

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 18

Section 117(1).

#### COMPANY TAX RETURNS, ASSESSMENTS AND RELATED MATTERS

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

- C1** Sch. 18 restricted (31.7.1998) by 1988 c. 1, s. 754B(10) (as inserted (31.7.1998 with effect as mentioned in Sch. 17 para. 37 of 1998 c. 36) by 1998 c. 36, s. 113, **Sch. 17 para. 11**)
- C2** Sch. 18 modified (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 68(c)**; S.I. 2005/1126, art. 2(2)(h)
- C3** Sch. 18 applied (20.7.2005) by Finance (No. 2) Act 2005 (c. 22), s. 61
- C4** Sch. 18 applied (with modifications) (6.4.2006) by The Registered Pension Schemes (Accounting and Assessment) Regulations 2005 (S.I. 2005/3454), regs. 1, **13**
- C5** Sch. 18 excluded (17.7.2013) by Finance Act 2013 (c. 29), s. **210(6)(b)**
- C6** Sch. 18: power to amend conferred (12.2.2019) by Finance Act 2019 (c. 1), s. **87(5)(a)(6)**
- C7** Sch. 18 applied (with modifications) (22.7.2020) by Finance Act 2020 (c. 14), **Sch. 16 para. 11(4)** (with **Sch. 16 para. 11(5)**)
- C8** Sch. 18 applied (with modifications) (11.7.2023) by Finance (No. 2) Act 2023 (c. 30), s. **303(7)(8)** (with s. 303(6))

### PART I

#### INTRODUCTION

##### *Meaning of “ta”x*

- 1 In this Schedule “tax” means corporation tax including, except as otherwise indicated, any amount assessable or chargeable as if it was corporation tax.

Amounts are assessable or chargeable as if they were corporation tax under—

[<sup>F1</sup>section 269DA of the Corporation Tax Act 2010 (surcharge on banking companies),]

[<sup>F2</sup>section 455 of [<sup>F3</sup>that Act]] (tax on loan or advance made by close company to a participator),

[<sup>F4</sup>section 464A of that Act (tax on other benefit conferred on participator),]

[<sup>F5</sup>[<sup>F6</sup>section 330(1)] of that Act (supplementary charge in respect of ring fence trades), <sup>F7</sup>...]

[<sup>F8</sup>step 5 in section 371BC(1) of the Taxation (International and Other Provisions) Act 2010 (controlled foreign companies)] [<sup>F9</sup>, <sup>F10</sup>...]

paragraphs 50 and 51 of Schedule 19 to the Finance Act 2011 (the bank levy)] [<sup>F11</sup>, <sup>F12</sup>...]

section 33 of the Finance Act 2022 (residential property developer tax)] [<sup>F13</sup>, and

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section 1 of the Energy (Oil and Gas) Profits Levy Act 2022.]

**Textual Amendments**

- F1 Words in Sch. 18 para. 1 inserted (with effect in accordance with Sch. 3 Pt. 3 of the amending Act) by [Finance \(No. 2\) Act 2015 \(c. 33\)](#), [Sch. 3 para. 3\(2\)\(a\)](#)
- F2 Words in Sch. 18 para. 1 substituted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), [Sch. 1 para. 297\(2\)\(a\)](#) (with Sch. 2)
- F3 Words in Sch. 18 para. 1 substituted (with effect in accordance with Sch. 3 Pt. 3 of the amending Act) by [Finance \(No. 2\) Act 2015 \(c. 33\)](#), [Sch. 3 para. 3\(2\)\(b\)](#)
- F4 Words in Sch. 18 para. 1 inserted (retrospective to 20.3.2013) by [Finance Act 2013 \(c. 29\)](#), [Sch. 30 para. 13\(2\)\(5\)](#)
- F5 Words in [Sch. 18 para. 1](#) substituted (24.7.2002) by [2002 c. 23](#), s. [92\(3\)](#)
- F6 Words in Sch. 18 para. 1 substituted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), [Sch. 1 para. 297\(2\)\(b\)](#) (with Sch. 2)
- F7 Word in [Sch. 18 para. 1](#) omitted (in relation to accounting periods beginning on or after 1.4.2022) by virtue of [Finance Act 2022 \(c. 3\)](#), s. 51(1), [Sch. 8 para. 2\(2\)\(a\)](#)
- F8 Words in Sch. 18 para. 1 substituted (17.7.2012) by [Finance Act 2012 \(c. 14\)](#), [Sch. 20 para. 17\(2\)](#) (with [Sch. 20 para. 50\(9\)](#))
- F9 Words in Sch. 18 para. 1 inserted (19.7.2011) by [Finance Act 2011 \(c. 11\)](#), [Sch. 19 para. 61](#)
- F10 Word in [Sch. 18 para. 1](#) omitted (in relation to accounting periods beginning on or after 1.4.2022) by virtue of [Finance Act 2022 \(c. 3\)](#), s. 51(1), [Sch. 8 para. 2\(2\)\(b\)](#)
- F11 Words in [Sch. 18 para. 1](#) inserted (in relation to accounting periods beginning on or after 1.4.2022) by [Finance Act 2022 \(c. 3\)](#), s. 51(1), [Sch. 8 para. 2\(2\)\(c\)](#)
- F12 Word in [Sch. 18 para. 1](#) omitted (14.7.2022) by virtue of [Energy \(Oil and Gas\) Profits Levy Act 2022 \(c. 40\)](#), [Sch. 2 para. 2\(2\)\(a\)](#) (with ss. 15(1), 16(1))
- F13 Words in [Sch. 18 para. 1](#) inserted (14.7.2022) by [Energy \(Oil and Gas\) Profits Levy Act 2022 \(c. 40\)](#), [Sch. 2 para. 2\(2\)\(b\)](#) (with ss. 15(1), 16(1))

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

- C9 [Sch. 18 para. 1](#) modified (11.7.2023) by [Finance \(No. 2\) Act 2023 \(c. 30\)](#), s. [302\(4\)\(b\)](#)

*Duty to give notice of chargeability*

- 2 (1) A company which—
- (a) is chargeable to tax for an accounting period, and
  - (b) has not received a notice requiring a company tax return,
- must give notice to [<sup>F14</sup>an officer of Revenue and Customs] that it is so chargeable.
- [<sup>F15</sup>(1A) But a company is not required to give notice under sub-paragraph (1) in respect of an accounting period if for the period—
- (a) all the income on which it is chargeable to tax consists of payments on which it bears income tax by deduction, <sup>F16</sup>...
  - (b) the company has no chargeable gains [<sup>F17</sup>, and
  - (c) having deducted the income tax mentioned in paragraph (a) at the fourth step in paragraph 8 (calculation of tax payable), the amount of tax payable for the period is nil].]
- (2) [<sup>F18</sup>A notice required to be given under this paragraph] must be given within twelve months from the end of the accounting period.

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- <sup>F19</sup>(3) .....
- <sup>F20</sup>(4) .....

#### Textual Amendments

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), **Sch. 4 para. 68(a)**; S.I. 2005/1126, art. 2(2)(h)
- F15** Sch. 18 para. 2(1A) inserted (6.4.2020) by [Finance Act 2019 \(c. 1\)](#), **Sch. 5 paras. 6(2)**, 35 (with Sch. 5 para. 36)
- F16** Word in Sch. 18 para. 2(1A) omitted (6.4.2020) by virtue of [Finance Act 2020 \(c. 14\)](#), **Sch. 6 para. 6(a)**
- F17** Sch. 18 para. 2(1A)(c) and word inserted (6.4.2020) by [Finance Act 2020 \(c. 14\)](#), **Sch. 6 para. 6(b)**
- F18** Words in Sch. 18 para. 2(2) substituted (6.4.2020) by [Finance Act 2019 \(c. 1\)](#), **Sch. 5 paras. 6(3)**, 35 (with Sch. 5 para. 36)
- F19** Sch. 18 para. 2(3) omitted (with effect in accordance with art. 3 of the commencing S.I.) by virtue of [Finance Act 2008 \(c. 9\)](#), s. 123(2), **Sch. 41 para. 25(j)**; S.I. 2009/511, art. 2 (with art. 4)
- F20** Sch. 18 para. 2(4) omitted (with effect in accordance with art. 3 of the commencing S.I.) by virtue of [Finance Act 2008 \(c. 9\)](#), s. 123(2), **Sch. 41 para. 25(j)**; S.I. 2009/511, art. 2 (with art. 4)

## PART II

### COMPANY TAX RETURN

#### *Company tax return*

- 3 (1) [<sup>F14</sup>An officer of Revenue and Customs] may by notice require a company to deliver a return (a “company tax return”) of such information, accounts, statements and reports—
- (a) relevant to the tax liability of the company, or
  - (b) otherwise relevant to the application of the Corporation Tax Acts to the company,
- as may reasonably be required by the notice.
- (2) Different information, accounts, statements and reports may be required from different descriptions of company.
- (3) A company tax return must include a declaration by the person making the return that the return is to the best of his knowledge correct and complete.
- (4) The return must be delivered to the officer of the Board by whom the notice was issued not later than the filing date.

[<sup>F21</sup>(5) Sub-paragraph (1)(b) has effect as if the reference to the Corporation Tax Acts included a reference to sections 911 [<sup>F22</sup>and 912] of the Income Tax Act 2007.]

#### Textual Amendments

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), **Sch. 4 para. 68(a)**; S.I. 2005/1126, art. 2(2)(h)
- F21** Sch. 18 para. 3(5) inserted (6.4.2007) by [Income Tax Act 2007 \(c. 3\)](#), s. 1034(1), **Sch. 1 para. 385(2)** (with Sch. 2)

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**F22** Words in Sch. 18 para. 3(5) substituted (with effect in accordance with s. 34(8) of the amending Act) by Finance Act 2021 (c. 26), s. 34(3)

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

**C10** Sch. 18 para. 3 extended (31.7.1998) by 1988 c. 1, s. 488(12)(a) (as inserted (31.7.1998) by 1998 c. 36, s. 117, Sch. 19 para. 48(3))

**C11** Sch. 18 para. 3(1) modified (with effect in accordance with s. 97(5)(6) of the amending Act) by Finance Act 2004 (c. 12), s. 101(6) (with s. 106)

[<sup>F23</sup>3A (1) Her Majesty's Revenue and Customs may from time to time publish requirements as to the information, accounts, statements and reports which a company must deliver as part of its company tax return where the company has a tax liability by virtue of paragraph 50 or 51 of Schedule 19 to the Finance Act 2011 (the bank levy); and such information, accounts, statements and reports must be delivered as if the notice to the company under paragraph 3(1) had required them to be delivered (and paragraph 4 is to be read accordingly).

(2) The publication of any requirements under sub-paragraph (1) does not stop a notice under paragraph 3(1) requiring the delivery of any additional information, accounts, statements and reports as part of a company tax return.]

**Textual Amendments**

**F23** Sch. 18 para. 3A inserted (19.7.2011) by Finance Act 2011 (c. 11), Sch. 19 para. 62

*Meaning of delivery of return*

4 References in this Schedule to the delivery of a company tax return are to the delivery of all the information, accounts, statements and reports required to comply with the notice requiring the return.

*Period for which return required*

5 (1) A notice requiring a company tax return must specify the period to which the notice relates.

(2) If an accounting period of the company ended during (or at the end of) the specified period, a return is required for that accounting period.

If there is more than one, a separate company tax return is required for each of them.

(3) If sub-paragraph (2) does not apply but an accounting period of the company began during the specified period, a company tax return is required for the part of the specified period before the accounting period began.

(4) If the company was outside the charge to corporation tax for the whole of the specified period, a company tax return is required for the whole of the specified period.

(5) If none of the above provisions applies, no company tax return is required in response to the notice.

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*Notice relating to period beginning before appointed day*

- 6 (1) A notice requiring a company tax return may be given on or after the self-assessment appointed day in relation to a period beginning before that day.
- (2) Where the effect of such a notice is to require a return for an accounting period ending before that day, the provisions of the Tax Acts apply as if it were a notice under section 11 of the <sup>M1</sup>Taxes Management Act 1970.
- (3) The provisions of this Act relating to company tax returns, or amending other provisions of the Tax Acts so as to refer to such returns, do not affect the operation of those Acts in relation to such a notice.

**Marginal Citations**

**M1** 1970 c. 9.

*Return to include self-assessment*

- 7 (1) Every company tax return for an accounting period must include an assessment (a “self-assessment”) of the amount of tax which is payable by the company for that period—
- (a) on the basis of the information contained in the return, and
- (b) taking into account any relief or allowance for which a claim is included in the return or which is required to be given in relation to that accounting period.
- (2) For this purpose a company tax return is regarded as a return for an accounting period if the period is treated in the return as an accounting period and is not longer than twelve months, even though it is not, or may not be, an accounting period.

*<sup>F24</sup>Residential property developer tax*

**Textual Amendments**

**F24** [Sch. 18 para. 7A](#) inserted (in relation to accounting periods beginning on or after 1.4.2022) by [Finance Act 2022 \(c. 3\)](#), s. 51(1), [Sch. 8 para. 2\(3\)](#)

- 7A (1) A residential property developer must include in its company tax return for an accounting period a statement of—
- (a) its RPD profits in relation to the accounting period,
- (b) its adjusted trading profits or adjusted trading losses for that period,
- (c) the amount of any joint venture profits that are attributable to the developer for that period,
- (d) any allowable RPDT loss relief which the developer is given for that period,
- (e) any allowable RPDT group relief claimed by the developer for that period,
- (f) any allowable RPDT group relief for carried-forward losses claimed by the developer for that period, and
- (g) its allowance for that period,
- unless sub-paragraph (2) applies in relation to the accounting period.

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- (2) This sub-paragraph applies where it is reasonable to assume that the developer would have no liability to residential property developer tax in relation to the accounting period if no amount were deducted in the calculation at section 38 of the Finance Act 2022 in relation to that accounting period in respect of any—
- (a) allowable RPDT loss relief,
  - (b) allowable RPDT group relief, or
  - (c) allowable RPDT group relief for carried-forward losses.
- (3) Terms used in Part 2 of the Finance Act 2022 have the same meaning in this paragraph as in that Part (unless the contrary intention appears).]

*[<sup>F25</sup>Energy (oil and gas) profits levy*

**Textual Amendments**

**F25** Sch. 18 para. 7B and cross-heading inserted (14.7.2022) by Energy (Oil and Gas) Profits Levy Act 2022 (c. 40), Sch. 2 para. 2(3) (with ss. 15(1), 16(1))

- 7B (1) A company which has made any qualifying levy profits or loss in an accounting period must include in its company tax return for the accounting period a statement of—
- (a) the qualifying levy profits or loss, and
  - (b) any relief which the company is given for that period under Schedule 1 to the Energy (Oil and Gas) Profits Levy Act 2022.
- (2) Terms used in the Energy (Oil and Gas) Profits Levy Act 2022 have the same meaning in this paragraph as in that Act.]

*Calculation of tax payable*

- 8 (1) The amount of tax payable for an accounting period is calculated as follows.

*First step*

Calculate the corporation tax chargeable on the company's profits:

- 1 Take the amount of the company's profits for that period on which corporation tax is chargeable [<sup>F26</sup>(see section 4(1) and (2) of the Corporation Tax Act 2010)].
- 2 Apply the rate or rates of corporation tax applicable to the company [<sup>F27</sup>(other than the restitution payments rate)].

*Second step*

Then give effect to any reliefs or set-offs available against corporation tax chargeable on profits:

- 1 Any reduction under [<sup>F28</sup>Part 3A or Chapter 3A of Part 8 of the Corporation Tax Act 2010 (marginal relief for companies with small profits)].
- 1A [<sup>F29</sup>Any relief under Part V of Schedule 15 to the Finance Act 2000 (corporate venturing scheme: investment relief).]

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- 1B [<sup>F30</sup>Any relief under [<sup>F31</sup>Part 7 of the Corporation Tax Act 2010] (community investment tax relief).]
- 2 Any double taxation relief under [<sup>F32</sup>under sections 2 and 6 of TIOPA 2010 or under section 18(1)(b) and (2) of that Act].
- 3 Any set off for advance corporation tax under section 239 of [<sup>F33</sup>the Taxes Act 1988] or under regulations made under section 32 of this Act.

*Third step*

Then add any amounts assessable or chargeable as if they were corporation tax (reduced by any reliefs specific to those amounts):

- 1 Any amount due under [<sup>F34</sup>section 455 [<sup>F35</sup>or 464A] of the Corporation Tax Act 2010] (tax on a loan [<sup>F36</sup>, advance or benefit] to a participator).
- 1ZA [<sup>F37</sup>Any sum chargeable under section 269DA of that Act (surcharge on banking companies).]
- 1A [<sup>F38</sup>Any sum chargeable under [<sup>F39</sup>section 330(1)] of that Act (supplementary charge in respect of ring fence trades).]
- 2 [<sup>F40</sup>Any sum charged at step 5 in section 371BC(1) of the Taxation (International and Other Provisions) Act 2010 (controlled foreign companies).]
- 3 [<sup>F41</sup>Any amount of the bank levy chargeable by virtue of paragraph 50 or 51 of Schedule 19 to the Finance Act 2011 (the bank levy).]
- 4 [<sup>F42</sup>Any amount of residential property developer tax chargeable by virtue of section 33 of the Finance Act 2022.]
- 5 [<sup>F43</sup>Any amount chargeable by virtue of section 1 of the Energy (Oil and Gas) Profits Levy Act 2022.]

*Fourth step*

Then deduct any amounts to be set off against the company's overall tax liability for that period:

- 1 Any amount to be set off under [<sup>F44</sup>section 967 or 968 of the Corporation Tax Act 2010] (income tax borne by deduction).
- 2 Any amount to be set off under section 246N or 246Q of [<sup>F45</sup>the Taxes Act 1988] (advance corporation tax paid in respect of foreign income dividend).

*[<sup>F46</sup>Fifth step*

Calculate the corporation tax chargeable on any profits of the company that are charged as restitution interest.

- 1 Find the amount in respect of which the company is chargeable for the period under the charge to corporation tax on income under Part 8C of CTA 2010.
- 2 Apply the restitution payments rate in accordance with section 357YK(1) of that Act.

The amount of tax payable for the accounting period is the sum of the amounts resulting from the first to fourth steps and this step.]

[<sup>F47</sup>(1A) Sub-paragraph (1B) applies if an amount of the bank levy chargeable by virtue of paragraph 50 or 51 of Schedule 19 to the Finance Act 2011 (the bank levy) is added at the third step.



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- (1B) Any deductions made at the fourth step are to be treated as made from all other amounts before being made from the amount of the bank levy.]
- (2) Except as otherwise provided, references in this Schedule to the amount of tax payable by a company for an accounting period are to the amount shown in the company's self-assessment as the amount payable.

