

*Changes to legislation: There are currently no known outstanding effects for the Oil Taxation Act 1975, Paragraph 8. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 5

#### ALLOWANCE OF EXPENDITURE (OTHER THAN ABORTIVE EXPLORATION EXPENDITURE)

**Modifications etc. (not altering text)**

**C1** Sch. 5 excluded by [Finance Act 1991 \(c. 31, SIF 63:1\)](#), s. 108(6).

#### *Appeals*

- 8 (1) Where—
- <sup>F1</sup>(a) an appeal is made against a determination by the tribunal on an appeal under paragraph 5 above; and
  - (b) in the proceedings on the <sup>F2</sup>appeal so made], or in any proceedings arising out of those proceedings, any matter which was determined by the <sup>F3</sup>tribunal] on <sup>F4</sup>the appeal under paragraph 5 above] is finally determined otherwise than in accordance with their determination on that appeal,
- the following provisions of this paragraph shall apply.
- (2) Any expenditure allowable under section 3 or 4 of this Act, which, if the decision of the Board on the claim to which the appeal under paragraph 5 above related had been in accordance with the final determination of that matter, would have been allowed by that decision, or allowed by it as qualifying for supplement under section 2(9)(b) (ii) of this Act, shall be treated for the purposes of this Part of this Act as having been allowed by the Board on the claim to the extent that it has not been previously allowed on the claim, and as having been so allowed to that extent on the date on which the original notice of appeal was given under paragraph 5 above.
  - (3) There shall be made in any computation made under section 2 of this Act and in any assessment to tax or determination all such adjustments or further adjustments as are necessary in consequence of the final determination.
  - (4) Any tax which becomes payable in consequence of any adjustment made under sub-paragraph (3) above in an assessment for a chargeable period shall carry interest at the <sup>F5</sup>rate applicable under section 178 of the Finance Act 1989] from <sup>F6</sup>two months] after the end of that period to the date of payment.
  - (5) For the purposes of this paragraph a matter shall not be deemed to be finally determined in any such proceedings as are mentioned in sub-paragraph (1)(b) above until a determination thereof made in any such proceedings can no longer be varied or overruled by the order of any court <sup>F7</sup>or the tribunal].

---

*Changes to legislation: There are currently no known outstanding effects for the Oil Taxation Act 1975, Paragraph 8. (See end of Document for details)*

---

#### Textual Amendments

- F1** Sch. 5 para. 8(1)(a) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 80(2)**
- F2** Words in Sch. 5 para. 8(1)(b) substituted (1.9.1994) by S.I. 1994/1813, reg. 2(1), **Sch. 1 para. 19(b)(i)**
- F3** Word in Sch. 5 para. 8(1)(b) substituted (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 80(3)**
- F4** Words in Sch. 5 para. 8(1)(b) substituted (1.9.1994) by S.I. 1994/1813, reg. 2(1), **Sch. 1 para. 19(b)(ii)**
- F5** Words substituted by [Finance Act 1989 \(c. 26\)](#), **s. 179(1)(4)** and S.I. 1989 No. 1298 (C. 44) for periods beginning on or after 18 August 1989
- F6** Words substituted by [Petroleum Revenue Tax Act 1980 \(c. 1, SIF 63:1\)](#), **s. 2** in relation to tax charged for any period ending on or after 31 December 1979
- F7** Words in Sch. 5 para. 8(5) added (1.4.2009) by [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 80(4)**

#### Modifications etc. (not altering text)

- C1** See [Oil Taxation Act 1983 \(c. 56\)](#), **s. 3(6)**
- C2** A rate of 12 per cent. prescribed by S.I. 1979 No. 1687 was extended to Sch. 5 para. 8(4) by [Petroleum Revenue Tax Act 1980 \(c. 1, SIF 63:1\)](#), **s. 2(3)** from 1 January 1980, reduced to 8 per cent. by S.I. 1982 No. 1587 from 1 December 1982 and increased to 11 per cent. by S.I. 1985 No. 563 from 1 May 1985. See also S.I. 1989 No. 1297 for regulations made and interest rates set under [Finance Act 1989 \(c. 26\)](#), **s. 178**

**Changes to legislation:**

There are currently no known outstanding effects for the Oil Taxation Act 1975, Paragraph 8.