



Finance Act 1989

1989 CHAPTER 26

PART II

INCOME TAX, CORPORATION TAX AND CAPITAL GAINS TAX

CHAPTER IV

MANAGEMENT

Interest etc.

160 Determinations under TMA s. 88.

^{F1}[(1) In subsection (1) of section 88 of the Taxes Management Act 1970, for the words “shall carry” there shall be substituted the words “shall, if an inspector or the Board so determine, carry”.]

^{F1}(2) The following section shall be inserted after that section—

“ Determinations under section 88.

(1) Notice of a determination under section 88 above shall be served on the person liable to pay the interest to which it relates and shall specify—

- (a) the date on which it is issued,
- (b) the amount of the tax which carries interest and the assessment by which that tax was charged,
- (c) the date when for the purposes of section 88 above that tax ought to have been paid, and
- (d) the time within which an appeal against the determination may be made.

Changes to legislation: There are currently no known outstanding effects for the Finance Act 1989, Section 160. (See end of Document for details)

- (2) After the notice of a determination under section 88 above has been served the determination shall not be altered except in accordance with this section.
- (3) A determination under section 88 above may be made at any time—
 - (a) within six years after the end of the chargeable period for which the tax carrying the interest is charged (or, in the case of development land tax, of the financial year in which the liability for that tax arose), or
 - (b) within three years after the date of the final determination of the amount of that tax.
- (4) An appeal may be brought against a determination under section 88 above and, subject to the following provisions of this section, the provisions of this Act relating to appeals shall have effect in relation to an appeal against such a determination as they have effect in relation to an appeal against an assessment to tax.
- (5) On an appeal against a determination under section 88 above section 50(6) to (8) of this Act shall not apply but the Commissioners may—
 - (a) if it appears to them that the tax carries no interest under that section, set the determination aside,
 - (b) if the determination appears to them to be correct, confirm the determination, or
 - (c) if the determination appears to them to be incorrect as to the amount of tax or the date on which the tax ought to have been paid, revise the determination accordingly.”]

^{F2}(3)

[^{F1}(4) In section 113 of that Act (form of documents), the following subsections shall be inserted after subsection (1B)—

“(1C) Where an officer of the Board has decided that an amount of tax carries interest under section 88 of this Act and has taken the decisions needed for arriving at the date when for the purposes of that section that tax ought to have been paid, he may entrust to any other officer of the Board responsibility for completing the determination procedure, whether by means involving the use of a computer or otherwise, including responsibility for serving notice of the determination on the person liable to the interest.”]

(5) In section 114 of that Act (want of form not to invalidate), after the word “assessment”, in each place where it occurs, there shall be inserted the words “or determination”.

[^{F3}(6) In paragraph 5 of Schedule 3 to that Act (rules for assigning proceedings to Commissioners), the following entry shall be inserted in the first column after the entry relating to an appeal against an assessment to capital gain tax— “ An appeal against a determination under section 88 of this Act. ”]

Textual Amendments

F1 S. 160(1)(2)(4) repealed (29.4.1996 with effect as specified in [Sch. 18 para. 17](#) of the amending Act) by 1996 c. 8, s. 205, [Sch. 41 Pt. V\(8\)](#), note

F2 S. 160(3) repealed (31.1.2013) by [Statute Law \(Repeals\) Act 2013 \(c. 2\)](#), s. 3(2), [Sch. 1 Pt. 10](#) Group 1

Changes to legislation: *There are currently no known outstanding effects for the Finance Act 1989, Section 160. (See end of Document for details)*

F3 S. 160(6) repealed (29.4.1996 with effect as mentioned in [Sch. 22 para. 12](#) of the amending Act) by 1996 c. 8, s. 205, [Sch. 41 Pt. V\(12\)](#), note

Changes to legislation:

There are currently no known outstanding effects for the Finance Act 1989, Section 160.