#### Textual Amendments

- F26** Words in Sch. 18 para. 8(1) inserted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\), s. 1184\(1\), Sch. 1 para. 297\(4\)\(a\)](#) (with [Sch. 2](#))
- F27** Words in Sch. 18 para. 8 inserted (with effect in accordance with s. 38(9)-(12) of the amending Act) by [Finance \(No. 2\) Act 2015 \(c. 33\), s. 38\(5\)\(a\)](#)
- F28** Words in [Sch. 18 para. 8\(1\)](#) substituted (with effect in accordance with [Sch. 1 para. 34](#) of the amending Act) by [Finance Act 2021 \(c. 26\), Sch. 1 para. 12](#)
- F29** Words in Sch. 18 para. 8(1) inserted (28.7.2000 with application as mentioned in [s. 63\(4\)](#) of the amending Act) by [2000 c. 17, s. 63\(2\), Sch. 16 para. 5\(2\)](#)
- F30** Words in Sch. 18 para. 8(1) inserted (24.7.2002 with effect as mentioned in [s. 57\(4\)\(c\)](#) of the amending Act) by [2002 c. 23, s. 57, Sch. 17 para. 5](#)
- F31** Words in Sch. 18 para. 8(1) substituted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\), s. 1184\(1\), Sch. 1 para. 297\(4\)\(c\)](#) (with [Sch. 2](#))
- F32** Words in Sch. 18 para. 8(1) substituted (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\), s. 381\(1\), Sch. 8 para. 54\(2\)\(a\)](#) (with [Sch. 9 paras. 1-9, 22](#))
- F33** Words in Sch. 18 para. 8(1) substituted (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\), s. 381\(1\), Sch. 8 para. 54\(2\)\(b\)](#) (with [Sch. 9 paras. 1-9, 22](#))
- F34** Words in Sch. 18 para. 8(1) substituted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\), s. 1184\(1\), Sch. 1 para. 297\(4\)\(d\)](#) (with [Sch. 2](#))
- F35** Words in Sch. 18 para. 8(1) inserted (retrospective to 20.3.2013) by [Finance Act 2013 \(c. 29\), Sch. 30 para. 13\(3\)\(a\)\(5\)](#)
- F36** Words in Sch. 18 para. 8(1) substituted (retrospective to 20.3.2013) by [Finance Act 2013 \(c. 29\), Sch. 30 para. 13\(3\)\(b\)\(5\)](#)
- F37** Words in Sch. 18 para. 8(1) inserted (with effect in accordance with [Sch. 3 Pt. 3](#) of the amending Act) by [Finance \(No. 2\) Act 2015 \(c. 33\), Sch. 3 para. 3\(3\)](#)
- F38** Words in Sch. 18 para. 8(1) inserted (24.7.2002) by [2002 c. 23, s. 92\(4\)](#)
- F39** Words in Sch. 18 para. 8(1) substituted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\), s. 1184\(1\), Sch. 1 para. 297\(4\)\(e\)](#) (with [Sch. 2](#))
- F40** Words in Sch. 18 para. 8(1) substituted (17.7.2012) by [Finance Act 2012 \(c. 14\), Sch. 20 para. 17\(3\)](#) (with [Sch. 20 para. 50\(9\)](#))
- F41** Words in Sch. 18 para. 8(1) inserted (19.7.2011) by [Finance Act 2011 \(c. 11\), Sch. 19 para. 63\(2\)](#)
- F42** Words in [Sch. 18 para. 8\(1\)](#) inserted (in relation to accounting periods beginning on or after 1.4.2022) by [Finance Act 2022 \(c. 3\), s. 51\(1\), Sch. 8 para. 2\(4\)](#)
- F43** Words in [Sch. 18 para. 8\(1\)](#) inserted (14.7.2022) by [Energy \(Oil and Gas\) Profits Levy Act 2022 \(c. 40\), Sch. 2 para. 2\(4\)](#) (with [ss. 15\(1\), 16\(1\)](#))
- F44** Words in Sch. 18 para. 8(1) substituted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\), s. 1184\(1\), Sch. 1 para. 297\(4\)\(g\)](#) (with [Sch. 2](#))
- F45** Words in Sch. 18 para. 8(1) substituted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\), s. 1184\(1\), Sch. 1 para. 297\(4\)\(h\)](#) (with [Sch. 2](#))
- F46** Words in Sch. 18 para. 8 inserted (with effect in accordance with s. 38(9)-(12) of the amending Act) by [Finance \(No. 2\) Act 2015 \(c. 33\), s. 38\(5\)\(b\)](#)
- F47** [Sch. 18 para. 8\(1A\)\(1B\)](#) inserted (19.7.2011) by [Finance Act 2011 \(c. 11\), Sch. 19 para. 63\(3\)](#)



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*Claims that cannot be made without a return*

- 9 (1) No claim to which this paragraph applies may be made by a company before it delivers a company tax return for the period to which the claim relates.
- (2) This paragraph applies to a claim by a company for any repayment of income tax called for by virtue of—
- (a) [F48]section 3 of the Corporation Tax Act 2009] (exclusion of income tax charge in case of UK resident company or income within chargeable profits for corporation tax), or
  - (b) exemptions from income tax conferred by the Corporation Tax Acts.

[F49]This is subject to sub-paragraphs (2A) and (2B).]

- [F50](2A) This paragraph does not apply to a claim by a company for repayment of income tax treated as having been paid by virtue of—
- (a) section 471 of the Corporation Tax Act 2010 (gifts qualifying for gift aid relief: charitable companies),
  - (b) section 475 of that Act (gifts qualifying for gift aid relief: eligible bodies), or
  - (c) section 661D of that Act (gifts qualifying for gift aid relief: community amateur sports clubs).

- (2B) This paragraph also does not apply to a claim by a company for repayment of income tax deducted at source from income which is exempt from tax by virtue of—
- (a) section 486 of the Corporation Tax Act 2010 (investment income and non-trading profits from loan relationships),
  - (b) section 487 of that Act (public revenue dividends),
  - (c) section 488 of that Act (certain miscellaneous income),
  - (d) section 489 of that Act (income from estates in administration), or
  - (e) section 664 of that Act (interest and gift aid income: community amateur sports clubs).]

[F51](3) . . . . .

- [F52](4) This paragraph applies to a claim by a company for relief under Part V of Schedule 15 to the Finance Act 2000 (corporate venturing scheme: investment relief).]

**Textual Amendments**

- F48** Words in Sch. 18 para. 9(2) substituted (with effect in accordance with s. 1329(1) of the amending Act) by *Corporation Tax Act 2009 (c. 4)*, s. 1329(1), **Sch. 1 para. 454(2)** (with *Sch. 2 Pts. 1, 2*)
- F49** Words in Sch. 18 para. 9(2) inserted (with effect in accordance with Sch. 15 para. 17(6) of the amending Act) by *Finance Act 2012 (c. 14)*, **Sch. 15 para. 14(2)**
- F50** Sch. 18 para. 9(2A)(2B) substituted for Sch. 18 para. 9(2A) (with effect in accordance with Sch. 15 para. 17(6) of the amending Act) by *Finance Act 2012 (c. 14)*, **Sch. 15 para. 14(3)**
- F51** Sch. 18 para. 9(3) omitted (with effect in accordance with Sch. 1 para. 73 of the amending Act) by virtue of *Finance Act 2016 (c. 24)*, **Sch. 1 para. 58(3)(a)**
- F52** Sch. 18 para. 9(4) inserted (28.7.2000 with application as mentioned in s. 63(4) of the amending Act) by *2000 c. 17, s. 63(2)*, **Sch. 16 para. 5(3)**

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*Other claims and elections to be included in return*

- 10 (1) In Part VII of this Schedule (general provisions as to claims and elections) paragraphs 57 to 59 contain provisions as to the circumstances in which a claim or election may or must be made, or is to be treated as having been made, in a company tax return.
- <sup>F53</sup>(2) A claim to which Part VIII, IX or IXA of this Schedule applies (claims for group relief, capital allowances<sup>F54</sup>, first-year tax credits<sup>F55</sup>, R&D expenditure credits] or <sup>F56</sup>R&D tax relief]) can only be made by being included in a company tax return (see paragraphs 67, 79<sup>F57</sup>, 83ZA] and 83B).]
- <sup>F58</sup>(2A) A claim to which Part 9B of this Schedule applies (claims for land remediation tax credit and life assurance company tax credit) can only be made by being included in a company tax return (see paragraph 83H).]
- <sup>F59</sup>(2B) .....
- <sup>F60</sup>(3) .....
- <sup>F61</sup>(4) A claim to which Part 9D of this Schedule applies (<sup>F62</sup>certain] claims for <sup>F63</sup>tax relief under Part 15, 15A<sup>F64</sup>, 15B<sup>F65</sup>, 15C<sup>F66</sup>, 15D or 15E]]] of the Corporation Tax Act 2009]) can only be made by being included in a company tax return (see paragraph 83T).]
- <sup>F67</sup>(5) An election under <sup>F68</sup>section 1182(7) of the Corporation Tax Act 2009] (election not to be a film production company) can only be made by being included in a company tax return (see <sup>F69</sup>section 1182(8)(a)] of that Act).]
- <sup>F70</sup>(6) An election under section 1216AE(7) of the Corporation Tax Act 2009 (election not to be a television production company) can only be made by being included in a company tax return (see section 1216AE(8)(a) of that Act).
- (7) An election under section 1217AB(6) of the Corporation Tax Act 2009 (election not to be a video games development company) can only be made by being included in a company tax return (see section 1217AB(7)(a) of that Act).]

**Textual Amendments**

- F53** Sch. 18 para. 10(2) substituted (28.7.2000 with effect as mentioned in s. 69(1) of the amending Act) by 2000 c. 17, s. 69(2), **Sch. 21 para. 2**
- F54** Words in Sch. 18 para. 10(2) inserted (with effect in accordance with Sch. 25 para. 9 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 25 para. 8(2)(a)**
- F55** Words in Sch. 18 para. 10(2) inserted (with effect in accordance with Sch. 15 para. 27 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 15 para. 5**
- F56** Words in Sch. 18 para. 10(2) substituted (with effect in accordance with Sch. 3 para. 10 of the amending Act) by Finance Act 2006 (c. 25), **Sch. 3 para. 2(2)**
- F57** Word in Sch. 18 para. 10(2) inserted (with effect in accordance with Sch. 25 para. 9 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 25 para. 8(2)(b)**
- F58** Sch. 18 para. 10(2A) inserted (11.5.2001 with effect as mentioned in s. 70 of the amending Act) by 2001 c. 9, s.70, **Sch. 23 para. 4**
- F59** Sch. 18 para. 10(2B) repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 454(3)(a), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)
- F60** Sch. 18 para. 10(3) repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 454(3)(a), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

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- F61** Sch. 18 para. 10(4) inserted (1.1.2007) by Finance Act 2006 (c. 25), s. 53(1), **Sch. 5 para. 27**; S.I. 2006/3399, art. 2
- F62** Word in Sch. 18 para. 10(4) inserted (with effect in accordance with Sch. 4 para. 17 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 4 paras. 4(a)**, 16; S.I. 2014/2228, art. 2
- F63** Words in Sch. 18 para. 10(4) substituted (with effect in accordance with Sch. 18 para. 23 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 18 paras. 3(2)**, 22; S.I. 2013/1817, art. 2(2); S.I. 2014/1962, art. 2(3)
- F64** Words in Sch. 18 para. 10(4) substituted (with effect in accordance with Sch. 4 para. 17 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 4 paras. 4(b)**, 16; S.I. 2014/2228, art. 2
- F65** Words in Sch. 18 para. 10(4) substituted (with effect in accordance with Sch. 8 para. 17(1)(a) of the amending Act) by Finance Act 2016 (c. 24), **Sch. 8 para. 4**
- F66** Words in Sch. 18 para. 10(4) substituted (for specified purposes and with effect in accordance with Sch. 6 paras. 20, 21(1)(b) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **Sch. 6 para. 4**
- F67** Sch. 18 para. 10(5) inserted (19.7.2007) by Finance Act 2007 (c. 11), s. 58(2)
- F68** Words in Sch. 18 para. 10(5) substituted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), **Sch. 1 para. 454(3)(b)(i)** (with Sch. 2 Pts. 1, 2)
- F69** Words in Sch. 18 para. 10(5) substituted (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), **Sch. 1 para. 454(3)(b)(ii)** (with Sch. 2 Pts. 1, 2)
- F70** Sch. 18 para. 10(6)(7) inserted (with effect in accordance with Sch. 18 para. 23 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 18 paras. 3(3)**, 22; S.I. 2013/1817, art. 2(2); S.I. 2014/1962, art. 2(3)

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

- C12** Sch. 18 para. 10 excluded by Taxation (International and Other Provisions) Act 2010 (c. 8), s. 371UB(5) (a) (as inserted (17.7.2012) by Finance Act 2012 (c. 14), **Sch. 20 para. 1**)

*[<sup>F71</sup>Accounts required in case of Companies Act company*

**Textual Amendments**

- F71** Sch. 18 para. 11 and cross-heading substituted (6.4.2008) by The Companies Act 2006 (Consequential Amendments) (Taxes and National Insurance) Order 2008 (S.I. 2008/954), arts. 1(1), **25(2)** (with art. 4)

11 [<sup>F72</sup>(1)] In the case of a company which—

- (a) is required to deliver a company tax return for a period,
- (b) is resident in the United Kingdom throughout that period, and
- (c) is required under the Companies Act 2006 to prepare accounts for a period consisting of or including the whole of that period,

the power to require the delivery of accounts as part of the return is limited to such accounts, containing such information and having annexed to them such documents, as are required to be prepared under that Act.

[<sup>F73</sup>(2) Sub-paragraph (1) does not affect—

- (a) the power to require the delivery of accounts, information or documents in relation to a company's tax liability by virtue of paragraph 50 or 51 of Schedule 19 to the Finance Act 2011 (the bank levy), or
- (b) the requirements which may be imposed under paragraph 3A.]]

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**Textual Amendments**

- F72** Sch. 18 para. 11 renumbered (19.7.2011) as Sch. 18 para. 11(1) by [Finance Act 2011 \(c. 11\)](#), **Sch. 19 para. 64(2)**
- F73** Sch. 18 para. 11(2) inserted (19.7.2011) by [Finance Act 2011 \(c. 11\)](#), **Sch. 19 para. 64(3)**

*Information about business carried on in partnership*

- 12 (1) A company tax return of a company which carries on a trade, profession or business in partnership must include any amount which in a relevant partnership statement is stated to be its share of any income, loss, consideration, tax, credit or charge.
- (2) A “relevant partnership statement” means a statement under section 12AB of the <sup>M2</sup>Taxes Management Act 1970 for the period for which the return is made or a period which includes that period or any part of it.

**Marginal Citations**

- M2** [1970 c. 9](#).

*Information about chargeable gains*

<sup>F74</sup>13 .....

**Textual Amendments**

- F74** Sch. 18 para. 13 omitted (13.8.2009) by virtue of [The Finance Act 2009, Schedule 47 \(Consequential Amendments\) Order 2009 \(S.I. 2009/2035\)](#), art. 1, **Sch. para. 37**

*Filing date*

- 14 (1) The filing date for a company tax return is the last day of whichever of the following periods is the last to end—
- (a) twelve months from the end of the period for which the return is made;
  - (b) if the company’s relevant period of account is not longer than 18 months, twelve months from the end of that period;
  - (c) if the company’s relevant period of account is longer than 18 months, 30 months from the beginning of that period;
  - (d) three months from the date on which the notice requiring the return was served.
- (2) In sub-paragraph (1) “relevant period of account” means, in relation to a return for an accounting period, the period of account of the company in which the last day of that accounting period falls.

<sup>F75</sup> . . .

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#### Textual Amendments

**F75** Words in Sch. 18 Pt. II para. 14(2) repealed (24.7.2002) by 2002 c. 23, s. 141, Sch. 40 Pt. 3(16)

#### *Amendment of return by company*

- 15 (1) A company may amend its company tax return by notice to [<sup>F14</sup>an officer of Revenue and Customs].
- (2) The notice must be in such form as [<sup>F14</sup>an officer of Revenue and Customs] may require.
- (3) The notice must contain such information and be accompanied by such statements as [<sup>F14</sup>an officer of Revenue and Customs] may reasonably require.
- (4) Except as otherwise provided, an amendment may not be made more than twelve months after—
- (a) the filing date, or
  - (b) in the case of a return for the wrong period, what would be the filing date if the period for which the return was made were an accounting period.

#### Textual Amendments

**F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)

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

- C13** Sch. 18 para. 15 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\)](#), regs. 1(1), [5](#)
- C14** Sch. 18 para. 15 applied (with modifications) (15.11.2011 for specified purposes, 30.3.2012 for E.W.) by [Localism Act 2011 \(c. 20\)](#), s. 240(5)(o), [Sch. 24 para. 8\(2\)](#); S.I. 2012/628, art. 3(b)
- C15** Sch. 18 para. 15(4): power to modify conferred by Taxation (International and Other Provisions) Act 2010, Sch. 7A para. 71(2)(c) (as inserted (with effect in accordance with Sch. 5 para. 25(1)(2) of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 5 para. 2](#) (with [Sch. 5 para. 28](#)))
- C16** Sch. 18 para. 15(4) modified by Taxation (International and Other Provisions) Act 2010, Sch. 7A para. 69(8) (as inserted (with effect in accordance with Sch. 5 para. 25(1)(2) of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 5 para. 2](#) (with [Sch. 5 para. 28](#)))

#### *Correction of return by Revenue*

- 16 (1) [<sup>F14</sup>An officer of Revenue and Customs] may amend a company tax return so as to correct [<sup>F76</sup>—
- (a)] obvious errors or omissions in the return (whether errors of principle, arithmetical mistakes or otherwise) [<sup>F77</sup>, and
  - (b) anything else in the return that the officer has reason to believe is incorrect in the light of information available to the officer].
- (2) A correction under this paragraph is made by notice to the company concerned.
- (3) No such correction may be made more than nine months after—

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- (a) the day on which the return was delivered, or
  - (b) if the correction is required in consequence of an amendment by the company under paragraph 15, the day on which that amendment was made.
- (4) A correction under this paragraph is of no effect if the company—
- (a) amends its return so as to reject the correction, or
  - (b) after the end of the period within which it may amend its return, but within three months from the date of issue of the notice of correction, gives notice rejecting the correction.
- (5) Notice under sub-paragraph (4)(b) must be given—
- (a) in writing,
  - (b) to the officer of the Board by whom notice of the correction was given.

#### Textual Amendments

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); [S.I. 2005/1126](#), art. 2(2)(h)
- F76** Word in Sch. 18 para. 16(1) inserted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. [119\(4\)\(a\)\(13\)](#); [S.I. 2009/405](#), art. 2
- F77** Words in Sch. 18 para. 16(1) inserted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. [119\(4\)\(b\)\(13\)](#); [S.I. 2009/405](#), art. 2

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

- C17** Sch. 18 para. 16 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\)](#), regs. 1(1), 5

#### *Failure to deliver return: flat-rate penalty*

- 17 (1) A company which is required to deliver a company tax return and fails to do so by the filing date is liable to a flat-rate penalty under this paragraph.
- It may also be liable to a tax-related penalty under paragraph 18.
- (2) The penalty is—
- (a) £100, if the return is delivered within three months after the filing date, and
  - (b) £200, in any other case.
- (3) The amounts are increased to £500 and £1000 for a third successive failure, that is, where—
- (a) the company is within the charge to corporation tax for three consecutive accounting periods (and at no time between the beginning of the first of those periods and the end of the last is it outside the charge to corporation tax),
  - (b) a company tax return is required for each of those accounting periods,
  - (c) the company was liable to a penalty under this paragraph in respect of each of the first two of those periods, and
  - (d) the company is again liable to a penalty under this paragraph in respect of the third period.
- (4) The first or second period mentioned in sub-paragraph (3) may be a period ending before the self-assessment appointed day, in relation to which—

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- (a) the reference in paragraph (b) to a company tax return shall be construed as a reference to a return under section 11 of the <sup>M3</sup>Taxes Management Act 1970, and
- (b) the references in paragraphs (c) and (d) to a penalty under this paragraph shall be construed as a reference to a penalty under section 94 of that Act.

#### Marginal Citations

**M3** 1970 c. 9.

#### *Failure to deliver return: tax-related penalty*

- 18 (1) A company which is required to deliver a company tax return for an accounting period and fails to do so—
- (a) within 18 months after the end of that period, or
  - (b) if the filing date is later than that, by the filing date,
- is liable to a tax-related penalty under this paragraph.

This is in addition to any flat-rate penalty under paragraph 17.

- (2) The penalty is—
- (a) 10 per cent. of the unpaid tax, if the return is delivered within two years after the end of the period for which the return is required, and
  - (b) 20 per cent. of the unpaid tax, in any other case.
- (3) The “unpaid tax” means the amount of tax payable by the company for the accounting period for which the return was required which remains unpaid on the date when the liability to the penalty arises under sub-paragraph (1).

- [<sup>F78</sup>(4) In determining that amount no account is to be taken of—
- (a) any relief under section 458 of the Corporation Tax Act 2010 (relief in respect of repayment, etc of loan) which is deferred under subsection (5) of that section, or
  - (b) any relief under section 464B of that Act (relief in respect of return payment) which is deferred under subsection (5) of that section.]

