



# Taxes Management Act 1970

## CHAPTER 9

### TAXES MANAGEMENT ACT 1970

#### PART I

##### ADMINISTRATION

- 1 Taxes under care and management of the Board
- 2 General Commissioners
- 3 Clerk to General Commissioners
- 4 Special Commissioners
- 5 General and Special Commissioners
- 6 Declarations on taking office

#### PART II

##### RETURNS OF INCOME AND GAINS

###### *Income tax*

- 7 Notice of liability to tax
- 8 Return of income
- 9 Partnership return

###### *Corporation tax*

- 10 Notice of liability to corporation tax
- 11 Return of profits

###### *Capital gains*

- 12 Information about chargeable gains

### **PART III**

#### **OTHER RETURNS AND INFORMATION**

- 13 Persons in receipt of taxable income belonging to others
- 14 Return of lodgers and inmates
- 15 Return of employees, etc.
- 16 Fees, commissions, etc.
- 17 Interest paid or credited by banks etc. without deduction of income tax
- 18 Interest paid without deduction of income tax
- 19 Information for purposes of Schedule A

#### *Production of accounts, books and other information*

- 20 Powers in connection with trades, professions and vocations
- 21 Stock jobbers' transactions

#### *Surtax*

- 22 Additional particulars for surtax
- 23 Power to obtain copies of registers of securities
- 24 Power to obtain information as to income from securities

#### *Chargeable gains*

- 25 Issuing houses, stockbrokers, auctioneers, etc.
- 26 Nominee shareholders
- 27 Settled property
- 28 Non-resident companies and trusts

### **PART IV**

#### **ASSESSMENT AND CLAIMS**

- 29 Assessing procedure
- 30 Recovery of tax repaid in consequence of fraud or negligence
- 31 Right of appeal

#### *Relief for excessive assessments*

- 32 Double assessment
- 33 Error or mistake

#### *Time limits*

- 34 Ordinary time limit of six years
- 35 Emoluments received after year for which they are assessable
- 36 Fraud or wilful default
- 37 Neglect: income tax and capital gains tax
- 38 Modification of s. 37 in relation to partnerships
- 39 Neglect: corporation tax
- 40 Assessment on personal representatives
- 41 Leave of General or Special Commissioners required for certain assessments

*Claims*

- 42 Procedure for making claims
- 43 Time limit for making claims

**PART V**

APPEALS AND OTHER PROCEEDINGS

*Jurisdiction*

- 44 General Commissioners
- 45 Quorum of Special Commissioners
- 46 General and Special Commissioners
- 47 Special jurisdiction relating to tax on chargeable gains

*Proceedings before Commissioners*

- 48 Application to appeals and other proceedings
- 49 Proceedings brought out of time
- 50 Procedure
- 51 Power of Commissioners to obtain information from appellant
- 52 Evidence
- 53 Summary award of penalties
- 54 Settling of appeals by agreement
- 55 Recovery of tax not in dispute
- 56 Statement of case for opinion of the High Court

*Chargeable gains*

- 57 Regulations about appeals

*Northern Ireland*

- 58 Proceedings in tax cases in Northern Ireland
- 59 Election for county court in Northern Ireland

**PART VI**

COLLECTION AND RECOVERY

- 60 Issue of demand notes and receipts

*Distrain and pinding*

- 61 Distrain by collectors
- 62 Priority of claim for tax
- 63 Recovery in Scotland
- 64 Priority of claim for tax in Scotland

*Court proceedings*

- 65 Magistrates' courts
- 66 County courts
- 67 Inferior courts in Scotland
- 68 High Court, etc.

*Supplemental*

- 69 Interest on tax
- 70 Evidence

**PART VII**

## PERSONS CHARGEABLE IN A REPRESENTATIVE CAPACITY, ETC.

*Income tax*

- 71 Bodies of persons
- 72 Trustees, guardians, etc. of incapacitated persons
- 73 Further provision as to infants
- 74 Personal representatives
- 75 Receivers appointed by a court
- 76 Protection for certain trustees, agents and receivers

