount paid, or liable to be paid, is excessive by reason of a mistake in calculating the claimant's liability to devolved tax, and
 - (b) the mistake occurred because liability was calculated in accordance with the practice generally prevailing at the time.
- (10) Case 7 does not apply where the amount paid, or liable to be paid, is devolved tax which has been charged contrary to EU law.
- (11) For the purposes of subsection (10), an amount of devolved tax is charged contrary to EU law if, ^{F4}...—
- (a) [^{F5}in the circumstances in question, the charge to devolved tax is contrary to] the provisions relating to the free movement of goods, persons, services and capital in Titles II and IV of Part 3 of the Treaty on the Functioning of the European Union, [^{F6}and]
 - [^{F7}(b) at the time the tax is charged, the rights conferred by those provisions are recognised and available in domestic law by virtue of the European Union (Withdrawal) Act 2018 (c. 16) or any provision made under that Act.]
- [^{F8}(12) Case 8 is where—
- (a) the claim is made in respect of an amount of landfill disposals tax, and
 - (b) an amount of landfill disposals tax that the claimant is required to pay has not been paid.]

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Textual Amendments

- F1** Words in s. 67(2)(a) inserted (1.4.2018) by Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 (anaw 1), s. 81(2)(3), **Sch. 23 para. 28(b)**; S.I. 2018/34, art. 3
- F2** Words in s. 67(2)(b) inserted (1.4.2018) by Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 (anaw 1), s. 81(2)(3), **Sch. 23 para. 28(c)**; S.I. 2018/34, art. 3
- F3** S. 67(2A) inserted (1.4.2018) by Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 (anaw 1), s. 81(2)(3), **Sch. 23 para. 28(d)**; S.I. 2018/34, art. 3
- F4** Words in s. 67(11) omitted (31.12.2020) by virtue of The Welsh Tax Acts (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/833), regs. 1(2), **5(4)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in s. 67(11)(a) inserted (31.12.2020) by The Welsh Tax Acts (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/833), regs. 1(2), **5(4)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Word in s. 67(11) substituted (31.12.2020) by The Welsh Tax Acts (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/833), regs. 1(2), **5(4)(c)**; 2020 c. 1, Sch. 5 para. 1(1)
- F7** S. 67(11)(b) substituted (31.12.2020) by The Welsh Tax Acts (Miscellaneous Amendments) (EU Exit) Regulations 2019 (S.I. 2019/833), regs. 1(2), **5(4)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** S. 67(12) inserted (1.4.2018) by Landfill Disposals Tax (Wales) Act 2017 (anaw 3), **ss. 45, 97(2)**; S.I. 2018/35, art. 3

Commencement Information

- I1** S. 67 in force at 1.4.2018 by S.I. 2018/33, **art. 3**

Changes to legislation:

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