#### Textual Amendments

**F78** Sch. 18 para. 18(4) substituted (retrospective to 20.3.2013) by [Finance Act 2013 \(c. 29\)](#), [Sch. 30 para. 13\(4\)\(5\)](#)

#### *[<sup>F79</sup>Excuse for late delivery of return*

#### Textual Amendments

**F79** Sch. 18 para. 19 and cross-heading substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments\) \(Taxes and National Insurance\) Order 2008 \(S.I. 2008/954\)](#), arts. 1(1), [25\(3\)](#) (with art. 4)

- 19 A company is not liable to a penalty under paragraph 17 (flat rate penalty) if—



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- (a) the period for which the return is required is one for which the company is required to deliver accounts under the Companies Act 2006, and
- (b) the return is delivered no later than the last day for the delivery of those accounts to the registrar of companies.]

*Penalty for incorrect or uncorrected return*

<sup>F80</sup>20 .....

**Textual Amendments**

**F80** Sch. 18 para. 20 repealed (1.4.2008 for specified purposes, 1.7.2008 for specified purposes, 1.1.2009 for specified purposes, 1.4.2009 in so far as not already in force) by [Finance Act 2007 \(c. 11\), s. 97\(2\)](#), [Sch. 24 para. 29\(c\)](#), [Sch. 27 Pt. 5\(5\)](#); S.I. 2008/568, art. 2(a)(b)(c)(d)(e)(f) (with art. 3)

*[<sup>F81</sup>Voluntary returns*

**Textual Amendments**

**F81** Sch. 18 para. 20A and cross-heading inserted (retrospectively) by [Finance Act 2019 \(c. 1\), s. 87\(2\)\(3\)](#) (with s. 87(4))

- 20A (1) This paragraph applies where—
- (a) a company delivers a purported return (“the relevant return”) for a period (“the relevant period”),
  - (b) no notice under paragraph 3 has been given to the company in respect of the relevant period, and
  - (c) Her Majesty’s Revenue and Customs treats the relevant return as a return made and delivered in pursuance of such a notice.
- (2) For the purposes of the Taxes Acts—
- (a) treat a relevant notice as having been given to the company on the day the relevant return was delivered, and
  - (b) treat the relevant return as having been made and delivered in pursuance of that notice (and, accordingly, treat it as if it were a company tax return under paragraph 3).
- (3) “Relevant notice” means a notice under paragraph 3 requiring the company to deliver a return for the relevant period.
- (4) In sub-paragraph (1)(a) “purported return” means anything that—
- (a) is in a form, and is delivered in a way, that a corresponding return could have been made and delivered had a relevant notice been given, and
  - (b) purports to be a company tax return.
- (5) Nothing in this paragraph affects paragraph 46 or any other provisions of the Taxes Acts specifying a time limit for the making of an assessment.]

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### PART III

#### DUTY TO KEEP AND PRESERVE RECORDS

##### *Duty to keep and preserve records*

- 21 (1) A company which may be required to deliver a company tax return for any period must—
- (a) keep such records as may be needed to enable it to deliver a correct and complete return for the period, and
  - (b) preserve those records in accordance with this paragraph.
- (2) The records must be preserved [<sup>F82</sup>until the end of the relevant day.]
- [<sup>F83</sup>(2A) In this paragraph “relevant day” means—
- (a) the sixth anniversary of the end of the period for which the company may be required to deliver a company tax return, or
  - (b) such earlier day as may be specified in writing by the Commissioners for Her Majesty's Revenue and Customs (and different days may be specified for different cases).]

(3) If the company is required to deliver a company tax return by notice given before the end of [<sup>F84</sup>the relevant day], the records must be preserved until any later date on which—

    - (a) any enquiry into the return is completed, or
    - (b) if there is no enquiry, [<sup>F14</sup>an officer of Revenue and Customs] no longer [<sup>F85</sup>has] power to enquire into the return.

(4) If the company is required to deliver a company tax return by notice given after the end of [<sup>F86</sup>the relevant day] and has in its possession at that time any records that may be needed to enable it to deliver a correct and complete return, it is under a duty to preserve those records until the date on which—

    - (a) any enquiry into the return is completed, or
    - (b) if there is no enquiry, [<sup>F14</sup>an officer of Revenue and Customs] no longer [<sup>F85</sup>has] power to enquire into the return.

(5) The records required to be kept and preserved under this paragraph include records of—

    - (a) all receipts and expenses in the course of the company's activities, and the matters in respect of which the receipts and expenses arise, and
    - (b) in the case of a trade involving dealing in goods, all sales and purchases made in the course of the trade.

[<sup>F87</sup>(5A) The Commissioners for Her Majesty's Revenue and Customs may by regulations—

    - (a) provide that the records required to be kept and preserved under this paragraph include, or do not include, records specified in the regulations, and
    - (b) provide that those records include supporting documents so specified.

[ Regulations under this paragraph may make provision, in relation to relevant transfer

[<sup>F88</sup>(5AA) pricing records specified, or of a description specified, in the regulations—

    - (a) as to the form or manner in which those records are to be kept and preserved;

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- (b) by reference to things specified in the transfer pricing guidelines (within the meaning of section 164 of TIOPA 2010 (interpretation in accordance with OECD principles)).]

(5B) Regulations under this paragraph may—

- (a) make different provision for different cases, and  
 (b) make provision by reference to things specified in a notice published by the Commissioners for Her Majesty's Revenue and Customs in accordance with the regulations (and not withdrawn by a subsequent notice).]

[<sup>F89</sup>(6) For the purposes of this paragraph—

- (a) records are “relevant transfer pricing records” if the Commissioners for His Majesty’s Revenue and Customs reasonably consider that the records may relate to the calculation of profits or losses in accordance with Part 4 of TIOPA 2010 (transfer pricing);  
 (b) “supporting documents” includes accounts, books, deeds, contracts, vouchers and receipts.]

#### Textual Amendments

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), **Sch. 4 para. 68(a)**; S.I. 2005/1126, art. 2(2)(h)
- F82** Words in Sch. 18 para. 21(2) substituted (1.4.2009) by [Finance Act 2008 \(c. 9\)](#), s. 115(2), **Sch. 37 para. 8(2)**; S.I. 2009/402, art. 2
- F83** Sch. 18 para. 21(2A) inserted (1.4.2009) by [Finance Act 2008 \(c. 9\)](#), s. 115(2), **Sch. 37 para. 8(3)**; S.I. 2009/402, art. 2
- F84** Words in Sch. 18 para. 21(3) substituted (1.4.2009) by [Finance Act 2008 \(c. 9\)](#), s. 115(2), **Sch. 37 para. 8(4)**; S.I. 2009/402, art. 2
- F85** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), **Sch. 4 para. 68(c)**; S.I. 2005/1126, art. 2(2)(h)
- F86** Words in Sch. 18 para. 21(4) substituted (1.4.2009) by [Finance Act 2008 \(c. 9\)](#), s. 115(2), **Sch. 37 para. 8(5)**; S.I. 2009/402, art. 2
- F87** Sch. 18 para. 21(5A)(5B) inserted (1.4.2009) by [Finance Act 2008 \(c. 9\)](#), s. 115(2), **Sch. 37 para. 8(6)**; S.I. 2009/402, art. 2
- F88** Sch. 18 para. 21(5AA) inserted (11.7.2023) by [Finance \(No. 2\) Act 2023 \(c. 30\)](#), **Sch. 5 para. 1(2)** (with Sch. 5 para. 7)
- F89** Sch. 18 para. 21(6) substituted (11.7.2023) by [Finance \(No. 2\) Act 2023 \(c. 30\)](#), **Sch. 5 para. 1(3)** (with Sch. 5 para. 7)

#### *Preservation of information [<sup>F90</sup> etc]*

#### Textual Amendments

- F90** Word in Sch. 18 para. 22 cross-heading substituted (1.4.2009) by [Finance Act 2008 \(c. 9\)](#), s. 115(2), **Sch. 37 para. 9(5)**; S.I. 2009/402, art. 2

22 [<sup>F91</sup>(1) The duty under paragraph 21 to preserve records may be discharged—

- (a) by preserving them in any form and by any means, or  
 (b) by preserving the information contained in them in any form and by any means,

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subject to sub-paragraph (3) and any conditions or exceptions specified in writing by the Commissioners for Her Majesty's Revenue and Customs.]

<sup>F92</sup>(2) . . . . .

(3) [<sup>F93</sup>Sub-paragraph (1)(b) does not apply in the case of the following kinds of records]—

(a) any statement in writing such as is mentioned in—

(i) [<sup>F94</sup>section 1100(1) of the Corporation Tax Act 2010] (amount [<sup>F95</sup>of distribution, but formerly amount] of qualifying distribution and tax credit), or

[<sup>F96</sup>(ii) section 495(1) or 975(2) or (4) of the Income Tax Act 2007 (statements about deduction of income tax),]

provided by the company or person there mentioned whether after the making of a request or otherwise;

[<sup>F97</sup>(b) any record (however described) which is required by regulations under section 70(1)(c) of the Finance Act 2004 to be given to a sub-contractor (within the meaning of section 58 of that Act) on the making of a payment to which section 61 of that Act (deductions on account of tax) applies;]

(c) any record relating to an amount of tax—

(i) paid under the law of a territory outside the United Kingdom, or

[<sup>F98</sup>(ii) which would have been payable under the law of a territory outside the United Kingdom (“territory F”) but for a development relief.]

[<sup>F99</sup>(4) In sub-paragraph (3)(c) “development relief” means a relief—

(a) given under the law of territory F with a view to promoting industrial, commercial, scientific, educational or other development in a territory outside the United Kingdom, and

(b) about which provision is made in arrangements which have effect under section 2(1) of TIOPA 2010 (double taxation relief by agreement with territories outside the United Kingdom).]

#### Textual Amendments

**F91** Sch. 18 para. 22(1) substituted (1.4.2009) by [Finance Act 2008 \(c. 9\), s. 115\(2\)](#), [Sch. 37 para. 9\(2\)](#); [S.I. 2009/402, art. 2](#)

**F92** Sch. 18 para. 22(2) omitted (1.4.2009) by virtue of [Finance Act 2008 \(c. 9\), s. 115\(2\)](#), [Sch. 37 para. 9\(3\)](#); [S.I. 2009/402, art. 2](#)

**F93** Words in Sch. 18 para. 22(3) substituted (1.4.2009) by [Finance Act 2008 \(c. 9\), s. 115\(2\)](#), [Sch. 37 para. 9\(4\)](#); [S.I. 2009/402, art. 2](#)

**F94** Words in Sch. 18 para. 22(3)(a)(i) substituted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\), s. 1184\(1\)](#), [Sch. 1 para. 297\(6\)](#) (with [Sch. 2](#))

**F95** Words in Sch. 18 para. 22(3)(a)(i) inserted (with effect in accordance with Sch. 1 para. 73 of the amending Act) by [Finance Act 2016 \(c. 24\), Sch. 1 para. 58\(3\)\(b\)](#)

**F96** Sch. 18 para. 22(3)(a)(ii) substituted (6.4.2007) by [Income Tax Act 2007 \(c. 3\), s. 1034\(1\)](#), [Sch. 1 para. 385\(4\)](#) (with [Sch. 2](#))

**F97** Sch. 18 para. 22(3)(b) substituted (with effect in accordance with s. 77 of the amending Act) by [Finance Act 2004 \(c. 12\), Sch. 12 para. 16\(2\)](#)

**F98** Sch. 18 para. 22(3)(c)(ii) substituted (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\), s. 381\(1\)](#), [Sch. 8 para. 54\(3\)](#) (with [Sch. 9 paras. 1-9, 22](#))

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**F99** Sch. 18 para. 22(4) inserted (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\), s. 381\(1\), Sch. 8 para. 54\(4\)](#) (with Sch. 9 paras. 1-9, 22)

*Penalty for failure to keep and preserve records*

- 23 (1) A company which fails to comply with paragraph 21 in relation to an accounting period is liable to a penalty not exceeding £3,000, subject to the following exceptions.
- (2) No penalty is incurred if the records which the company fails to keep or preserve are records which might have been needed only for the purposes of claims, elections or notices not included in the return.
- (3) No penalty is incurred if—
- (a) the records which the company fails to keep or preserve are statements in writing such as are mentioned in—
- (i) <sup>F100</sup>section 1100(1) of the Corporation Tax Act 2010] (amount <sup>F101</sup>of distribution, but formerly amount] of qualifying distribution and tax credit), or
- <sup>F102</sup>(ii) section 495(1) or 975(2) or (4) of the Income Tax Act 2007 (statements about deduction of income tax),]
- provided by the company or person there mentioned whether after the making of a request or otherwise, and
- (b) <sup>F14</sup>an officer of Revenue and Customs][<sup>F85</sup>is] satisfied that any facts which <sup>F85</sup>he] reasonably <sup>F85</sup>requires] to be proved, and which would have been proved by the records, are proved by other documentary evidence furnished to <sup>F85</sup>him].

**Textual Amendments**

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F85** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)
- F100** Words in Sch. 18 para. 23(3)(a)(i) substituted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\), s. 1184\(1\), Sch. 1 para. 297\(7\)](#) (with Sch. 2)
- F101** Words in Sch. 18 para. 23(3)(a)(i) inserted (with effect in accordance with Sch. 1 para. 73 of the amending Act) by [Finance Act 2016 \(c. 24\), Sch. 1 para. 58\(3\)\(b\)](#)
- F102** Sch. 18 para. 23(3)(a)(ii) substituted (6.4.2007) by [Income Tax Act 2007 \(c. 3\), s. 1034\(1\), Sch. 1 para. 385\(4\)](#) (with Sch. 2)

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

- C18** Sch. 18 para. 23 excluded (with effect in accordance with s. 33(1) of the amending Act) by [Finance Act 2004 \(c. 12\), s. 33\(3\)\(b\)](#)

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## PART IV

### ENQUIRY INTO COMPANY TAX RETURN

#### *Notice of enquiry*

- 24 (1) [<sup>F14</sup>An officer of Revenue and Customs] may enquire into a company tax return if [<sup>F85</sup>he gives] notice to the company of [<sup>F85</sup>his] intention to do so (“notice of enquiry”) within the time allowed.
- (2) If the return was delivered on or before the filing date, notice of enquiry may be given at any time up to twelve months [<sup>F103</sup>from the day on which the return was delivered (subject to sub-paragraph (6)).]
- (3) If the return was delivered after the filing date, notice of enquiry may be given at any time up to and including the 31st January, 30th April, 31st July or 31st October next following the first anniversary of the day on which the return was delivered.
- (4) If the company amends its return, notice of enquiry may be given at any time up to and including the 31st January, 30th April, 31st July or 31st October next following the first anniversary of the day on which the amendment was made.
- (5) A return which has been the subject of one notice of enquiry may not be the subject of another, except one given in consequence of an amendment (or another amendment) by the company of its return.
- [<sup>F104</sup>(6) In the case of a company which is a member of a group other than a small group, the 12-month period in sub-paragraph (2) shall start not from the day on which the return was delivered but from the filing date.]
- [<sup>F105</sup>(7) In sub-paragraph (6) “group” and “small group” have the same meaning as in sections 474(1) and 383 of the Companies Act 2006.]

#### **Textual Amendments**

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F85** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)
- F103** Words in Sch. 18 para. 24(2) substituted (19.7.2007) by [Finance Act 2007 \(c. 11\), s. 96\(3\)](#) (with s. 96(6))
- F104** Sch. 18 para. 24(6)(7) inserted (19.7.2007) by [Finance Act 2007 \(c. 11\), s. 96\(4\)](#) (with s. 96(6))
- F105** Sch. 18 para. 24(7) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments\) \(Taxes and National Insurance\) Order 2008 \(S.I. 2008/954\), arts. 1\(1\), 25\(4\)](#) (with art. 4)

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

- C19** Sch. 18 para. 24 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\), regs. 1\(1\), 5](#)
- C20** Sch. 18 para. 24(4)-(5) applied (8.4.2010) by [Finance Act 2010 \(c. 13\), Sch. 1 para. 23\(5\)\(a\)](#)

#### *Scope of enquiry*

- 25 (1) An enquiry into a company tax return extends to anything contained in the return, or required to be contained in the return, including—

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- (a) any claim or election included in the return,
  - (b) any amount that affects or may affect—
    - (i) the tax payable by that company for another accounting period, or
    - (ii) the tax liability of another company for any accounting period,
- [<sup>F106</sup>and also extends to consideration of whether to give the company [<sup>F107</sup>a notice within sub-paragraph (3)]. But this is subject to the following limitation.]

(2) If the notice of enquiry is given—

- (a) as a result of an amendment by the company of its return, and
- (b) at a time when it is no longer possible to give notice of enquiry under paragraph 24(2) or (3),

the enquiry into the return is limited to matters to which the amendment relates or which are affected by the amendment.

[<sup>F108</sup>(3) A notice is within this sub-paragraph if it is—

- (a) a notice under section 184G or 184H of the Taxation of Chargeable Gains Act 1992 (avoidance involving capital losses),
- (b) a notice under section 81(2) of TIOPA 2010 (schemes and arrangements designed to increase relief), [<sup>F109</sup>or]
- (c) a transfer pricing notice under section 168(1) of TIOPA 2010 (provision not at arm's length: medium-sized enterprise), <sup>F110</sup>...

<sup>F110</sup>(d) ..... ]

#### Textual Amendments

**F106** Words in Sch. 18 para. 25(1) substituted (with effect in accordance with s. 37 of the amending Act) by [Finance Act 2004 \(c. 12\)](#), **Sch. 5 para. 10**

**F107** Words in Sch. 18 para. 25(1) substituted (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\)](#), s. 381(1), **Sch. 8 para. 321(2)** (with [Sch. 9 paras. 1-9, 22](#))

**F108** Sch. 18 para. 25(3) inserted (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\)](#), s. 381(1), **Sch. 8 para. 321(3)** (with [Sch. 9 paras. 1-9, 22](#))

**F109** Word in Sch. 18 para. 25(3)(b) inserted (with effect in accordance with Sch. 10 para. 22(a) of the amending Act) by [Finance Act 2016 \(c. 24\)](#), **Sch. 10 para. 3(a)**

**F110** Sch. 18 para. 25(3)(d) and preceding word omitted (with effect in accordance with Sch. 10 para. 22(a) of the amending Act) by virtue of [Finance Act 2016 \(c. 24\)](#), **Sch. 10 para. 3(b)**

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

**C21** Sch. 18 para. 25 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\)](#), regs. 1(1), **5**

**C22** Sch. 18 para. 25(2) applied (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), **Sch. 1 para. 23(5)(b)**

#### *Enquiry into return for wrong period*

- 26 (1) In the case of a company tax return which it appears to [<sup>F14</sup>an officer of Revenue and Customs] —
- (a) is or may be a return for the wrong period, or



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- (b) has become a return for the wrong period as a result of a direction under [F111 section 11(3) of the Corporation Tax Act 2009 (power of officer of Revenue and Customs) to direct which accounting date to be used where company carries on several trades),
- the power to enquire into the return includes power to enquire into the period for which the return ought to have been made.
- (2) A return is a “return for the wrong period” in the following cases.
- (3) The first case is where the return is made for a period which is treated in the return as an accounting period, but which is not an accounting period of the company.
- (4) The second case is where the return is made on the basis that there is no accounting period ending in or at the end of the specified period, but there is such an accounting period.
- (5) In relation to a return for the wrong period the references to the filing date in paragraph 24(2) and (3) (period within which notice of enquiry may be given) are to the date that would be the filing date if the period for which the return was made were a period of the kind it is treated as in the return.
- (6) In this paragraph “the specified period” means the period specified in the notice requiring a company tax return.

**Textual Amendments**

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); [S.I. 2005/1126](#), art. 2(2)(h)
- F111** Words in Sch. 18 para. 26(1)(b) substituted (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), [Sch. 1 para. 454\(5\)](#) (with [Sch. 2 Pts. 1, 2](#))

*Notice to produce documents, etc. for purposes of enquiry*

F112<sup>27</sup> .....

**Textual Amendments**

- F112** Sch. 18 para. 27 omitted (1.4.2009) by virtue of [Finance Act 2008 \(c. 9\)](#), s. 113(2), [Sch. 36 para. 88](#) (with [Sch. 36 para. 38](#)); [S.I. 2009/404](#), art. 2 (with arts. 7, 8)

*Appeal against notice to produce documents, etc*

F113<sup>28</sup> .....

