



Tax Collection and Management (Wales) Act 2016

2016 anaw 6

PART 5

PENALTIES

CHAPTER 5

PENALTIES RELATING TO INVESTIGATIONS

Further penalties for continuing failure to comply or obstruction

151 Tax-related penalty for failure to comply with information notice or obstruction

(1) This section applies where—

- (a) a person becomes liable to a penalty under section 146,
- (b) the failure or obstruction continues after the day on which a penalty notice is issued under section 153(1)(b) in respect of the penalty,
- (c) WRA has reason to believe that, as a result of the failure or obstruction,
 - [^{F1}(i)] the amount of devolved tax that the person has paid, or is likely to pay, [^{F2}or
 - (ii) the amount that the person has paid, or is likely to pay in respect of a tax credit,]is significantly less than it would otherwise have been,
- (d) before the end of the period of 12 months beginning with the relevant date, WRA makes an application to the Upper Tribunal for an additional penalty to be imposed on the person (see subsection (6)) and gives notice of the application to the person, and
- (e) the Upper Tribunal decides that it is appropriate for an additional penalty to be imposed.

Changes to legislation: There are currently no known outstanding effects for the Tax Collection and Management (Wales) Act 2016, Section 151. (See end of Document for details)

- (2) The person is liable to a penalty of an amount determined by the Upper Tribunal.
- (3) In determining the amount, the Upper Tribunal must have regard to
- [^{F3}(i)] the amount of devolved tax [^{F4}or
 - (ii) the amount in respect of a tax credit,]
- which has not been, or is not likely to be, paid by the person.
- (4) Any penalty under this section is in addition to the penalty or penalties under section 146 or 147.
- (5) In subsection (1)(d), the “relevant date” means—
- (a) in a case involving an information notice against which a person may appeal, the latest of—
 - (i) the day on which the person became liable to the penalty under section 146,
 - (ii) if no appeal against the information notice is made, the end of the period in which such an appeal could have been made, and
 - (iii) if such an appeal is made, the day on which the appeal is finally determined or withdrawn, and
 - (b) in any other case, the day on which the person became liable to the penalty under section 146.
- (6) WRA may not make an application of the kind mentioned in subsection (1)(d) if a decision relating to a penalty under section 146, 147 or 150 in respect of the failure or obstruction is the subject of—
- (a) a review for which notice of the conclusions has not yet been issued, or
 - (b) an appeal which has not yet been finally determined or withdrawn.

Textual Amendments

- F1** Words in s. 151(1)(c) renumbered as s. 151(1)(c)(i) (1.4.2018) by [The Landfill Disposals Tax \(Administration\) \(Wales\) Regulations 2018 \(S.I. 2018/101\)](#), reg. 1(2), **Sch. para. 36(2)(a)**
- F2** S. 151(1)(c)(ii) and word inserted (1.4.2018) by [The Landfill Disposals Tax \(Administration\) \(Wales\) Regulations 2018 \(S.I. 2018/101\)](#), reg. 1(2), **Sch. para. 36(2)(b)**
- F3** Words in s. 151(3) renumbered as s. 151(3)(i) (1.4.2018) by [The Landfill Disposals Tax \(Administration\) \(Wales\) Regulations 2018 \(S.I. 2018/101\)](#), reg. 1(2), **Sch. para. 36(3)(a)**
- F4** S. 151(3)(ii) and word inserted (1.4.2018) by [The Landfill Disposals Tax \(Administration\) \(Wales\) Regulations 2018 \(S.I. 2018/101\)](#), reg. 1(2), **Sch. para. 36(3)(b)**

Commencement Information

- I1** S. 151 in force at 25.1.2018 by [S.I. 2018/33](#), **art. 2(d)**

Changes to legislation:

There are currently no known outstanding effects for the Tax Collection and Management (Wales) Act 2016, Section 151.