

Changes to legislation: Finance Act 2008, Cross Heading: Penalties for inaccurate information and documents is up to date with all changes known to be in force on or before 07 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 36

INFORMATION AND INSPECTION POWERS

Modifications etc. (not altering text)

- C1 Sch. 36 modified (24.2.2022) by [Finance Act 2022 \(c. 3\)](#), [Sch. 14 para. 18](#)
- C1 Sch. 36 applied (with modifications) (with effect in accordance with Sch. 16 para. 62 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 16 paras. 40–43](#) (as amended (with effect in accordance with s. 123(12) of the amending Act) by [Finance Act 2021 \(c. 26\)](#), [s. 123\(4\)–\(7\)](#))
- C1 Sch. 36 applied (with modifications) (24.2.2022) by [Finance Act 2022 \(c. 3\)](#), [Sch. 13 para. 6\(1\)\(3\)](#)
- C1 Sch. 36 modified (22.3.2011) by [National Insurance Contributions Act 2011 \(c. 3\)](#), [ss. 9\(5\)](#), 13(2)
- C1 Sch. 36 applied (24.2.2022) by [Finance Act 2022 \(c. 3\)](#), [Sch. 14 para. 17\(1\)](#)
- C1 Sch. 36 applied (with modifications) (19.4.2013) by [The Small Charitable Donations Regulations 2013 \(S.I. 2013/938\)](#), [regs. 1, 5](#)
- C1 Sch. 36 modified (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), [Sch. 1 para. 36\(1\)](#)
- C1 Sch. 36 applied (with modifications) (with effect in accordance with s. 121(6) of the amending Act) by [2014 c. 26](#), [s. 272A](#) (as inserted by [Finance Act 2021 \(c. 26\)](#), [Sch. 30 para. 4](#))
- C1 Sch. 36 applied (19.4.2013) by [The Small Charitable Donations Regulations 2013 \(S.I. 2013/938\)](#), [regs. 1, 5\(1\)](#)
- C1 Sch. 36 applied (with modifications) (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\)](#), [regs. 1\(1\), 33\(2\)\(3\)](#) (with [reg. 1\(4\)\(6\)](#))
- C1 Sch. 36 applied (with modifications) (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\)](#), [regs. 1\(1\), 55\(1\)\(2\)](#)
- C1 Sch. 36 applied (with modifications) (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\)](#), [regs. 1\(1\), 60\(1\)\(2\)](#) (with [reg. 1\(4\)\(6\)](#))
- C1 Sch. 36 applied (with modifications) (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\)](#), [regs. 1\(1\), 28\(2\)\(3\)](#)
- C1 Sch. 36 applied (with modifications) (E.W.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations 2009 \(S.I. 2009/470\)](#), [regs. 1\(1\), 61](#) (with [reg. 1\(4\)\(6\)](#))
- C1 Sch. 36 applied (with modifications) (with application in accordance with reg. 1 of the amending S.I.) by [The Education \(Postgraduate Master's Degree Loans\) Regulations 2016 \(S.I. 2016/606\)](#), [regs. 1\(1\), 78\(1\)\(2\)](#)
- C1 Sch. 36 applied (with modifications) (with application in accordance with reg. 1 of the amending S.I.) by [The Education \(Postgraduate Master's Degree Loans\) Regulations 2016 \(S.I. 2016/606\)](#), [regs. 1\(1\), 77\(1\)\(2\)](#)
- C1 Sch. 36 applied (with modifications) (N.I.) (6.4.2009) by [The Education \(Student Loans\) \(Repayment\) Regulations \(Northern Ireland\) 2009 \(S.R. 2009/128\)](#), [regs. 1\(1\), 56](#)
- C1 Sch. 36 applied (with modifications) (with application in accordance with reg. 1 of the amending S.I.) by [The Education \(Postgraduate Master's Degree Loans\) Regulations 2016 \(S.I. 2016/606\)](#), [regs. 1\(1\), 43\(2\)\(3\)](#)
- C1 Sch. 36 applied (with modifications) (1.5.2023) by [The Value Added Tax \(Margin Schemes and Removal or Export of Goods: VAT-related Payments\) Order 2023 \(S.I. 2023/68\)](#), [arts. 1\(1\), 12](#) (with [art. 1\(2\)](#))
- C1 Sch. 36 applied (with modifications) (1.1.2017) by [Finance Act 2016 \(c. 24\)](#), [s. 162\(2\)](#), [Sch. 20 paras. 18–21](#); [S.I. 2016/1249](#), [reg. 2](#)

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PART 7

PENALTIES

Modifications etc. (not altering text)