**Textual Amendments**

- F113** Sch. 18 para. 28 omitted (1.4.2009) by virtue of [Finance Act 2008 \(c. 9\)](#), s. 113(2), [Sch. 36 para. 88](#) (with [Sch. 36 para. 38](#)); [S.I. 2009/404](#), art. 2 (with arts. 7, 8)

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*Penalty for failure to produce documents, etc*

F114<sup>29</sup> .....

**Textual Amendments**

**F114** Sch. 18 para. 29 omitted (1.4.2009) by virtue of [Finance Act 2008 \(c. 9\)](#), s. 113(2), [Sch. 36 para. 88](#) (with [Sch. 36 para. 38](#)); S.I. 2009/404, art. 2 (with arts. 7, 8)

*Amendment of self-assessment during enquiry to prevent loss of tax*

- 30 (1) If after notice of enquiry has been given and [F115while the enquiry is in progress in relation to a matter][F14an officer of Revenue and Customs][F85forms] the opinion—
- (a) that the amount stated in the company's self-assessment as the amount of tax payable is insufficient, and
  - (b) that unless the assessment is immediately amended there is likely to be a loss of tax to the Crown,
- [F85he] may by notice to the company amend its self-assessment to make good the deficiency [F116so far as it relates to the matter].
- (2) In the case of an enquiry which under paragraph 25(2) is limited to matters arising from an amendment of the return, sub-paragraph (1) above only applies so far as the deficiency is attributable to the amendment.
- (3) An appeal may be brought against an amendment of a company's self-assessment by [F14an officer of Revenue and Customs] under this paragraph.
- (4) Notice of appeal must be given—
- (a) in writing,
  - (b) within 30 days after the amendment was notified to the company,
  - (c) to the officer of the Board by whom the notice of amendment was given.
- [F117(5) None of the steps mentioned in section 49A(2)(a) to (c) of the Taxes Management Act 1970 may be taken in relation to the appeal before the completion of the enquiry.]
- [F118(6) For the purposes of this paragraph, the period during which an enquiry is in progress in relation to any matter is the whole of the period—
- (a) beginning with the day on which notice of enquiry is given, and
  - (b) ending with the day on which a partial closure notice is issued in relation to the matter or, if no such notice is issued, a final closure notice is issued.]

**Textual Amendments**

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F85** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)
- F115** Words in Sch. 18 para. 30(1) substituted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 15 para. 24\(2\)\(a\)](#)
- F116** Words in Sch. 18 para. 30(1) inserted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 15 para. 24\(2\)\(b\)](#)

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**F117** Sch. 18 para. 30(5) 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. 257](#)

**F118** Sch. 18 para. 30(6) inserted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 15 para. 24\(3\)](#)

*Amendment of return by company during enquiry*

- 31 (1) This paragraph applies if a company amends its company tax return at a time when an enquiry <sup>F119</sup>into the return is in progress in relation to any matter to which the amendment relates or which is affected by the amendment].
- (2) The amendment does not restrict the scope of the enquiry but may be taken into account (together with any matters arising) in the enquiry.
- (3) So far as the amendment affects—
- (a) the amount stated in the company's self-assessment as the amount of tax payable, or
  - (b) any amount that affects or may affect—
    - (i) the tax payable by the company for another accounting period, or
    - (ii) the tax liability of another company for any accounting period,
- it does not take effect <sup>F120</sup>while the enquiry is in progress in relation to any matter to which the amendment relates or which is affected by the amendment].
- This does not affect any claim by the company under section 59DA of the <sup>M4</sup>Taxes Management Act 1970 (claim for repayment in advance of liability being established).
- (4) An amendment whose effect is deferred under sub-paragraph (3) takes effect as follows—
- (a) if the conclusions in <sup>F121</sup>a partial or final closure notice] state either—
    - (i) that the amendment was not taken into account in the enquiry, or
    - (ii) that no amendment of the return is required arising from the enquiry,the amendment takes effect <sup>F122</sup>when a partial closure notice is issued in relation to the matters to which the amendment relates or which are affected by the amendment or, if no such notice is issued, a final closure notice is issued];
  - <sup>F123</sup>(b) in any other case, the amendment takes effect as part of the amendments made by the closure notice.]
- (5) For the purposes of this paragraph the period during which an enquiry is in progress <sup>F124</sup>in relation to any matter] is the whole of the period—
- (a) beginning with the day on which <sup>F14</sup>an officer of Revenue and Customs][<sup>F85</sup>gives] notice of enquiry into the return, and
  - (b) ending with the day on which <sup>F125</sup>a partial closure notice is issued in relation to the matter or, if no such notice is issued, a final closure notice is issued].

**Textual Amendments**

**F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)

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- F85** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)
- F119** Words in Sch. 18 para. 31(1) substituted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\), Sch. 15 para. 25\(2\)](#)
- F120** Words in Sch. 18 para. 31(3) substituted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\), Sch. 15 para. 25\(3\)](#)
- F121** Words in Sch. 18 para. 31(4)(a) substituted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\), Sch. 15 para. 25\(4\)\(a\)](#)
- F122** Words in Sch. 18 para. 31(4)(a) substituted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\), Sch. 15 para. 25\(4\)\(b\)](#)
- F123** Sch. 18 para. 31(4)(b) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\), s. 119\(5\)\(13\)](#); S.I. 2009/405, art. 2
- F124** Words in Sch. 18 para. 31(5) inserted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\), Sch. 15 para. 25\(5\)\(a\)](#)
- F125** Words in Sch. 18 para. 31(5) substituted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\), Sch. 15 para. 25\(5\)\(b\)](#)

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

- C23** Sch. 18 paras. 31-34 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\), regs. 1\(1\), 5](#)
- C24** Sch. 18 para. 31 applied (8.4.2010) by [Finance Act 2010 \(c. 13\), Sch. 1 para. 23\(5\)\(c\)](#)
- C25** Sch. 18 para. 31(3) excluded (with effect in accordance with s. 28(5) of the amending Act) by [2015 c. 11, s. 101B\(3\)](#) (as inserted by [Finance Act 2022 \(c. 3\), s. 28\(3\)\(b\)](#))
- C26** Sch. 18 para. 31(3) excluded (with effect in accordance with s. 28(5) of the amending Act) by [2015 c. 11, s. 101A\(3\)](#) (as inserted by [Finance Act 2022 \(c. 3\), s. 28\(2\)\(b\)](#))

#### Marginal Citations

- M4** [1970 c. 9.](#)

*[<sup>F126</sup>Referral of questions to [<sup>F127</sup>the tribunal] during enquiry*

#### Textual Amendments

- F126** Sch. 18 Pt. IV para. 31A-31D inserted (11.5.2001 with application as mentioned in [Sch. 29 para. 7\(2\)](#) of the amending Act) by [2001 c. 9, s. 88, Sch. 29 para. 7](#)
- F127** Words in Sch. 18 para. 31A cross-heading 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. 258\(2\)](#)

- 31A (1) At any time when an enquiry is in progress [<sup>F128</sup>in relation to any matter relating to] a company's tax return any question arising in connection with the subject-matter of the enquiry may be referred to the [<sup>F129</sup>tribunal] for <sup>F130</sup>... determination.
- (2) Notice of referral must be given—
- (a) jointly by the company and [<sup>F14</sup>an officer of Revenue and Customs],
- <sup>F131</sup>(b) .....
- (c) to the [<sup>F132</sup>tribunal].
- <sup>F133</sup>(3) .....
- (4) More than one notice of referral may be given under this paragraph in relation to an enquiry.

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- (5) For the purposes of this paragraph the period during which an enquiry is in progress [<sup>F134</sup>in relation to any matter] is the whole of the period—
- (a) beginning with the day on which [<sup>F14</sup>an officer of Revenue and Customs][<sup>F85</sup>gives] notice of enquiry into the return, and
  - (b) ending with the day on which [<sup>F135</sup>a partial closure notice is issued in relation to the matter or, if no such notice is issued, a final closure notice is issued].

#### Textual Amendments

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F85** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)
- F128** Words in Sch. 18 para. 31A(1) substituted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\), Sch. 15 para. 26\(2\)](#)
- F129** Word in Sch. 18 para. 31A(1) 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. 258\(3\)](#)
- F130** Word in Sch. 18 para. 31A(1) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\), art. 1\(2\), Sch. 1 para. 258\(3\)](#)
- F131** Sch. 18 para. 31A(2)(b) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\), art. 1\(2\), Sch. 1 para. 258\(4\)\(a\)](#)
- F132** Word in Sch. 18 para. 31A(2)(c) 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. 258\(4\)\(b\)](#)
- F133** Sch. 18 para. 31A(3) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\), art. 1\(2\), Sch. 1 para. 258\(5\)](#)
- F134** Words in Sch. 18 para. 31A(5) inserted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\), Sch. 15 para. 26\(3\)\(a\)](#)
- F135** Words in Sch. 18 para. 31A(5) substituted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\), Sch. 15 para. 26\(3\)\(b\)](#)

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

- C23** Sch. 18 paras. 31-34 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\), regs. 1\(1\), 5](#)
- C27** Sch. 18 paras. 31A-31D applied (8.4.2010) by [Finance Act 2010 \(c. 13\), Sch. 1 para. 23\(5\)\(d\)](#)

#### *Withdrawal of notice of referral*

- 31B (1) [<sup>F14</sup>An officer of Revenue and Customs] or the company may withdraw a notice of referral under paragraph 31A <sup>F136</sup>...
- <sup>F137</sup>(2) .....

#### Textual Amendments

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F136** Words in Sch. 18 para. 31B(1) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\), art. 1\(2\), Sch. 1 para. 259\(2\)](#)
- F137** Sch. 18 para. 31B(2) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\), art. 1\(2\), Sch. 1 para. 259\(3\)](#)

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

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

- C23** Sch. 18 paras. 31-34 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\)](#), regs. 1(1), 5
- C27** Sch. 18 paras. 31A-31D applied (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), [Sch. 1 para. 23\(5\)\(d\)](#)

*Effect of referral on enquiry*

- 31C (1) While proceedings on a referral under paragraph 31A are in progress in relation to an enquiry—
- <sup>[F138]</sup>(a) no partial closure notice relating to the question referred shall be given,
    - (aa) no final closure notice shall be given in relation to the enquiry, and
    - (b) no application may be made for a direction to give <sup>[F139]</sup>a notice referred to in paragraph (a) or (aa)].
- (2) For the purposes of this paragraph proceedings on a referral are in progress where—
- (a) notice of referral has been given,
  - (b) the notice has not been withdrawn, and
  - (c) the questions referred have not been finally determined.
- (3) For the purposes of sub-paragraph (2)(c) a question referred is finally determined when—
- (a) it has been determined by the <sup>[F140]</sup>tribunal], and
  - (b) there is no further possibility of that determination being varied or set aside (disregarding any power to grant permission to appeal out of time).

**Textual Amendments**

- F138** Sch. 18 para. 31C(1)(a)(aa) substituted for Sch. 18 para. 31C(1)(a) (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 15 para. 27\(a\)](#)
- F139** Words in Sch. 18 para. 31C(1)(b) substituted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 15 para. 27\(b\)](#)
- F140** Word in Sch. 18 para. 31C(3)(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. 260](#)

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

- C23** Sch. 18 paras. 31-34 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\)](#), regs. 1(1), 5
- C27** Sch. 18 paras. 31A-31D applied (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), [Sch. 1 para. 23\(5\)\(d\)](#)

*Effect of determination*

- 31D (1) The determination of a question referred to the <sup>[F141]</sup>tribunal] under paragraph 31A is binding on the parties to the referral in the same way, and to the same extent, as a decision on a preliminary issue in an appeal.
- (2) The determination shall be taken into account by <sup>[F14]</sup>an officer of Revenue and Customs] in reaching <sup>[F85]</sup>his] conclusions on the enquiry.



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- (3) Any right of appeal under paragraph 30 or 34(3) may not be exercised so as to reopen the question determined except to the extent (if any) that it could be reopened if it had been determined as a preliminary issue in that appeal.]

#### Textual Amendments

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F85** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)
- F141** Word in Sch. 18 para. 31D(1) 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. 261](#)

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

- C23** Sch. 18 paras. 31-34 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\)](#), regs. 1(1), [5](#)
- C27** Sch. 18 paras. 31A-31D applied (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), [Sch. 1 para. 23\(5\)\(d\)](#)

#### *Completion of enquiry*

- 32<sup>F142</sup>(1) Any matter to which an enquiry relates is completed when an officer of Revenue and Customs informs the company by notice (a “partial closure notice”) that they have completed their enquiries into that matter.
- (1A) An enquiry is completed when an officer of Revenue and Customs informs the company by notice (a “final closure notice”)—
- (a) in a case where no partial closure notice has been given, that they have completed their enquiries, or
- (b) in a case where one or more partial closure notices have been given, that they have completed their remaining enquiries.
- (1B) A partial or final closure notice takes effect when it is issued.]
- (2) If <sup>F14</sup>[an officer of Revenue and Customs]<sup>F85</sup>concludes<sup>F143</sup>in a partial or final closure notice] that the return was a return for the wrong period, the closure notice must designate the accounting period for which a return should have been made (specifying the dates on which the period begins and ends).
- (3) If there is more than one accounting period ending in or at the end of the period specified in the notice requiring a return, the closure notice shall only designate the first of those accounting periods for which no return has been delivered.
- Paragraph 35 provides for a return to be delivered for any other outstanding accounting period.
- <sup>F144</sup>(4) In the Taxes Acts, references to a closure notice under this paragraph are to a partial or final closure notice under this paragraph.]

#### Textual Amendments

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)



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- F85** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)
- F142** Sch. 18 para. 32(1)-(1B) substituted for Sch. 18 para. 32(1) (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\), Sch. 15 para. 28\(2\)](#)
- F143** Words in Sch. 18 para. 32(2) inserted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\), Sch. 15 para. 28\(3\)](#)
- F144** Sch. 18 para. 32(4) inserted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\), Sch. 15 para. 28\(4\)](#)

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

- C23** Sch. 18 paras. 31-34 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\), regs. 1\(1\), 5](#)
- C28** Sch. 18 para. 32(1) applied (8.4.2010) by [Finance Act 2010 \(c. 13\), Sch. 1 para. 23\(5\)\(e\)](#)

*Direction to complete enquiry*

- 33 (1) The company may apply to the [<sup>F145</sup>tribunal] for a direction that [<sup>F14</sup>an officer of Revenue and Customs] give a [<sup>F146</sup>partial or final closure notice] within a specified period.
- [<sup>F147</sup>(2) Any such application is to be subject to the relevant provisions of Part 5 of the Taxes Management Act 1970 (see, in particular, section 48(2)(b) of that Act).]
- (3) The [<sup>F148</sup>tribunal] shall give a direction unless <sup>F149</sup>... satisfied that [<sup>F14</sup>an officer of Revenue and Customs][<sup>F85</sup>has] reasonable grounds for not giving a [<sup>F150</sup>partial or final closure notice] within a specified period.

**Textual Amendments**

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F85** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)
- F145** Word in Sch. 18 para. 33(1) 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. 262\(2\)](#)
- F146** Words in Sch. 18 para. 33(1) substituted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\), Sch. 15 para. 29](#)
- F147** Sch. 18 para. 33(2) 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. 262\(3\)](#)
- F148** Word in Sch. 18 para. 33(3) 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. 262\(4\)\(a\)](#)
- F149** Words in Sch. 18 para. 33(3) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\), art. 1\(2\), Sch. 1 para. 262\(4\)\(b\)](#)
- F150** Words in Sch. 18 para. 33(3) substituted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\), Sch. 15 para. 29](#)

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

- C23** Sch. 18 paras. 31-34 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\), regs. 1\(1\), 5](#)
- C29** Sch. 18 para. 33 applied (8.4.2010) by [Finance Act 2010 \(c. 13\), Sch. 1 para. 23\(5\)\(f\)](#)

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*Amendment of return after enquiry*

- 34<sup>F151</sup>(1) This paragraph applies where a <sup>F152</sup>[partial or final closure notice] is given to a company by an officer.
- (2) The <sup>F153</sup>[partial or final closure notice] must <sup>F154</sup>[state the officer's conclusions and]—
- (a) state that, in the officer's opinion, no amendment is required of the return that was the subject of the enquiry, or
- (b) make the amendments of that return that are required—
- (i) to give effect to the conclusions stated in the notice, and
- (ii) in the case of a return for the wrong period, to make it a return appropriate to the designated period.
- (2A) The officer may by further notice to the company make any amendments of other company tax returns delivered by the company that are required to give effect to the conclusions stated in the <sup>F155</sup>[partial or final closure notice].]
- (3) An appeal may be brought against <sup>F156</sup>[an amendment of a company's return under sub-paragraph (2) or (2A)].
- (4) Notice of appeal must be given—
- (a) in writing,
- (b) within 30 days after the amendment was notified to the company,
- (c) to the officer of the Board by whom the <sup>F157</sup>[partial or final closure notice] was given.
- (5) In this paragraph “the designated period” means the period designated in the <sup>F158</sup>[partial or final closure notice].

**Textual Amendments**

- F151** Sch. 18 para. 34(1)-(2A) substituted for Sch. 18 para. 34(1)(2) (1.4.2010) by [Finance Act 2008 \(c. 9\), s. 119\(6\)\(13\)](#); S.I. 2009/405, art. 2
- F152** Words in Sch. 18 para. 34(1) substituted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\), Sch. 15 para. 30\(2\)](#)
- F153** Words in Sch. 18 para. 34(2) substituted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\), Sch. 15 para. 30\(3\)\(a\)](#)
- F154** Words in Sch. 18 para. 34(2) inserted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\), Sch. 15 para. 30\(3\)\(b\)](#)
- F155** Words in Sch. 18 para. 34(2A) substituted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\), Sch. 15 para. 30\(4\)](#)
- F156** Words in Sch. 18 para. 34(3) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\), s. 119\(7\)\(13\)](#); S.I. 2009/405, art. 2
- F157** Words in Sch. 18 para. 34(4)(c) substituted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\), Sch. 15 para. 30\(4\)](#)
- F158** Words in Sch. 18 para. 34(5) substituted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\), Sch. 15 para. 30\(4\)](#)

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

- C23** Sch. 18 paras. 31-34 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\), regs. 1\(1\), 5](#)
- C30** Sch. 18 para. 34 applied (8.4.2010) by [Finance Act 2010 \(c. 13\), Sch. 1 para. 23\(5\)\(g\)](#)

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C31 Sch. 18 para. 34(3) excluded (17.7.2014) by Finance Act 2014 (c. 26), s. 208(10)(11)(c)

*Further return for outstanding period*

- 35 (1) Where, following an enquiry into a company tax return—
- (a) it is finally determined—
    - (i) that the return is a return for the wrong period, and
    - (ii) what the period is for which the return should have been made, and
  - (b) the effect of the determination is that there is a further period (“the outstanding period”) for which a company tax return should have been made under the original notice requiring a return,
- then, if there is no such return delivered by the company which can be amended so as to become a return for the outstanding period, the original notice shall be taken to require the company to deliver a return in respect of that period.
- (2) The filing date for such a return for an outstanding period is whichever is the later of—
- (a) the original filing date, and
  - (b) the last day of the period of 30 days beginning with the day on which the matters mentioned in sub-paragraph (1)(a) are finally determined.

**PART V**

REVENUE DETERMINATIONS AND ASSESSMENTS

*Determination of tax payable if no return delivered in response to notice*

- 36 (1) If no return is delivered in response to a notice requiring a company tax return, [<sup>F14</sup>an officer of Revenue and Customs] may determine to the best of [<sup>F85</sup>his] information and belief the amount of tax payable by the company.
- (2) The power to make a determination under this paragraph becomes exercisable if no return is delivered on or before the following date—
- (a) if the filing date for any return required by the notice can be ascertained, that date;
  - (b) if no such date can be ascertained, the later of—
    - (i) 18 months from the end of the period specified in the notice, or
    - (ii) three months from the day on which the notice was served.
- (3) The accounting period or periods for which a determination may be made are—
- (a) if there is only one accounting period ending in or at the end of the period specified in the notice, that period;
  - (b) if there is more than one accounting period ending in or at the end of the period specified in the notice, each of those periods;
  - (c) if [<sup>F14</sup>an officer of Revenue and Customs][<sup>F85</sup>has] insufficient information to identify the accounting periods of the company, such period or periods ending in or at the end of the period specified in the notice as [<sup>F85</sup>he] may determine.