*Capital gains tax*

- 77 Application of Part VII to capital gains tax

**PART VIII**

## CHARGES ON NON-RESIDENTS

*Income tax*

- 78 Method of charging non-residents
- 79 Profits from branch or agency
- 80 Charge on percentage of turnover
- 81 Taxation on basis of merchanting profit
- 82 Savings
- 83 Responsibilities and indemnification of persons in whose name a non-resident person is chargeable

*Capital gains tax*

- 84 Gains from branch or agency

*Corporation tax*

- 85 Application of Part VIII to corporation tax

**PART IX**

## INTEREST ON OVERDUE TAX

- 86 Interest on overdue tax
- 87 Interest on overdue income tax on company distributions etc.
- 88 Interest on tax recovered to make good loss due to taxpayer's fault
- 89 The prescribed rate of interest
- 90 Disallowance of relief for interest on tax
- 91 Effect on interest of reliefs
- 92 Remission in certain cases of interest on tax in arrear by reason of exchange restrictions

## **PART X**

### PENALTIES, ETC.

- 93 Failure to make return for income tax or capital gains tax
- 94 Failure to make return for corporation tax
- 95 Incorrect return or accounts for income tax or capital gains tax
- 96 Incorrect return or accounts for corporation tax
- 97 Incorrect return or accounts: supplemental
- 98 Special returns, etc.
- 99 Assisting in making incorrect return, etc.
- 100 Procedure for recovery of penalties
- 101 Evidence of profits for purposes of preceding provisions of Part X
- 102 Mitigation of penalties
- 103 Time limit for recovery of penalties
- 104 Saving for criminal proceedings
- 105 Evidence in cases of fraud or wilful default
- 106 Refusal to allow a deduction of income tax, and avoidance of agreements for payment without deduction

### *Scotland*

- 107 Criminal liability for false statements made to obtain allowances

## **PART XI**

### MISCELLANEOUS AND SUPPLEMENTAL

### *Companies*

- 108 Responsibility of company officers
- 109 Tax at the standard rate on close companies

### *Valuation*

- 110 Valuation of land: power of entry
- 111 Valuation of assets: power to inspect

### *Documents*

- 112 Loss, destruction or damage to assessments, returns, etc.
- 113 Form of returns and other documents
- 114 Want of form or errors not to invalidate assessments, etc.
- 115 Delivery and service of documents
- 116 Receipts, etc. exempt from stamp duty

### *Northern Ireland*

- 117 Action of ejectment in Northern Ireland

### *Interpretation*

- 118 Interpretation

**PART XII**

## GENERAL

119 Commencement and construction

120 Short title

---

**SCHEDULES**

SCHEDULE 1 — Forms of Declarations

PART I — GENERAL AND SPECIAL COMMISSIONERS AND OTHERS

PART II — COMMISSIONERS OF INLAND REVENUE

PART III — INSPECTORS, COLLECTORS AND OTHER OFFICERS

SCHEDULE 2 — Jurisdiction in Appeals on Claims

*Appeal from inspector*

1 (1) Except as otherwise provided by the following provisions of...

2 (1) An appeal from a decision of an inspector on...

*Appeal from Board*

3 Except as otherwise provided by any provision of the Taxes...

SCHEDULE 3 — Rules for Assigning Proceedings to Commissioners

SCHEDULE 4 — Savings and Transitory Provisions

*Declaration of secrecy*

1 (1) Section 6(4) of this Act shall not apply to...

*Information about interest paid or credited without deduction of tax by banks, etc.*

2 A notice served under section 29 of the Income Tax...

*Assessments*

3 (1) Section 36 of this Act shall not apply to...

*Claims*

4 (1) This paragraph has effect as respects relief under any...

5 An appeal, or other proceedings in the nature of an...

6 (1) Any relief obtainable under section 87(8) of the Finance...

*Choice of Commissioners to hear proceedings*

7 Neither section 44 of this Act nor any other provision...

*Settling of appeals by agreement*

8 Section 54 of this Act shall apply to the Board...

*Interest on tax*

- 9 (1) For the purposes of section 86(3) of this Act,...

*Penalties, etc.*

- 10 Section 98 of this Act shall have effect as if...  
11 Section. 103(2) of this Act shall not apply to tax...  
12 The repeals made by the principal Act shall not affect...

*Northern Ireland*

- 13 For the purposes of section 3 of the Northern Ireland...  
14 Part V of this Act, and the repeal by the...