- C1** Sch. 36 Pt. 7 modified (with effect in accordance with Sch. 3 Pt. 3 of the amending Act) by 2010 c. 8, s. 371UBA(5) (as inserted by Finance (No. 2) Act 2015 (c. 33), Sch. 3 para. 10(5))
- C1** Sch. 36 Pt. 7 applied (with effect in accordance with Sch. 5 para. 25(1)(2) of the amending Act) by 2010 c. 8, Sch. 7A para. 66(1) (as inserted by Finance (No. 2) Act 2017 (c. 32), Sch. 5 para. 2 (with Sch. 5 para. 28))
- C1** Sch. 36 Pt. 7 modified (with effect in accordance with Sch. 3 Pt. 3 of the amending Act) by 2010 c. 4, s. 269DM(5) (as inserted by Finance (No. 2) Act 2015 (c. 33), Sch. 3 para. 1)
- C1** Sch. 36 Pt. 7 modified (14.7.2022) by Energy (Oil and Gas) Profits Levy Act 2022 (c. 40), s. 12(5) (with ss. 15(1), 16(1))
- C1** Sch. 36 applied (with modifications) (with effect in accordance with Sch. 16 para. 62 of the amending Act) by Finance (No. 2) Act 2017 (c. 32), Sch. 16 paras. 40–43
- C1** Sch. 36 Pt. 7 applied (with modifications) (14.10.2013) by S.I. 2006/208, reg. 5 (as inserted (E.W.S.) by The Registered Pension Schemes and Overseas Pension Schemes (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/2259), regs. 1, 21) (as amended (6.4.2015) by The Overseas Pension Schemes (Miscellaneous Amendments) Regulations 2015 (S.I. 2015/673), regs. 1, 6(a))
- C1** Sch. 36 Pt. 7 applied (1.4.2011) by 1979 c. 2, s. 118G(2) (as inserted by Finance (No. 3) Act 2010 (c. 33), s. 29(2), Sch. 13 para. 15(3); S.I. 2011/777, art. 2)
- C1** Sch. 36 Pt. 7 applied (13.8.2009) by 2007 c. 11, Sch. 11 para. 2(7) (as substituted by The Finance Act 2009, Schedule 47 (Consequential Amendments) Order 2009 (S.I. 2009/2035), Sch. para. 53)

^{F1}Penalties for inaccurate information and documents

Textual Amendments

- F1** Sch. 36 para. 40A and cross-heading inserted (21.7.2009) by Finance Act 2009 (c. 10), Sch. 47 para. 15

40A (1) This paragraph applies if—

- (a) in complying with an information notice, a person provides inaccurate information or produces a document that contains an inaccuracy, and
- (b) condition [^{F2}A, B or C] is met.

(2) Condition A is that the inaccuracy is careless or deliberate.

(3) An inaccuracy is careless if it is due to a failure by the person to take reasonable care.

[Condition B is that the person knows of the inaccuracy at the time the information is ^{F3}(3A) provided or the document produced but does not inform HMRC at that time.]

(4) Condition [^{F4}C] is that the person—

- (a) discovers the inaccuracy some time later, and
- (b) fails to take reasonable steps to inform HMRC.

(5) The person is liable to a penalty not exceeding £3,000.

(6) Where the information or document contains more than one inaccuracy, a penalty is payable for each inaccuracy.]

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Textual Amendments

- F2** Words in [Sch. 36 para. 40A\(1\)\(b\)](#) substituted (with effect in accordance with Sch. 24 para. 3(5) of the amending Act) by [Finance Act 2011 \(c. 11\)](#), [Sch. 24 para. 3\(2\)](#)
- F3** [Sch. 36 para. 40A\(3A\)](#) inserted (with effect in accordance with Sch. 24 para. 3(5) of the amending Act) by [Finance Act 2011 \(c. 11\)](#), [Sch. 24 para. 3\(3\)](#)
- F4** Word in [Sch. 36 para. 40A\(4\)](#) substituted (with effect in accordance with Sch. 24 para. 3(5) of the amending Act) by [Finance Act 2011 \(c. 11\)](#), [Sch. 24 para. 3\(4\)](#)
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Modifications etc. (not altering text)

- C1** Sch. 36 para. 40A applied (20.3.2014) (with effect in accordance with [Sch. 7 para. 5\(1\)](#) of the amending Act) by [2004 c. 12, s. 153E\(2\)](#) (as inserted by [Finance Act 2014 \(c. 26\)](#), [Sch. 7 paras. 3, 5\(1\)](#))
- C2** Sch. 36 para. 40A applied (with effect in accordance with [Sch. 7 para. 8\(1\)](#) of the amending Act) by [2004 c. 12, s. 159D\(2\)](#) (as inserted by [Finance Act 2014 \(c. 26\)](#), [Sch. 7 paras. 7, 8\(3\)](#))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 41 para. 6(1A) inserted by [2015 c. 11 Sch. 20 para. 10\(2\)](#)
- Sch. 41 para. 6A(A1)(1) substituted for Sch. 41 para. 6A(1) by [2015 c. 11 Sch. 20 para. 11\(2\)](#)