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- (4) Notice of a determination under this paragraph must be served on the company, stating the date on which the determination is issued.
- (5) No determination under this paragraph may be made more than [<sup>F159</sup>3 years] after the day on which the power becomes exercisable.
- (6) If the company shows—
  - (a) that there is no accounting period of the company ending in or at the end of the period specified in the notice, or
  - (b) that it has delivered a return for the accounting period, or each accounting period, ending in or at the end of the period specified in the notice, or
  - (c) that no return is yet due for any such period,any determination under this paragraph is of no effect.

#### Textual Amendments

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F85** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)
- F159** Words in Sch. 18 para. 36(5) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. 118(2), [Sch. 39 para. 38](#); S.I. 2009/403, art. 2(2) (with art. 10)

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

- C32** Sch. 18 para. 36 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\)](#), regs. 1(1), 6

#### *Determination of tax payable if notice complied with in part*

- 37 (1) If a notice requiring a company tax return is served on a company and—
- (a) a return is delivered for an accounting period ending in or at the end of the period specified in the notice, but
  - (b) there is another period so ending (the “outstanding period”) which appears to [<sup>F14</sup>an officer of Revenue and Customs] is or may be an accounting period, [<sup>F14</sup>an officer of Revenue and Customs] may determine to the best of [<sup>F85</sup>his] information and belief the amount of corporation tax payable by the company for the outstanding period.
- (2) The power to make a determination under this paragraph becomes exercisable—
- (a) if the filing date for the outstanding period can be ascertained and no return is delivered on or before that date;
  - (b) if no such date can be ascertained and no return for that period is delivered by the later of—
    - (i) 30 months from the end of the period specified in the notice, or
    - (ii) three months from the day on which the notice was served.
- (3) Notice of a determination under this paragraph must be served on the company, stating the date on which the determination is issued.

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- (4) No determination under this paragraph may be made more than [<sup>F160</sup>3 years] after the day on which the power first became exercisable.
- (5) If the company shows—
- (a) that the outstanding period is not an accounting period, or
  - (b) that it has delivered a return for that period,
- any determination under this paragraph is of no effect.

#### Textual Amendments

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F85** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)
- F160** Words in Sch. 18 para. 37(4) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. 118(2), [Sch. 39 para. 39](#); S.I. 2009/403, art. 2(2) (with art. 10)

#### *Extent of power to make determination*

- 38 (1) The power to make a determination under paragraph 36 or 37 includes power to determine—
- (a) any of the amounts mentioned in paragraph 8(1) (calculation of amount of tax payable), and
  - (b) any amount forming part of the calculation of any of those amounts.
- (2) Notice of a determination under either of those paragraphs may be accompanied by notice of any determination by [<sup>F14</sup>an officer of Revenue and Customs] relating to the dates on which amounts of tax become due and payable under section 59D or 59E of the <sup>M5</sup>Taxes Management Act 1970.

#### Textual Amendments

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)

#### Marginal Citations

- M5** 1970 c. 9.

#### *Determination to have effect as self-assessment*

- 39 (1) A determination under paragraph 36 or 37 has effect for enforcement purposes as if it were a self-assessment by the company.
- (2) In sub-paragraph (1) “for enforcement purposes” means for the purposes of—
- (a) the following Parts of the <sup>M6</sup>Taxes Management Act 1970—
    - Part VA (payment),
    - Part VI (collection and recovery),
    - Part IX (interest on overdue tax), and

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- Part XI (miscellaneous and supplementary provisions);
- (b) the provisions of this Schedule imposing tax-related penalties; and
  - (c) the provisions of the Corporation Tax Acts enabling unpaid tax assessed on a company to be assessed on other persons.
- (3) For those purposes the period for which the determination is made shall be treated as an accounting period of the company, even though—
- (a) in the case of a determination under paragraph 36, [<sup>F14</sup>an officer of Revenue and Customs][<sup>F85</sup>has] insufficient information to determine the accounting periods of the company and [<sup>F85</sup>exercises his] power under sub-paragraph (3) (c) of that paragraph, or
  - (b) in the case of a determination under paragraph 37, [<sup>F14</sup>an officer of Revenue and Customs][<sup>F85</sup>has] insufficient information to determine whether the outstanding period is an accounting period.

#### Textual Amendments

**F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), **Sch. 4 para. 68(a)**; S.I. 2005/1126, art. 2(2)(h)

**F85** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), **Sch. 4 para. 68(c)**; S.I. 2005/1126, art. 2(2)(h)

#### Marginal Citations

**M6** 1970 c. 9.

#### *Determination superseded by actual self-assessment*

- 40 (1) If after a determination has been made under paragraph 36—
- (a) the company delivers a company tax return for a period ending in or at the end of the period specified in the notice requiring a company tax return, and
  - (b) the period is, or is treated in the return as, an accounting period,
- the self-assessment included in that return supersedes the determination or, if there is more than one, the determination for the period which is, or most closely approximates to, the period for which the return is made.
- (2) If after a determination has been made under paragraph 37—
- (a) the company delivers a further company tax return for a period ending in or at the end of the period specified in the notice requiring a company tax return, and
  - (b) the period is, or is treated in the return as, an accounting period,
- the self-assessment included in that return supersedes the determination.
- (3) Sub-paragraphs (1) and (2) do not apply to a return made—
- (a) more than [<sup>F1613</sup> years] after the day on which the power to make the determination first became exercisable (see paragraph 36(2) or 37(2)), or
  - (b) more than twelve months after the date of the determination,
- whichever is the later.
- (4) Where—

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- (a) [<sup>F162</sup>proceedings have been begun] for the recovery of any tax charged by a determination under paragraph 36 or 37, and
- (b) before the proceedings are concluded the determination is superseded by a self-assessment,

the proceedings may be continued as if they were proceedings for the recovery of so much of the tax charged by the self-assessment as is due and payable and has not been paid.

[<sup>F163</sup>(5) Where—

- (a) action is being taken under Part 1 of Schedule 8 to the Finance (No. 2) Act 2015 (enforcement of deduction from accounts) for the recovery of an amount (“the original amount”) of any tax charged by a determination under paragraph 36 or 37, and
- (b) before that action is concluded, the determination is superseded by a self-assessment,

that action may be continued as if it were action for the purposes of the recovery of so much of the tax charged by the self-assessment as is due and payable, has not been paid and does not exceed the original amount.]

#### Textual Amendments

- F161** Words in Sch. 18 para. 40(3) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. 118(2), [Sch. 39 para. 40](#); [S.I. 2009/403](#), art. 2(2) (with art. 10)
- F162** Words in Sch. 18 para. 40(4) substituted (11.5.2001 with application as mentioned in [Sch. 29 para 17\(3\)](#) of the amending Act) by [2001 c. 9](#), s. 88, [Sch. 29 para. 17\(2\)](#)
- F163** Sch. 18 para. 40(5) inserted (18.11.2015) by [Finance \(No. 2\) Act 2015 \(c. 33\)](#), [Sch. 8 para. 40](#)

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

- C33** Sch. 18 para. 40 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\)](#), regs. 1(1), [6](#)

#### *Assessment where loss of tax discovered or determination of amount discovered to be incorrect*

- 41 (1) If [<sup>F14</sup>an officer of Revenue and Customs][<sup>F85</sup>discovers] as regards an accounting period of a company that—
- (a) an amount which ought to have been assessed to tax has not been assessed, or
  - (b) an assessment to tax is or has become insufficient, or
  - (c) relief has been given which is or has become excessive,
- [<sup>F85</sup>he] may make an assessment (a “discovery assessment”) in the amount or further amount which ought in [<sup>F85</sup>his] opinion to be charged in order to make good to the Crown the loss of tax.
- (2) If [<sup>F14</sup>an officer of Revenue and Customs][<sup>F85</sup>discovers] that a company tax return delivered by a company for an accounting period incorrectly states—
- (a) an amount that affects, or may affect, the tax payable by that company for another accounting period, or
  - (b) an amount that affects, or may affect, the tax liability of another company,



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[<sup>F85</sup>he] may make a determination (a “discovery determination”) of the amount which in [<sup>F85</sup>his] opinion ought to have been stated in the return.

**Textual Amendments**

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F85** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)

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

- C34** Sch. 18 para. 41(2)-44 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\), regs. 1\(1\), 7](#)

*Restrictions on power to make discovery assessment or determination*

- 42 (1) The power to make—
- (a) a discovery assessment for an accounting period for which the company has delivered a company tax return, or
  - (b) a discovery determination,
- is only exercisable in the circumstances specified in paragraph 43 or 44 and subject to paragraph 45 below.
- (2) Those restrictions do not apply to an assessment or determination which only gives effect to a discovery determination duly made with respect to an amount stated in another company’s company tax return.
- [<sup>F164</sup>(2A) Those restrictions, other than the restriction in paragraph 45, do not apply so far as regards any income or chargeable gains of the company in relation to which the company has been given, [<sup>F165</sup>a notice within sub-paragraph (4) after any enquiries have been completed into the return (so far as relating to the matters to which the notice relates)].]
- (3) Any objection to a discovery assessment or determination on the ground that those paragraphs have not been complied with can only be made on an appeal against the assessment or determination.
- [<sup>F166</sup>(4) A notice is within this sub-paragraph if it is—
- (a) a notice under section 184G or 184H of the Taxation of Chargeable Gains Act 1992 (avoidance involving capital losses), [<sup>F167</sup>or]
  - (b) a notice under section 81(2) of TIOPA 2010 (schemes and arrangements designed to increase relief), <sup>F168</sup> ...
- <sup>F168</sup>(c) ..... ]

**Textual Amendments**

- F164** Sch. 18 para. 42(2A) inserted (with effect in accordance with s. 88(5) of the amending Act) by [Finance Act 2005 \(c. 7\), s. 88\(4\)](#)
- F165** Words in Sch. 18 para. 42(2A) substituted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\), Sch. 15 para. 31](#)

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**F166** Sch. 18 para. 42(4) inserted (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\)](#), s. 381(1), **Sch. 8 para. 321(5)** (with Sch. 9 paras. 1-9, 22)

**F167** Word in Sch. 18 para. 42(4)(a) inserted (with effect in accordance with Sch. 10 para. 22(a) of the amending Act) by [Finance Act 2016 \(c. 24\)](#), **Sch. 10 para. 4(a)**

**F168** Sch. 18 para. 42(4)(c) and preceding word omitted (with effect in accordance with Sch. 10 para. 22(a) of the amending Act) by virtue of [Finance Act 2016 \(c. 24\)](#), **Sch. 10 para. 4(b)**

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

**C34** Sch. 18 para. 41(2)-44 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\)](#), regs. 1(1), 7

*[<sup>F169</sup>Loss of tax brought about carelessly or deliberately]*

**Textual Amendments**

**F169** Sch. 18 para. 43 cross-heading substituted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. 118(2), **Sch. 39 para. 41(3)**; S.I. 2009/403, art. 2(2) (with art. 10)

- 43 A discovery assessment for an accounting period for which the company has delivered a company tax return, or a discovery determination, may be made if the situation mentioned in paragraph 41(1) or (2) [<sup>F170</sup>was brought about carelessly or deliberately by]—
- (a) the company, or
  - (b) a person acting on behalf of the company, or
  - (c) a person who was a partner of the company at the relevant time.

**Textual Amendments**

**F170** Words in Sch. 18 para. 43 substituted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. 118(2), **Sch. 39 para. 41(2)**; S.I. 2009/403, art. 2(2) (with art. 10)

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

**C34** Sch. 18 para. 41(2)-44 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\)](#), regs. 1(1), 7

*Situation not disclosed by return or related documents etc.*

- 44 (1) A discovery assessment for an accounting period for which the company has delivered a company tax return, or a discovery determination, may be made if at the time when [<sup>F14</sup>an officer of Revenue and Customs]—
- (a) ceased to be entitled to give a notice of enquiry into the return, or
  - [<sup>F171</sup>(b) in a case where a notice of enquiry into the return was given—
    - (i) issued a partial closure notice as regards a matter to which the situation mentioned in paragraph 41(1) or (2) relates, or
    - (ii) if no such partial closure notice was issued, issued a final closure notice,]

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[<sup>F85</sup>he] could not have been reasonably expected, on the basis of the information made available to [<sup>F85</sup>him] before that time, to be aware of the situation mentioned in paragraph 41(1) or (2).

- (2) For this purpose information is regarded as made available to [<sup>F14</sup>an officer of Revenue and Customs] if—
- (a) it is contained in a relevant return by the company or in documents accompanying any such return, or
  - (b) it is contained in a relevant claim made by the company or in any accounts, statements or documents accompanying any such claim, or
  - (c) it is contained in any documents, accounts or information produced or provided by the company to [<sup>F14</sup>an officer of Revenue and Customs] for the purposes of an enquiry into any such return or claim, or
  - (d) it is information the existence of which, and the relevance of which as regards the situation mentioned in paragraph 41(1) or (2)—
    - (i) could reasonably be expected to be inferred by [<sup>F14</sup>an officer of Revenue and Customs] from information falling within paragraphs (a) to (c) above, or
    - (ii) are notified in writing to [<sup>F14</sup>an officer of Revenue and Customs] by the company or a person acting on its behalf.

- (3) In sub-paragraph (2)—

“relevant return” means the company’s company tax return for the period in question or either of the two immediately preceding accounting periods, and

“relevant claim” means a claim made by or on behalf of the company as regards the period in question [<sup>F172</sup>or an application under section 751A of the Taxes Act 1988 made by or on behalf of the company which affects the company’s tax return for the period in question].

#### Textual Amendments

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F85** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)
- F171** Sch. 18 para. 44(1)(b) substituted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 15 para. 32](#)
- F172** Words in Sch. 18 para. 44(3) inserted (with effect in accordance with Sch. 15 para. 10 of the amending Act) by [Finance Act 2007 \(c. 11\)](#), [Sch. 15 para. 9](#)

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

- C34** Sch. 18 para. 41(2)-44 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\)](#), regs. 1(1), 7
- C35** Sch. 18 para. 44(2)(3) applied by [Taxation of Chargeable Gains Act 1992 \(c. 12\)](#), s. 184I(6) (as inserted by [Finance Act 2006 \(c. 25\)](#), [s. 71\(1\)\(4\)](#))
- C36** Sch. 18 para. 44(2)(3) applied (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\)](#), [ss. 256\(5\)](#), 381(1) (with [Sch. 9 paras. 1-9, 22](#))

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*Return made in accordance with prevailing practice*

- 45 No discovery assessment for an accounting period for which the company has delivered a company tax return, or discovery determination, may be made if—
- (a) the situation mentioned in paragraph 41(1) or (2) is attributable to a mistake in the return as to the basis on which the company's liability ought to have been computed, and
  - (b) the return was in fact made on the basis or in accordance with the practice generally prevailing at the time when it was made.

*General time limits for assessments*

- 46 (1) Subject to any provision of the Taxes Acts allowing a longer period in any particular class of case no assessment may be made more than [<sup>F173</sup>4 years] after the end of the accounting period to which it relates.

[<sup>F174</sup>(2) An assessment in a case involving a loss of tax brought about carelessly by the company (or a related person) may be made at any time not more than 6 years after the end of the accounting period to which it relates (subject to sub-paragraph (2A) and to any other provision of the Taxes Acts allowing a longer period).

(2A) An assessment in a case involving a loss of tax—

- (a) brought about deliberately by the company (or a related person),
- (b) attributable to a failure by the company to comply with an obligation under paragraph 2, <sup>F175</sup> ...
- (c) attributable to arrangements in respect of which the company has failed to comply with an obligation under section 309, 310 or 313 of the Finance Act 2004 (obligation of parties to tax avoidance schemes to provide information to Her Majesty's Revenue and Customs), [<sup>F176</sup>or
- (d) attributable to arrangements which were expected to give rise to a tax advantage in respect of which the company was under an obligation to notify the Commissioners for Her Majesty's Revenue and Customs under section 253 of the Finance Act 2014 (duty to notify Commissioners of promoter reference number) but failed to do so,]

may be made at any time not more than 20 years after the end of the accounting period to which it relates (subject to any provision of the Taxes Acts allowing a longer period).

(2B) In this paragraph “related person”, in relation to a company, means—

- (a) a person acting on behalf of the company, or
- (b) a person who was a partner of the company at the relevant time.]

(3) Any objection to the making of an assessment on the ground that the time limit for making it has expired can only be made on an appeal against the assessment.

**Textual Amendments**

**F173** Words in Sch. 18 para. 46(1) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. 118(2), [Sch. 39 para. 42\(2\)](#); S.I. 2009/403, art. 2(2) (with art. 10)

**F174** Sch. 18 para. 46(2)-(2B) substituted for Sch. 18 para. 46(2) (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. 118(2), [Sch. 39 para. 42\(3\)](#); S.I. 2009/403, art. 2(2) (with arts. 8, 10)

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

**F175** Word in Sch. 18 para. 46(2A)(b) omitted (17.7.2014) by virtue of [Finance Act 2014 \(c. 26\), s. 277\(4\)\(a\)](#) (with ss. 269-271)

**F176** Sch. 18 para. 46(2A)(d) and preceding word inserted (17.7.2014) by [Finance Act 2014 \(c. 26\), s. 277\(4\)\(b\)](#) (with ss. 269-271)

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

**C37** Sch. 18 paras. 46-49 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\)](#), regs. 1(1), 7

**C38** Sch. 18 para. 46(2)(3) applied (28.7.2000 with application as mentioned in s. 63(4) of the amending Act) by [2000 c. 17, s. 63\(1\)](#), [Sch. 15 Pt. VI para. 62\(3\)](#)

**C39** Sch. 18 para. 46(2) modified (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\)](#), regs. 1(1), 11

*Assessment procedure*

- 47 (1) Notice of an assessment to tax on a company must be served on the company stating—
- (a) the date on which the notice is issued, and
  - (b) the time within which any appeal against the assessment may be made.
- (2) After that notice has been served on the company, the assessment may not be altered except in accordance with the express provisions of the Taxes Acts.

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

**C37** Sch. 18 paras. 46-49 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\)](#), regs. 1(1), 7

*Appeal against assessment*

- 48 (1) An appeal may be brought against any assessment to tax on a company which is not a self-assessment.
- (2) Notice of appeal must be given—
- (a) in writing,
  - (b) within 30 days after notice of the assessment was issued,
  - (c) to the officer of the Board by whom the notice of the assessment was given.

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

**C37** Sch. 18 paras. 46-49 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\)](#), regs. 1(1), 7

**C40** Sch. 18 para. 48 modified (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\)](#), regs. 1(1), 10

*Application of provisions to discovery determinations*

- 49 The provisions of paragraphs 46 to 48 (assessments: general provisions as to time limits, procedure and appeals) apply to a discovery determination as they apply to an assessment.

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

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

**C37** Sch. 18 paras. 46-49 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\)](#), regs. 1(1), 7

*[<sup>F177</sup>Transfer pricing records: carelessness*

**Textual Amendments**

**F177** Sch. 18 para. 49A and cross-heading inserted (11.7.2023) by [Finance \(No. 2\) Act 2023 \(c. 30\)](#), [Sch. 5 para. 2](#)

- 49A (1) This paragraph applies where—
- (a) the situation mentioned in paragraph 41(1) or (2) has been brought about by a person within any of paragraphs (a) to (c) of paragraph 43 (“P”) as regards a relevant accounting period of a company,
  - (b) the situation relates to the calculation of profits or losses in accordance with Part 4 of TIOPA 2010 (transfer pricing) for the purposes of that period, and
  - (c) the company has failed to comply, in relation to specified relevant transfer pricing records that relate to the calculation, with either or both of—
    - (i) paragraph 21 (duty to keep and preserve records), and
    - (ii) an information notice (within the meaning of Schedule 36 to the Finance Act 2008 (information and inspection powers)).
- (2) It is to be presumed for the purposes of this Part of this Schedule that the situation mentioned in paragraph 41(1) or (2) was brought about carelessly by P, unless—
- (a) the situation was brought about deliberately by P, or
  - (b) the company satisfies HMRC or (on an appeal notified to the tribunal) the tribunal that P took reasonable care to avoid the situation.
- (3) For the purposes of this paragraph—
- (a) “relevant accounting period of a company” means an accounting period in respect of which—
    - (i) the company, together with one or more other enterprises, constitutes an MNE Group within the meaning of the Taxes (Base Erosion and Profit Shifting) (Country-by-Country Reporting) Regulations 2016 ([S.I. 2016/237](#)) (see regulation 2(3) of those Regulations), and
    - (ii) the MNE Group meets the threshold requirement within the meaning of those Regulations (see regulations 3(2) to (4) of those Regulations);
  - (b) records are “specified relevant transfer pricing records” if—
    - (i) they are relevant transfer pricing records specified, or of a description specified, in regulations under paragraph 21 (duties to keep and preserve records), and
    - (ii) the company is required to keep and preserve those records under that paragraph.]

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

## PART VI

### [<sup>F178</sup>OVERPAID TAX,] EXCESSIVE ASSESSMENTS OR REPAYMENTS, ETC

#### Textual Amendments

**F178** Words in Sch. 18 Pt. VI heading inserted (with effect in accordance with s. 100(2) of the amending Act) by [Finance Act 2009 \(c. 10\)](#), [Sch. 52 para. 14](#)

#### *Relief in case of double assessment*

- 50 (1) A company which believes it has been assessed to tax more than once for the same cause and for the same accounting period may make a claim for relief—
- (a) by notice in writing,
  - (b) given to the Board.
- (2) If on a claim being made the Board are satisfied that the company has been assessed to tax more than once for the same cause and for the same accounting period, they shall amend the assessment or assessments concerned, or give relief by way of discharge or repayment of tax or otherwise, so as to eliminate the double charge.
- [<sup>F179</sup>(3) An appeal may be brought against the Board's decision on a claim for relief under this paragraph.]

#### Textual Amendments

**F179** Sch. 18 para. 50(3) 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. 263](#)

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

**C41** Sch. 18 paras. 50-50G applied (with modifications) (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), [Sch. 1 paras. 31, 33](#)

#### *[<sup>F180</sup>Claim for relief for overpaid tax etc*

#### Textual Amendments

**F180** Sch. 18 paras. 51-51G and cross-headings substituted for Sch. 18 para. 51 (with effect in accordance with s. 100(2) of the amending Act) by [Finance Act 2009 \(c. 10\)](#), [Sch. 52 para. 13](#)

- 51 (1) This paragraph applies where—
- (a) a person has paid an amount by way of tax but believes that the tax was not due, or
  - (b) a person has been assessed as liable to pay an amount by way of tax, or there has been a determination or direction to that effect, but the person believes that the tax is not due.
- (2) The person may make a claim to the Commissioners for Her Majesty's Revenue and Customs for repayment or discharge of the amount.



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- (3) Paragraph 51A makes provision about cases in which the Commissioners for Her Majesty's Revenue and Customs are not liable to give effect to a claim under this paragraph.
- (4) The following make further provision about making and giving effect to claims under this paragraph—
  - (a) paragraphs 51B to 51F and Part 7 of this Schedule, and
  - (b) Schedule 1A to the Taxes Management Act 1970 (which is applied by that Part).
- (5) Paragraph 51G makes provision about the application of this paragraph and paragraphs 51A to 51F to amounts paid under contract settlements.
- (6) The Commissioners for Her Majesty's Revenue and Customs are not liable to give relief in respect of a case described in sub-paragraph (1)(a) or (b) except as provided—
  - (a) by this Schedule and Schedule 1A to the Taxes Management Act 1970 (following a claim under this paragraph), or
  - (b) by or under another provision of the Corporation Tax Acts.
- (7) For the purposes of this paragraph and paragraphs 51A to 51G, an amount paid by one person on behalf of another is treated as paid by the other person.

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

- C41** Sch. 18 paras. 50-50G applied (with modifications) (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), [Sch. 1 paras. 31, 33](#)
- C42** Sch. 18 para. 51 applied (with modifications) (with effect in accordance with reg. 1(2) of the amending S.I.) by [The Lloyds Underwriters \(Tax\) Regulations 2005 \(S.I. 2005/3338\)](#), [regs. 1\(1\), 8](#)
- C43** [Sch. 18 paras. 51-51G](#) applied (with modifications) (temp.) (with effect in accordance with [Sch. 10 para. 43](#) of the amending Act) by [Finance Act 2022 \(c. 3\)](#), [Sch. 10 para. 24](#) (as amended (5.1.2023) by The Finance Act 2022, Schedule 10 (Public Interest Business Protection Tax) (Substitution of Date) Regulations 2022 ([S.I. 2022/1321](#)), reg. 2(2))

*Cases in which Commissioners not liable to give effect to a claim*

- 51A (1) The Commissioners for Her Majesty's Revenue and Customs are not liable to give effect to a claim under paragraph 51 if or to the extent that the claim falls within a case described in this paragraph (see also [<sup>F181</sup>paragraphs 51BA and 51C(5)]).
- (2) Case A is where the amount paid, or liable to be paid, is excessive by reason of—
- (a) a mistake in a claim, election or a notice,
  - (b) a mistake consisting of making or giving, or failing to make or give, a claim, election or notice,
  - (c) a mistake in allocating expenditure to a pool for the purposes of the Capital Allowances Act or a mistake consisting of making, or failing to make, such an allocation, or
  - (d) a mistake in bringing a disposal value into account for the purposes of that Act or a mistake consisting of bringing, or failing to bring, such a value into account.

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*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

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- (3) Case B is where the claimant is or will be able to seek relief by taking other steps under the Corporation Tax Acts.
- (4) Case C is where the claimant—
  - (a) could have sought relief by taking such steps within a period that has now expired, and
  - (b) knew, or ought reasonably to have known, before the end of that period that such relief was available.
- (5) Case D is where the claim is made on grounds that—
  - (a) have been put to a court or tribunal in the course of an appeal by the claimant relating to the amount paid or liable to be paid, or
  - (b) have been put to Her Majesty's Revenue and Customs in the course of an appeal by the claimant relating to that amount that is treated as having been determined by a tribunal (by virtue of section 54 of the Taxes Management Act 1970 (settling of appeals by agreement)).
- (6) Case E is where the claimant knew, or ought reasonably to have known, of the grounds for the claim before the latest of the following—
  - (a) the date on which an appeal by the claimant relating to the amount paid, or liable to be paid, in the course of which the ground could have been put forward (a “relevant appeal”) was determined by a court or tribunal (or is treated as having been so determined),
  - (b) the date on which the claimant withdrew a relevant appeal to a court or tribunal, and
  - (c) the end of the period in which the claimant was entitled to make a relevant appeal to a court or tribunal.
- (7) Case F is where the amount in question was paid or is liable to be paid—
  - (a) in consequence of proceedings enforcing the payment of that amount brought against the claimant by Her Majesty's Revenue and Customs, or
  - (b) in accordance with an agreement between the claimant and Her Majesty's Revenue and Customs settling such proceedings.
- (8) Case G is where—
  - (a) the amount paid, or liable to be paid, is excessive by reason of a mistake in calculating the claimant's liability to corporation tax, and
  - (b) liability was calculated in accordance with the practice generally prevailing at the time.
- <sup>F182</sup>(9) Case G does not apply where the amount paid, or liable to be paid, is tax which has been charged contrary to EU law.
- (10) For the purposes of sub-paragraph (9), an amount of tax is charged contrary to EU law if, in the circumstances in question, the charge to tax is contrary to—
  - (a) the provisions relating to the free movement of goods, persons, services and capital in Titles II and IV of Part 3 of the Treaty on the Functioning of the European Union, or
  - (b) the provisions of any subsequent treaty replacing the provisions mentioned in paragraph (a).]

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

### Textual Amendments

- F181** Words in Sch. 18 para. 51A(1) substituted (with effect in accordance with art. 5 of the amending S.I.) by [The Enactment of Extra-Statutory Concessions Order 2011 \(S.I. 2011/1037\)](#), arts. 1, **3(2)**
- F182** Sch. 18 para. 51A(9)(10) inserted (with effect in accordance with s. 231(5) of the amending Act) by [Finance Act 2013 \(c. 29\)](#), s. **231(3)**

### Modifications etc. (not altering text)

- C41** Sch. 18 paras. 50-50G applied (with modifications) (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), **Sch. 1 paras. 31, 33**
- C43** [Sch. 18 paras. 51-51G](#) applied (with modifications) (temp.) (with effect in accordance with [Sch. 10 para. 43](#) of the amending Act) by [Finance Act 2022 \(c. 3\)](#), **Sch. 10 para. 24** (as amended (5.1.2023) by The Finance Act 2022, Schedule 10 (Public Interest Business Protection Tax) (Substitution of Date) Regulations 2022 (S.I. 2022/1321), reg. 2(2))

### *Making a claim*

- 51B (1) A claim under paragraph 51 may not be made more than 4 years after the end of the relevant accounting period.
- (2) In relation to a claim made in reliance on paragraph 51(1)(a), the relevant accounting period is—
- where the amount paid, or liable to be paid, is excessive by reason of a mistake in a company tax return or returns, the accounting period to which the return (or, if more than one, the first return) relates, and
  - otherwise, the accounting period in respect of which the amount was paid.
- (3) In relation to a claim made in reliance on paragraph 51(1)(b), the relevant accounting period is<sup>F183</sup>—
- where the amount liable to be paid is excessive by reason of a mistake in a company tax return or returns, the accounting period to which the return (or, if more than one, the first return) relates, and
  - otherwise,] the accounting period to which the assessment, determination or direction relates.
- (4) A claim under paragraph 51 may not be made by being included in a company tax return.

[<sup>F184</sup>(5) Sub-paragraph (1) is subject to paragraph 51BA.]

### Textual Amendments

- F183** Words in Sch. 18 para. 51B(3) inserted (with effect in accordance with s. 232(4) of the amending Act) by [Finance Act 2013 \(c. 29\)](#), s. **232(3)**
- F184** Sch. 18 para. 51B(5) inserted (with effect in accordance with art. 5 of the amending S.I.) by [The Enactment of Extra-Statutory Concessions Order 2011 \(S.I. 2011/1037\)](#), arts. 1, **3(3)**

### Modifications etc. (not altering text)

- C41** Sch. 18 paras. 50-50G applied (with modifications) (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), **Sch. 1 paras. 31, 33**
- C43** [Sch. 18 paras. 51-51G](#) applied (with modifications) (temp.) (with effect in accordance with [Sch. 10 para. 43](#) of the amending Act) by [Finance Act 2022 \(c. 3\)](#), **Sch. 10 para. 24** (as amended (5.1.2023)

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by The Finance Act 2022, Schedule 10 (Public Interest Business Protection Tax) (Substitution of Date) Regulations 2022 (S.I. 2022/1321), reg. 2(2))

*F<sup>185</sup> Determinations under paragraphs 36 and 37: special rules*

**Textual Amendments**

**F185** Sch. 18 para. 51BA and cross-heading inserted (with effect in accordance with arts. 4, 5 of the amending S.I.) by [The Enactment of Extra-Statutory Concessions Order 2011 \(S.I. 2011/1037\)](#), arts. 1, **3(4)**

51BA.(1) This paragraph applies where—

- (a) a determination has been made under paragraph 36 or 37 of an amount that a person is liable to pay by way of tax, but the person believes the tax is not due or, if it has been paid, was not due,
  - (b) relief would be available under paragraph 51 but for the fact that—
    - (i) the claim falls within Case C (see paragraph 51A(4)),
    - (ii) the claim falls within Case F(a) (see paragraph 51A(7)(a)), or
    - (iii) more than 4 years have elapsed since the end of the relevant accounting period (see paragraph 51B(1)), and
  - (c) if the claim falls within Case F(a), the person was neither present nor legally represented during the enforcement proceedings in question.
- (2) A claim under paragraph 51 for repayment or discharge of the amount may be made, and effect given to it, despite paragraph 51A(4), paragraph 51A(7)(a) or paragraph 51B(1), as the case may be.
- (3) But the Commissioners for Her Majesty’s Revenue and Customs are not liable to give effect to a claim made in reliance on this paragraph unless conditions A, B and C are met.
- (4) Condition A is that in the opinion of the Commissioners for Her Majesty’s Revenue and Customs it would be unconscionable for the Commissioners for Her Majesty’s Revenue and Customs to seek to recover the amount (or to withhold repayment of it, if it has already been paid).
- (5) Condition B is that the person’s affairs (as respects matters concerning the Commissioners for Her Majesty’s Revenue and Customs) are otherwise up to date or arrangements have been put in place, to the satisfaction of the Commissioners for Her Majesty’s Revenue and Customs, to bring them up to date so far as possible.
- (6) Condition C is that either—
- (a) the person has not relied on this paragraph on a previous occasion (whether or not in respect of the same determination), or
  - (b) the person has done so, but in the exceptional circumstances of the case should be allowed to do so again on the present occasion.
- (7) For the purposes of sub-paragraph (6)—
- (a) a person has relied on this paragraph on a previous occasion if the person has made a claim (or a composite set of claims involving one or more determinations and accounting periods) in reliance on this paragraph on a previous occasion, and
  - (b) it does not matter whether that claim (or set of claims) succeeded.

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- (8) A claim made in reliance on this paragraph must include (in addition to anything required by Schedule 1A to the Taxes Management Act 1970) such information and documentation as is reasonably required for the purpose of determining whether conditions A, B and C are met.]

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

**C43** Sch. 18 paras. 51-51G applied (with modifications) (temp.) (with effect in accordance with Sch. 10 para. 43 of the amending Act) by Finance Act 2022 (c. 3), Sch. 10 para. 24 (as amended (5.1.2023) by The Finance Act 2022, Schedule 10 (Public Interest Business Protection Tax) (Substitution of Date) Regulations 2022 (S.I. 2022/1321), reg. 2(2))

*The claimant: one person accountable for amounts payable by another*

- 51C (1) Sub-paragraph (2) applies where a person (“P”) is accountable to the Commissioners for Her Majesty's Revenue and Customs under a relevant enactment for an amount that has been or is to be set off against a liability of another person (“T”) under a relevant enactment.
- (2) A claim under paragraph 51 in respect of the amount may be made only by T.
- (3) Sub-paragraph (4) applies where—
- (a) a person (“P”) has paid an amount described in sub-paragraph (1) in the belief that P was accountable to the Commissioners for the amount under a relevant enactment, but
  - (b) P was not so accountable.
- (4) A claim under paragraph 51 in respect of the amount may be made only by P.
- (5) The Commissioners for Her Majesty's Revenue and Customs are not liable to give effect to a claim under sub-paragraph (4) if or to the extent that the amount has been repaid to T or set against amounts payable to the Commissioners by T.
- (6) “Relevant enactment” means—
- (a) Chapter 3 of Part 3 of the Finance Act 2004 or regulations under that Chapter (construction industry scheme), or
  - (b) any other provision of or made under the Taxes Acts.

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

**C41** Sch. 18 paras. 50-50G applied (with modifications) (8.4.2010) by Finance Act 2010 (c. 13), Sch. 1 paras. 31, 33

**C43** Sch. 18 paras. 51-51G applied (with modifications) (temp.) (with effect in accordance with Sch. 10 para. 43 of the amending Act) by Finance Act 2022 (c. 3), Sch. 10 para. 24 (as amended (5.1.2023) by The Finance Act 2022, Schedule 10 (Public Interest Business Protection Tax) (Substitution of Date) Regulations 2022 (S.I. 2022/1321), reg. 2(2))

*The claimant: partnerships*

- 51D (1) This paragraph applies where—

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- (a) a trade, profession or business is carried on by two or more persons in partnership,
  - (b) an amount is paid, or liable to be paid, by one or more of those persons in accordance with a self-assessment, and
  - (c) the amount is excessive by reason of a mistake in a partnership return.
- (2) A claim under paragraph 51 in respect of the amount—
- (a) may be made by the relevant partner nominated to make the claim by all of the relevant partners, and
  - (b) may not be made by any other person.
- (3) In relation to such a claim, references in paragraphs 51A to 51F to the claimant are to any of the relevant partners.
- (4) “Relevant partner” means—
- (a) a person who was a partner in the partnership at any time during the period in respect of which the partnership return was made, or
  - (b) the personal representative of such a person.

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

- C41** Sch. 18 paras. 50-50G applied (with modifications) (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), [Sch. 1 paras. 31, 33](#)
- C43** [Sch. 18 paras. 51-51G](#) applied (with modifications) (temp.) (with effect in accordance with [Sch. 10 para. 43](#) of the amending Act) by [Finance Act 2022 \(c. 3\)](#), [Sch. 10 para. 24](#) (as amended (5.1.2023) by The Finance Act 2022, Schedule 10 (Public Interest Business Protection Tax) (Substitution of Date) Regulations 2022 ([S.I. 2022/1321](#)), reg. 2(2))

*Assessment of claimant in connection with claim*

- 51E (1) This paragraph applies where—
- (a) a claim is made under paragraph 51,
  - (b) the grounds for giving effect to the claim also provide grounds for a discovery assessment or discovery determination on the claimant in respect of any accounting period, and
  - (c) such an assessment or determination could be made but for a relevant restriction.
- (2) The following are relevant restrictions—
- (a) the restrictions in paragraphs 42 to 45, and
  - (b) the expiry of a time limit for making a discovery assessment or discovery determination.
- (3) Where this paragraph applies—
- (a) the relevant restrictions are to be disregarded, and
  - (b) the discovery assessment or discovery determination is not out of time if it is made before the final determination of the claim.
- (4) A claim is not finally determined until it, or the amount to which it relates, can no longer be varied (whether on appeal or otherwise).

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

- C41** Sch. 18 paras. 50-50G applied (with modifications) (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), [Sch. 1 paras. 31, 33](#)
- C43** [Sch. 18 paras. 51-51G](#) applied (with modifications) (temp.) (with effect in accordance with [Sch. 10 para. 43](#) of the amending Act) by [Finance Act 2022 \(c. 3\)](#), [Sch. 10 para. 24](#) (as amended (5.1.2023) by The Finance Act 2022, Schedule 10 (Public Interest Business Protection Tax) (Substitution of Date) Regulations 2022 ([S.I. 2022/1321](#)), reg. 2(2))

*Amendment of partnership return etc in connection with claim*

- 51F (1) This paragraph applies where—
- (a) a claim is made under paragraph 51,
  - (b) the claimant is one of two or more persons carrying on a trade, profession or business in partnership,
  - (c) the grounds for giving effect to the claim also provide grounds for amending, under section 30B(1) of the Taxes Management Act 1970 (discovery of loss of tax from partnership), a return made by the partnership or any of the partners in respect of any period, and
  - (d) such an amendment could be made but for a relevant restriction.
- (2) The following are relevant restrictions—
- (a) the conditions in section 30B(4) to (6) of the Taxes Management Act 1970, and
  - (b) the expiry of a time limit for making an assessment under that section.
- (3) Where this paragraph applies—
- (a) the relevant conditions are to be disregarded, and
  - (b) the amendment is not out of time if it is made before the final determination of the claim.
- (4) A claim is not finally determined until it, or the amount to which it relates, can no longer be varied (whether on appeal or otherwise).

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

- C41** Sch. 18 paras. 50-50G applied (with modifications) (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), [Sch. 1 paras. 31, 33](#)
- C43** [Sch. 18 paras. 51-51G](#) applied (with modifications) (temp.) (with effect in accordance with [Sch. 10 para. 43](#) of the amending Act) by [Finance Act 2022 \(c. 3\)](#), [Sch. 10 para. 24](#) (as amended (5.1.2023) by The Finance Act 2022, Schedule 10 (Public Interest Business Protection Tax) (Substitution of Date) Regulations 2022 ([S.I. 2022/1321](#)), reg. 2(2))

*Contract settlements*

- 51G (1) In paragraph 51(1)(a) the reference to an amount paid by a company by way of tax includes an amount paid by a person under a contract settlement in connection with tax believed to be due.



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- (2) Sub-paragraphs (3) to (6) apply if the person who paid the amount under the contract settlement (“the payer”) and the person from whom the tax was due (“the taxpayer”) are not the same person.
- (3) In relation to a claim under paragraph 51 in respect of that amount—
  - (a) the references to the claimant in paragraph 51A(5) to (7) (Cases D, E and F) have effect as if they included the taxpayer,
  - (b) the reference to the claimant in paragraph 51A(8) (Case G) has effect as if it were a reference to the taxpayer,
  - (c) the references to the claimant in paragraphs 51E(1)(b) and 51F(1)(b) have effect as if they were references to the taxpayer, and
  - (d) references to tax in Schedule 1A to the Taxes Management Act 1970 (as it applies to a claim under this Part of this Schedule) include such an amount.
- (4) Sub-paragraph (5) applies where the grounds for giving effect to a claim by the payer in respect of the amount also provide grounds for a discovery assessment or discovery determination on the taxpayer in respect of any chargeable period.
- (5) The Commissioners for Her Majesty's Revenue and Customs may set any amount repayable to the payer by virtue of the claim against any amount payable by the taxpayer by virtue of the assessment or determination.
- (6) The obligations of the Commissioners for Her Majesty's Revenue and Customs and the taxpayer are discharged to the extent of any set-off under sub-paragraph (5).
- (7) “Contract settlement” means an agreement made in connection with any person's liability to make a payment to the Commissioners for Her Majesty's Revenue and Customs under or by virtue of an enactment.]

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

- C41** Sch. 18 paras. 50-50G applied (with modifications) (8.4.2010) by [Finance Act 2010 \(c. 13\)](#), [Sch. 1 paras. 31, 33](#)
- C43** [Sch. 18 paras. 51-51G](#) applied (with modifications) (temp.) (with effect in accordance with [Sch. 10 para. 43](#) of the amending Act) by [Finance Act 2022 \(c. 3\)](#), [Sch. 10 para. 24](#) (as amended (5.1.2023) by The Finance Act 2022, Schedule 10 (Public Interest Business Protection Tax) (Substitution of Date) Regulations 2022 ([S.I. 2022/1321](#)), reg. 2(2))

*Recovery of excessive repayments etc*

- 52 (1) The provisions of paragraphs 41 to 48 relating to discovery assessments apply to an amount to which this paragraph applies as if it were unpaid tax, unless—
- (a) it is assessable under those provisions apart from this paragraph, or
  - (b) it is recoverable under section 826(8A) of the Taxes Act 1988 (interest overpaid which is recoverable in same way as interest charged).
- (2) This paragraph applies to an amount paid to a company by way of—
- (a) repayment of tax (or income tax) <sup>F186</sup> ... ,
  - (b) repayment supplement under section 825 of the Taxes Act 1988,
- <sup>F187</sup>(bza) .....
- <sup>F188</sup>(ba) .....

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- [<sup>F189</sup>(bb) land remediation tax credit or life assurance company tax credit under [<sup>F190</sup>Part 14 of the Corporation Tax Act 2009],] or  
<sup>F191</sup>(bc) .....
- [<sup>F192</sup>(bd) film tax credit [<sup>F193</sup>under Part 15 of the Corporation Tax Act 2009],]  
<sup>F194</sup>(be) television tax credit under Part 15A of that Act,  
 (bf) video game tax credit under Part 15B of that Act,]  
<sup>F195</sup>(bg) theatre tax credit under Part 15C of that Act,]  
<sup>F196</sup>(bh) orchestra tax credit under Part 15D of that Act,]  
<sup>F197</sup>(bi) museums and galleries exhibition tax credit under Part 15E of that Act,]  
 (c) interest paid under section 826 of [<sup>F198</sup>the Taxes Act 1988],  
 to the extent that it ought not to have been paid.
- [<sup>F199</sup>(2A) The provisions of paragraphs 41 and 45 to 48 relating to discovery assessments apply to an amount paid to a company by way of—  
 (a) first-year tax credit under Schedule A1 to the Capital Allowances Act;  
 (b) R&D expenditure credit under Chapter 6A of Part 3 of the Corporation Tax Act 2009;  
 (c) R&D tax credit under Chapter 2 or 7 of Part 13 of that Act,  
 but only to the extent that the company was not, or is no longer, entitled to the credit.]
- (3) For the purposes of this paragraph—  
 (a) an amount is regarded as paid if it is allowed by way of set-off, and  
 (b) an amount is regarded as a repayment if it was intended as repayment but exceeds the amount paid by the company.
- <sup>F200</sup>(4) .....
- (5) An assessment to recover—  
 (a) an amount of tax repaid to a company in respect of an accounting period, or interest on any such repayment,  
<sup>F201</sup>(aa) an amount of R&D expenditure credit paid to a company for an accounting period,]  
<sup>F202</sup>(ab) an amount of R&D tax credit paid to a company for an accounting period,]  
<sup>F203</sup>(ac) an amount of land remediation tax credit or life assurance company tax credit paid to a company for an accounting period,] or  
<sup>F204</sup>(ad) .....
- [<sup>F205</sup>(ae) an amount of film tax credit paid to a company for an accounting period,]  
<sup>F206</sup>(af) an amount of first-year tax credit under Schedule A1 to the Capital Allowances Act paid to a company for an accounting period,]  
<sup>F207</sup>(ag) an amount of television tax credit paid to a company for an accounting period,  
 (ah) an amount of video game tax credit paid to a company for an accounting period,]  
<sup>F208</sup>(ai) an amount of theatre tax credit paid to a company for an accounting period,]  
<sup>F209</sup>(aj) an amount of orchestra tax credit paid to a company for an accounting period,]

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- [<sup>F210</sup>(ak) an amount of museums and galleries exhibition tax credit paid to a company for an accounting period,]  
(b) an amount of income tax repaid to a company in respect of a payment received by the company in an accounting period, or interest on any such repayment,

shall be treated as an assessment to tax for the accounting period referred to in paragraph (a)[<sup>F211</sup>, [<sup>F212</sup>(aa),] (ab)][<sup>F213</sup>(ac)]<sup>F214</sup>... [<sup>F215</sup>, (ae)][<sup>F216</sup>, (ag), (ah)][<sup>F217</sup>, (ai)][<sup>F218</sup>, (aj)][<sup>F219</sup>, (ak)] or (b).

- (6) The sum assessed shall carry interest at the prescribed rate for the purposes of section 87A of the <sup>M7</sup>Taxes Management Act 1970 (interest on overdue corporation tax, etc.) from the date when the payment being recovered was made until payment.

### Textual Amendments

- F186** Words in Sch. 18 para. 52(2)(a) omitted (with effect in accordance with Sch. 1 para. 73 of the amending Act) by virtue of [Finance Act 2016 \(c. 24\)](#), **Sch. 1 para. 58(3)(c)**
- F187** [Sch. 18 para. 52\(2\)\(bza\)](#) omitted (in relation to accounting periods beginning on or after 1.4.2023 ) by virtue of [Finance \(No. 2\) Act 2023 \(c. 30\)](#), [Sch. 1 paras. 11\(a\)](#), **20**
- F188** [Sch. 18 para. 52\(2\)\(ba\)](#) omitted (in relation to accounting periods beginning on or after 1.4.2023) by virtue of [Finance \(No. 2\) Act 2023 \(c. 30\)](#), [Sch. 1 paras. 11\(a\)](#), **20**
- F189** [Sch. 18 para. 52\(2\)\(bb\)](#) inserted (11.5.2001 with effect as mentioned in [s. 70](#) of the amending Act) by [2001 c. 9, s. 70](#), **Sch. 23 para. 5(a)**
- F190** Words in [Sch. 18 para. 52\(2\)\(bb\)](#) substituted (with effect in accordance with [s. 1329\(1\)](#) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), [s. 1329\(1\)](#), **Sch. 1 para. 454(6)(a)(ii)** (with [Sch. 2 Pts. 1, 2](#))
- F191** [Sch. 18 para. 52\(2\)\(bc\)](#) repealed (with effect in accordance with [s. 1329\(1\)](#) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), [s. 1329\(1\)](#), [Sch. 1 para. 454\(6\)\(a\)\(iii\)](#), **Sch. 3 Pt. 1** (with [Sch. 2 Pts. 1, 2](#))
- F192** [Sch. 18 para. 52\(2\)\(bd\)](#) inserted (1.1.2007) by [Finance Act 2006 \(c. 25\)](#), [s. 53\(1\)](#), **Sch. 5 para. 28(a)**; [S.I. 2006/3399](#), [art. 2](#)
- F193** Words in [Sch. 18 para. 52\(2\)\(bd\)](#) inserted (with effect in accordance with [s. 1329\(1\)](#) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), [s. 1329\(1\)](#), **Sch. 1 para. 454(6)(a)(iv)** (with [Sch. 2 Pts. 1, 2](#))
- F194** [Sch. 18 para. 52\(2\)\(be\)\(bf\)](#) inserted (with effect in accordance with [Sch. 18 para. 23](#) of the amending Act) by [Finance Act 2013 \(c. 29\)](#), **Sch. 18 paras. 4(2)**, **22**; [S.I. 2013/1817](#), [art. 2\(2\)](#); [S.I. 2014/1962](#), [art. 2\(3\)](#)
- F195** [Sch. 18 para. 52\(2\)\(bg\)](#) inserted (with effect in accordance with [Sch. 4 para. 17](#) of the amending Act) by [Finance Act 2014 \(c. 26\)](#), **Sch. 4 paras. 5(2)**, **16**; [S.I. 2014/2228](#), [art. 2](#)
- F196** [Sch. 18 para. 52\(2\)\(bh\)](#) inserted (with effect in accordance with [Sch. 8 para. 17\(1\)\(a\)](#) of the amending Act) by [Finance Act 2016 \(c. 24\)](#), **Sch. 8 para. 5(2)**
- F197** [Sch. 18 para. 52\(2\)\(bi\)](#) inserted (for specified purposes and with effect in accordance with [Sch. 6 paras. 20, 21\(1\)\(b\)](#) of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), **Sch. 6 para. 5(2)**
- F198** Words in [Sch. 18 para. 52\(2\)\(C\)](#) substituted (11.5.2001 with effect as mentioned in [s. 70](#) of the amending Act) by [2001 c. 9, s. 70](#), **Sch. 23 para. 5(b)**
- F199** [Sch. 18 para. 52\(2A\)](#) substituted (in relation to accounting periods beginning on or after that date 1.4.2023) by [Finance \(No. 2\) Act 2023 \(c. 30\)](#), [Sch. 1 paras. 11\(b\)](#), **20**
- F200** [Sch. 18 para. 52\(4\)](#) repealed (with effect in accordance with [s. 1329\(1\)](#) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), [s. 1329\(1\)](#), [Sch. 1 para. 454\(6\)\(b\)](#), **Sch. 3 Pt. 1** (with [Sch. 2 Pts. 1, 2](#))
- F201** [Sch. 18 para. 52\(5\)\(aa\)](#) inserted (with effect in accordance with [Sch. 15 para. 27](#) of the amending Act) by [Finance Act 2013 \(c. 29\)](#), **Sch. 15 para. 6(3)(a)**
- F202** [Sch. 18 para. 52\(5\)\(ab\)](#) inserted (28.7.2000 with effect as mentioned in [s. 69\(1\)](#) of the amending Act) by [2000 c. 17, s. 69\(2\)](#), **Sch. 21 para. 3(b)**
- F203** [Sch. 18 para. 52\(5\)\(ac\)](#) inserted (11.5.2001 with effect as mentioned in [s. 70](#) of the amending Act) by [2001 c. 9, s. 70](#), **Sch. 23 para. 5(c)**

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- F204** Sch. 18 para. 52(5)(ad) repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 454(6)(c)(i), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)
- F205** Sch. 18 para. 52(5)(ae) inserted (1.1.2007) by Finance Act 2006 (c. 25), s. 53(1), **Sch. 5 para. 28(b)**; S.I. 2006/3399, art. 2
- F206** Sch. 18 para. 52(5)(af) inserted (with effect in accordance with Sch. 25 para. 9 of the amending Act) by Finance Act 2008 (c. 9), **Sch. 25 para. 8(4)**
- F207** Sch. 18 para. 52(5)(ag)(ah) inserted (with effect in accordance with Sch. 18 para. 23 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 18 paras. 4(3)(a), 22**; S.I. 2013/1817, art. 2(2); S.I. 2014/1962, art. 2(3)
- F208** Sch. 18 para. 52(5)(ai) inserted (with effect in accordance with Sch. 4 para. 17 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 4 paras. 5(3)(a), 16**; S.I. 2014/2228, art. 2
- F209** Sch. 18 para. 52(5)(aj) inserted (with effect in accordance with Sch. 8 para. 17(1)(a) of the amending Act) by Finance Act 2016 (c. 24), **Sch. 8 para. 5(3)(a)**
- F210** Sch. 18 para. 52(5)(ak) inserted (for specified purposes and with effect in accordance with Sch. 6 paras. 20, 21(1)(b) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **Sch. 6 para. 5(3)(a)**
- F211** Words in Sch. 18 para. 52(5) inserted (28.7.2000 with effect as mentioned in s. 69(1) of the amending Act) by 2000 c. 17, s. 69(2), **Sch. 21 para. 3(c)**
- F212** Word in Sch. 18 para. 52(5) inserted (with effect in accordance with Sch. 15 para. 27 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 15 para. 6(3)(b)**
- F213** Word in Sch. 18 para. 52(2)(c) inserted (11.5.2001 with effect as mentioned in s. 70 of the amending Act) by 2001 c. 9, s. 70, **Sch. 23 para. 5(d)**
- F214** Word in Sch. 18 para. 52(5) repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 454(6)(c)(ii), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)
- F215** Word in Sch. 18 para. 52(5) inserted (1.1.2007) by Finance Act 2006 (c. 25), s. 53(1), **Sch. 5 para. 28(c)**; S.I. 2006/3399, art. 2
- F216** Words in Sch. 18 para. 52(5) inserted (with effect in accordance with Sch. 18 para. 23 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 18 paras. 4(3)(b), 22**; S.I. 2013/1817, art. 2(2); S.I. 2014/1962, art. 2(3)
- F217** Words in Sch. 18 para. 52(5) inserted (with effect in accordance with Sch. 4 para. 17 of the amending Act) by Finance Act 2014 (c. 26), **Sch. 4 paras. 5(3)(b), 16**; S.I. 2014/2228, art. 2
- F218** Word in Sch. 18 para. 52(5) inserted (with effect in accordance with Sch. 8 para. 17(1)(a) of the amending Act) by Finance Act 2016 (c. 24), **Sch. 8 para. 5(3)(b)**
- F219** Word in Sch. 18 para. 52(5) inserted (for specified purposes and with effect in accordance with Sch. 6 paras. 20, 21(1)(b) of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **Sch. 6 para. 5(3)(b)**

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

- C44** Sch. 18 para. 52 extended (6.7.2021) by The Corporation Tax (Carry Back of Losses: Temporary Extension) Regulations 2021 (S.I. 2021/704), regs. 1, **14(2)**

#### Marginal Citations

- M7** 1970 c. 9.

#### *Time limit for recovery of excessive repayments, etc.*

- 53 (1) An assessment made by virtue of paragraph 52 is not out of time under paragraph 46(1) (general [<sup>F220</sup>4 year] time limit for assessments) if it is made—
- (a) before the end of the accounting period following that in which the amount assessed was paid, or
  - (b) if later, before the end of the period of three months beginning with the day on which [<sup>F14</sup>an officer of Revenue and Customs][<sup>F85</sup>completes] an enquiry into a relevant company tax return by the company concerned.

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

- (2) Sub-paragraph (1) above is without prejudice to <sup>F221</sup>paragraph 46(2) and (2A) (time limit for assessment in case of loss of tax brought about carelessly or deliberately)].

#### Textual Amendments

- F14** Words in Sch. 18 substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 68(a)**; S.I. 2005/1126, art. 2(2)(h)
- F85** Words in Sch. 18 substituted (18.4.2005) by virtue of Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 68(c)**; S.I. 2005/1126, art. 2(2)(h)
- F220** Words in Sch. 18 para. 53(1) substituted (1.4.2010) by Finance Act 2008 (c. 9), s. 118(2), **Sch. 39 para. 44(2)**; S.I. 2009/403, art. 2(2) (with art. 10)
- F221** Words in Sch. 18 para. 53(2) substituted (1.4.2010) by Finance Act 2008 (c. 9), s. 118(2), **Sch. 39 para. 44(3)**; S.I. 2009/403, art. 2(2) (with art. 10)

## PART VII

### GENERAL PROVISIONS AS TO CLAIMS AND ELECTIONS

#### *Claims must be quantified*

- 54 A claim under any provision of the Corporation Tax Acts for a relief, an allowance or a repayment of tax must be for an amount which is quantified at the time when the claim is made.

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

- C45** Sch. 18 para. 54-60 excluded (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by 1990 c. 1, s. 59C(7)(b) (as substituted (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by 1999 c. 16, s. 93(1)(2), **Sch. 11 para. 6**)  
Sch. 18 paras. 54-60 excluded (28.7.2000) by 1990 c. 1, s. 76B(5)(b) (as inserted (28.7.2000) by 2000 c. 17, s. 77(1))  
Sch. 18 paras. 54-60 applied (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 3(5)(6)  
Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned s. 579(1) of the amending Act) by 2001 c. 2, s. 201 (5)(b) (with Sch. 3 Pt. 4 paras. 54, 55)  
Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 227(5)(b) (with Sch. 3 Pt. 4 paras. 54, 55)
- C46** Sch. 18 paras. 54-60 excluded by Income and Corporation Taxes Act 1988 (c. 1), s. 444ABBA(3) (as inserted (with effect in accordance with art. 1(4) of the amending S.I.) by S.I. 2008/381, arts. 1(1), 14)

#### *General time limit for making claims*

- 55 Subject to any provision prescribing a longer or shorter period, a claim for relief under any provision of the Corporation Tax Acts must be made within <sup>F222</sup>4 years] from the end of the accounting period to which it relates.

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

### Textual Amendments

**F222** Words in Sch. 18 para. 55 substituted (1.4.2010) by Finance Act 2008 (c. 9), s. 118(2), **Sch. 39 para. 45**; S.I. 2009/403, art. 2(2) (with art. 10)

### Modifications etc. (not altering text)

- C45** Sch. 18 para. 54-60 excluded (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by 1990 c. 1, s. 59C(7)(b) (as substituted (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by 1999 c. 16, s. 93(1)(2), **Sch. 11 para. 6**)  
Sch. 18 paras. 54-60 excluded (28.7.2000) by 1990 c. 1, s. 76B(5)(b) (as inserted (28.7.2000) by 2000 c. 17, s. 77(1))  
Sch. 18 paras. 54-60 applied (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 3(5)(6)  
Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned s. 579(1) of the amending Act) by 2001 c. 2, s. 201 (5)(b) (with Sch. 3 Pt. 4 paras. 54, 55)  
Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 227(5)(b) (with Sch. 3 Pt. 4 paras. 54, 55)
- C46** Sch. 18 paras. 54-60 excluded by Income and Corporation Taxes Act 1988 (c. 1), s. 444ABBA(3) (as inserted (with effect in accordance with art. 1(4) of the amending S.I.) by S.I. 2008/381, arts. 1(1), 14)

### *Supplementary claim or election*

- 56 A company which has made a claim or election under any provision of the Corporation Tax Acts (by including it in a return or otherwise) and subsequently discovers that a mistake has been made in it may make a supplementary claim or election within the time allowed for making the original claim or election.

### Modifications etc. (not altering text)

- C45** Sch. 18 para. 54-60 excluded (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by 1990 c. 1, s. 59C(7)(b) (as substituted (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by 1999 c. 16, s. 93(1)(2), **Sch. 11 para. 6**)  
Sch. 18 paras. 54-60 excluded (28.7.2000) by 1990 c. 1, s. 76B(5)(b) (as inserted (28.7.2000) by 2000 c. 17, s. 77(1))  
Sch. 18 paras. 54-60 applied (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 3(5)(6)  
Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned s. 579(1) of the amending Act) by 2001 c. 2, s. 201 (5)(b) (with Sch. 3 Pt. 4 paras. 54, 55)  
Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 227(5)(b) (with Sch. 3 Pt. 4 paras. 54, 55)
- C46** Sch. 18 paras. 54-60 excluded by Income and Corporation Taxes Act 1988 (c. 1), s. 444ABBA(3) (as inserted (with effect in accordance with art. 1(4) of the amending S.I.) by S.I. 2008/381, arts. 1(1), 14)
- C47** Sch. 18 para. 56 applied (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), ss. 192(6)(b), 1184(1) (with Sch. 2)

### *Claims or elections affecting a single accounting period*

- 57 (1) This paragraph applies to a claim or election for tax purposes which affects only one accounting period (“the relevant accounting period”).

[<sup>F223</sup>This is subject to sub-paragraphs (1A) to (1C).]



*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

- [<sup>F224</sup>(1A) This paragraph does not apply to a claim by a company for repayment of income tax treated as having been paid by virtue of—
- (a) section 471 of the Corporation Tax Act 2010 (gifts qualifying for gift aid relief: charitable companies),
  - (b) section 475 of that Act (gifts qualifying for gift aid relief: eligible bodies), or
  - (c) section 661D of that Act (gifts qualifying for gift aid relief: community amateur sports clubs).
- (1B) This paragraph also does not apply to a claim by a company for repayment of income tax deducted at source from income which is exempt from tax by virtue of—
- (a) section 486 of the Corporation Tax Act 2010 (investment income and non-trading profits from loan relationships),
  - (b) section 487 of that Act (public revenue dividends),
  - (c) section 488 of that Act (certain miscellaneous income),
  - (d) section 489 of that Act (income from estates in administration), or
  - (e) section 664 of that Act (interest and gift aid income: community amateur sports clubs).
- (1C) This paragraph also does not apply to a claim by a company for an amount to be exempt from tax by virtue of—
- (a) section 472 of the Corporation Tax Act 2010 (gifts qualifying for gift aid relief: charitable companies),
  - (b) section 475 of that Act (gifts qualifying for gift aid relief: eligible bodies), or
  - (c) any of the provisions mentioned in sub-paragraph (1B).]

(2) If notice has been given under paragraph 3 requiring a company to deliver a company tax return for the relevant accounting period, a claim or election by the company which can be made by being included in the return (as originally made or by amendment) must be so made.

(3) If a company has delivered a company tax return for the relevant accounting period, a claim or election made by the company which could be made by amending the return is treated as an amendment of the return.

The provisions of paragraph 15 (amendment of return by company) apply.

- (4) Schedule 1A to the <sup>M8</sup>Taxes Management Act 1970 (claims and elections not included in returns) applies to a claim or election made by a company which cannot be included in a company tax return for the relevant accounting period.

This applies in particular to a claim or election made—

- (a) before any notice is given under paragraph 3 requiring a company tax return for the relevant accounting period, or
- (b) at a time when its return for the relevant accounting period cannot be amended.

#### Textual Amendments

**F223** Words in Sch. 18 para. 57(1) inserted (with effect in accordance with Sch. 15 para. 17(6) of the amending Act) by [Finance Act 2012 \(c. 14\)](#), [Sch. 15 para. 15\(2\)](#)

**F224** Sch. 18 para. 57(1A)-(1C) substituted for Sch. 18 para. 57(1A) (with effect in accordance with Sch. 15 para. 17(6) of the amending Act) by [Finance Act 2012 \(c. 14\)](#), [Sch. 15 para. 15\(3\)](#)



*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

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

- C45** Sch. 18 para. 54-60 excluded (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by **1990 c. 1, s. 59C(7)(b)** (as substituted (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by **1999 c. 16, s. 93(1)(2), Sch. 11 para. 6**)  
 Sch. 18 paras. 54-60 excluded (28.7.2000) by **1990 c. 1, s. 76B(5)(b)** (as inserted (28.7.2000) by **2000 c. 17, s. 77(1)**)  
 Sch. 18 paras. 54-60 applied (22.3.2001 with effect as mentioned in **s. 579(1)** of the amending Act) by **2001 c. 2, s. 3(5)(6)**  
 Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned **s. 579(1)** of the amending Act) by **2001 c. 2, s. 201** (5)(b) (with Sch. 3 Pt. 4 paras. 54, 55)  
 Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned in **s. 579(1)** of the amending Act) by **2001 c. 2, s. 227(5)(b)** (with **Sch. 3 Pt. 4 paras. 54, 55**)
- C46** Sch. 18 paras. 54-60 excluded by Income and Corporation Taxes Act 1988 (c. 1), s. 444ABBA(3) (as inserted (with effect in accordance with art. 1(4) of the amending S.I.) by **S.I. 2008/381, arts. 1(1), 14**)

**Marginal Citations**

**M8** 1970 c. 9.

*Claims or elections involving more than one accounting period*

- 58 (1) This paragraph applies to a claim or election for tax purposes if—
- (a) the event or occasion giving rise to it occurs in one accounting period (the period to which it “relates”), and
  - (b) it affects one or more other accounting periods (whether or not it also affects the period to which it relates).
- (2) If a company makes a claim or election which—
- (a) relates to an accounting period for which the company has delivered a company tax return and could be made by amendment of the return, or
  - (b) affects an accounting period for which the company has delivered a company tax return and could be given effect by amendment of the return,
- the claim or election is treated as an amendment of the return.
- The provisions of paragraph 15 (amendment of return by company) apply.
- (3) Schedule 1A to the <sup>M9</sup>Taxes Management Act 1970 (claims and elections not included in returns) applies to a claim or election made by a company if or to the extent that it is not—
- (a) made by being included (by amendment or otherwise) in the company tax return for the accounting period to which it relates, and
  - (b) given effect by being included (by amendment or otherwise) in company tax returns for the accounting periods affected by it.

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

- C45** Sch. 18 para. 54-60 excluded (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by **1990 c. 1, s. 59C(7)(b)** (as substituted (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by **1999 c. 16, s. 93(1)(2), Sch. 11 para. 6**)  
 Sch. 18 paras. 54-60 excluded (28.7.2000) by **1990 c. 1, s. 76B(5)(b)** (as inserted (28.7.2000) by **2000 c. 17, s. 77(1)**)

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

Sch. 18 paras. 54-60 applied (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 3(5)(6)

Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned s. 579(1) of the amending Act) by 2001 c. 2, s. 201 (5)(b) (with Sch. 3 Pt. 4 paras. 54, 55)

Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 227(5)(b) (with Sch. 3 Pt. 4 paras. 54, 55)

**C46** Sch. 18 paras. 54-60 excluded by Income and Corporation Taxes Act 1988 (c. 1), s. 444ABBA(3) (as inserted (with effect in accordance with art. 1(4) of the amending S.I.) by S.I. 2008/381, arts. 1(1), 14)

#### Marginal Citations

**M9** 1970 c. 9.

#### Other claims and elections

- 59 (1) Schedule 1A to the Taxes Management Act 1970 applies to a claim or election for tax purposes which is not within paragraph 57 or 58, whether or not it is included (by amendment or otherwise) in a company tax return.
- (2) The provisions of this Schedule do not apply where or to the extent that the provisions of Schedule 1A apply.

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

**C45** Sch. 18 para. 54-60 excluded (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by 1990 c. 1, s. 59C(7)(b) (as substituted (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by 1999 c. 16, s. 93(1)(2), Sch. 11 para. 6)

Sch. 18 paras. 54-60 excluded (28.7.2000) by 1990 c. 1, s. 76B(5)(b) (as inserted (28.7.2000) by 2000 c. 17, s. 77(1))

Sch. 18 paras. 54-60 applied (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 3(5)(6)

Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned s. 579(1) of the amending Act) by 2001 c. 2, s. 201 (5)(b) (with Sch. 3 Pt. 4 paras. 54, 55)

Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 227(5)(b) (with Sch. 3 Pt. 4 paras. 54, 55)

**C46** Sch. 18 paras. 54-60 excluded by Income and Corporation Taxes Act 1988 (c. 1), s. 444ABBA(3) (as inserted (with effect in accordance with art. 1(4) of the amending S.I.) by S.I. 2008/381, arts. 1(1), 14)

**C48** Sch. 18 para. 59 applied (with effect in accordance with s. 381(1) of the amending Act) by Taxation (International and Other Provisions) Act 2010 (c. 8), ss. 183(2), 381(1) (with ss. 213, 214, Sch. 9 paras. 1-9, 22)

#### Provisions supplementary to paragraphs 57 to 59

- 60 (1) Paragraphs 57 to 59 have effect subject to any express provision to the contrary.
- (2) Nothing in those paragraphs affects the time limit or any other conditions for making a claim or election.
- (3) Where Schedule 1A to the <sup>M10</sup>Taxes Management Act 1970 applies by virtue of any of those paragraphs and the claim or election results in an increase in the amount of tax payable, all such adjustments by way of assessment or otherwise shall be made as are necessary to give effect to it.

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

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

- C45** Sch. 18 paras. 54-60 excluded (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by [1990 c. 1, s. 59C\(7\)\(b\)](#) (as substituted (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by [1999 c. 16, s. 93\(1\)\(2\)](#), [Sch. 11 para. 6](#))  
Sch. 18 paras. 54-60 excluded (28.7.2000) by [1990 c. 1, s. 76B\(5\)\(b\)](#) (as inserted (28.7.2000) by [2000 c. 17, s. 77\(1\)](#))  
Sch. 18 paras. 54-60 applied (22.3.2001 with effect as mentioned in [s. 579\(1\)](#) of the amending Act) by [2001 c. 2, s. 3\(5\)\(6\)](#)  
Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned [s. 579\(1\)](#) of the amending Act) by [2001 c. 2, s. 201](#) (5)(b) (with Sch. 3 Pt. 4 paras. 54, 55)  
Sch. 18 paras. 54-60 excluded (22.3.2001 with effect as mentioned in [s. 579\(1\)](#) of the amending Act) by [2001 c. 2, s. 227\(5\)\(b\)](#) (with [Sch. 3 Pt. 4 paras. 54, 55](#))
- C46** Sch. 18 paras. 54-60 excluded by Income and Corporation Taxes Act 1988 (c. 1), s. 444ABBA(3) (as inserted (with effect in accordance with art. 1(4) of the amending S.I.) by [S.I. 2008/381, arts. 1\(1\), 14](#))

#### Marginal Citations

- M10** [1970 c. 9](#).

#### *Consequential claims, etc. arising out of certain Revenue amendments or assessments*

- 61 (1) Paragraphs 62 to 64 have effect to allow certain claims, elections, applications and notices to be made or given, or if previously given to be revoked or varied, where—
- (a) an amendment of a company tax return is made under paragraph [<sup>F225</sup>34(2A)] (amendments of other returns required in consequence of [<sup>F226</sup>partial or final closure notice]) which has the effect of increasing the amount of tax payable by a company,
  - (b) a discovery assessment is made, or
  - (c) an assessment is made under paragraph 76 (recovery of excessive group relief [<sup>F227</sup>or group relief for carried-forward losses]).
- (2) Paragraphs 62 to 64 do not apply in relation to an assessment made in a case involving [<sup>F228</sup>a loss of tax brought about carelessly or deliberately by]—
- (a) the company, or
  - (b) a person acting on behalf of the company, or
  - (c) a person who was a partner of the company at the relevant time.
- In such a case more limited provision is made by paragraph 65.
- (3) In paragraphs 62 to 64 “the relevant accounting period”, in relation to the time limit for making a consequential claim, election, application or notice, means—
- (a) in relation to an amendment of a company tax return under paragraph [<sup>F229</sup>34(2A)], the accounting period in which the [<sup>F230</sup>partial or final closure notice] was issued;
  - (b) in relation to an assessment, the accounting period in which the assessment was made.

#### Textual Amendments

- F225** Word in Sch. 18 para. 61(1)(a) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\), s. 119\(9\)\(13\)](#); [S.I. 2009/405, art. 2](#)

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

- F226** Words in Sch. 18 para. 61(1)(a) substituted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 15 para. 33](#)
- F227** Words in Sch. 18 para. 61(1)(c) inserted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 4 para. 108](#)
- F228** Words in Sch. 18 para. 61(2) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. 118(2), [Sch. 39 para. 46](#); [S.I. 2009/403](#), art. 2(2) (with art. 10)
- F229** Word in Sch. 18 para. 61(3)(a) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. 119(9)(13); [S.I. 2009/405](#), art. 2
- F230** Words in Sch. 18 para. 61(3)(a) substituted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 15 para. 33](#)

*Consequential claims etc that may be made*

- 62 (1) A claim, election, application or notice to which this paragraph applies—
- (a) may be made or given at any time within one year from the end of the relevant accounting period, or
  - (b) if previously made or given may at any such time be revoked or varied—
    - (i) in the same manner as it was made or given, and
    - (ii) by or with the consent of the same person or persons who made, gave or consented to it (or, if a person has died, by or with the consent of his personal representatives),unless, by virtue of any enactment, it is irrevocable.
- [<sup>F231</sup>(1A) This paragraph applies to a claim under paragraph 51 relating to the accounting period in respect of which the amendment or assessment is made.]
- (2) This paragraph applies to [<sup>F232</sup>any other claim], election, application or notice—
- (a) relating to the accounting period in respect of which the amendment or assessment is made, or
  - (b) made or given by reference to an event occurring in that period, whose making, giving, revocation or variation has or could have the effect of reducing a relevant liability of the company.
- (3) The following are relevant liabilities of the company for this purpose—
- (a) the increased liability to tax resulting from the amendment or assessment;
  - (b) any other liability to tax of the company—
    - (i) for the accounting period to which the amendment or assessment relates, or
    - (ii) for any subsequent accounting period ending not later than one year after the end of the relevant accounting period.
- (4) Where a claim, election, application or notice is made, given, revoked or varied by virtue of this paragraph, all such adjustments shall be made, whether by way of discharge or repayment of tax or the making of amendments, assessments or otherwise, as are required to take account of the effect of the taking of that action on any person's liability to tax for any chargeable period.
- (5) The provisions of the <sup>M11</sup>Taxes Management Act 1970 relating to appeals against decisions on claims apply with any necessary modifications to a decision on the revocation or variation of a claim by virtue of this paragraph.
- (6) This paragraph has effect subject to—

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

paragraph 63 (consequential claims etc. affecting tax liability of another person), and  
 paragraph 64 (consequential claims etc. not to give rise to reduction in liability).

#### Textual Amendments

**F231** Sch. 18 para. 62(1A) inserted (with effect in accordance with s. 100(2) of the amending Act) by [Finance Act 2009 \(c. 10\)](#), [Sch. 52 para. 15\(2\)](#)

**F232** Words in Sch. 18 para. 62(2) substituted (with effect in accordance with s. 100(2) of the amending Act) by [Finance Act 2009 \(c. 10\)](#), [Sch. 52 para. 15\(3\)](#)

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

**C49** Sch. 18 para. 62 applied (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), [ss. 192\(6\)\(b\)](#), 1184(1) (with [Sch. 2](#))

#### Marginal Citations

**M11** 1970 c. 9.

#### *Consequential claims etc. affecting tax liability of another person*

- 63 (1) If the effect of the exercise by any person of a power conferred by paragraph 62 would be to alter the liability to tax of another person, the power may not be exercised except with the consent in writing of that other person or, if he has died, of his personal representatives.
- (2) Where such a power is exercised so as to increase the liability to tax of another person, neither paragraph 61 above nor section 43A of the <sup>M12</sup>Taxes Management Act 1970 (which makes corresponding provision in relation to income tax or capital gains tax) applies in relation to any amendment or assessment made because of that increased liability.
- (3) In this paragraph “tax” includes income tax or capital gains tax.

#### Marginal Citations

**M12** 1970 c. 9.

#### *Consequential claims etc. not to give rise to reduction in liability*

- 64 (1) If in any case—
- (a) one or more claims, elections, applications or notices are made, given, revoked or varied under paragraph 62 in consequence of an amendment or assessment, and
  - (b) the total of the reductions in liability to tax resulting from that action would exceed the additional liability to tax resulting from the amendment or assessment,
- the excess is not available to reduce any liability to tax.
- (2) Where sub-paragraph (1) has the effect of limiting either—
- (a) the reduction in a person’s liability to tax for more than one period, or
  - (b) the reduction in the liability to tax of more than one person,

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

the limited amount shall be apportioned between the periods or persons concerned.

- (3) The apportionment shall be made in such manner as [<sup>F14</sup>an officer of Revenue and Customs] may specify by notice in writing to the person or persons concerned, unless notice is given under the following provision.
- (4) If the person concerned gives (or the persons concerned jointly give) notice in writing to [<sup>F14</sup>an officer of Revenue and Customs] within the period of 30 days beginning with—
- (a) the day on which notice under sub-paragraph (3) is given to the person concerned, or
  - (b) where more than one person is concerned, the latest date on which such notice is given to any of them,
- the apportionment shall be made in such manner as may be specified in the notice given by the person or persons concerned.
- (5) In this paragraph “tax” includes income tax or capital gains tax.

#### Textual Amendments

**F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)

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

**C50** Sch. 18 para. 64 excluded (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), [ss. 192\(6\)\(b\)](#), 1184(1) (with Sch. 2)

*Consequential claims in case of [<sup>F233</sup>loss of tax brought about carelessly or deliberately]*

#### Textual Amendments

**F233** Words in Sch. 18 para. 65 cross-heading substituted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. 118(2), [Sch. 39 para. 47\(3\)](#); S.I. 2009/403, art. 2(2) (with art. 10)

- 65 (1) This paragraph applies where an assessment is made on a company in a case involving [<sup>F234</sup>a loss of tax brought about carelessly or deliberately by]—
- (a) the company, or
  - (b) a person acting on behalf of the company, or
  - (c) a person who was a partner of the company at the relevant time.
- (2) If the company so requires, effect shall be given in determining the amount of the tax charged by the assessment to any relief or allowance to which the company would have been entitled for that accounting period on a claim or application made within the time allowed by the Taxes Acts.

#### Textual Amendments

**F234** Words in Sch. 18 para. 65(1) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\)](#), s. 118(2), [Sch. 39 para. 47\(2\)](#); S.I. 2009/403, art. 2(2) (with art. 10)

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## PART VIII

### CLAIMS FOR GROUP RELIEF [<sup>F235</sup> AND GROUP RELIEF FOR CARRIED-FORWARD LOSSES]

#### Textual Amendments

**F235** Words in Sch. 18 Pt. 8 heading inserted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **Sch. 4 para. 109**

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

**C51** Sch. 18 Pt. 8 (except para. 77) applied (28.7.2000) by Finance Act 2000 (c. 17), s. 82, **Sch. 22 Pt. IX para. 81(3)**

**C52** Sch. 18 Pt. 8 (except paras. 70(4), 71(4)) applied (with modifications) (23.11.1999) by The Corporation Tax (Simplified Arrangements for Group Relief) Regulations 1999 (S.I. 1999/2975), **reg. 10(3)** (as amended (30.1.2018) by S.I. 2018/9, **regs. 1, 8**)

**C53** Sch. 18 Pt. 8 applied (with modifications) (11.7.2023) by Finance (No. 2) Act 2023 (c. 30), **s. 305**

#### *Introduction*

- [<sup>F236</sup> 66(1) This Part of this Schedule applies to—
- (a) claims for group relief under Part 5 of the Corporation Tax Act 2010, and
  - (b) claims for group relief for carried-forward losses under Part 5A of that Act.
- (2) In this Part of this Schedule (except where otherwise indicated)—
- (a) references to “relief” are to either of those forms of relief, and
  - (b) references to “a claim” are to a claim for either of those forms of relief.]

#### Textual Amendments

**F236** Sch. 18 para. 66 substituted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **Sch. 4 para. 110**

#### *Claim to be included in company tax return*

- 67 (1) A claim <sup>F237</sup>... must be made by being included in the claimant company’s company tax return for the accounting period for which the claim is made.
- (2) It may be included in the return originally made or by amendment.

#### Textual Amendments

**F237** Words in Sch. 18 para. 67 omitted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by virtue of Finance (No. 2) Act 2017 (c. 32), **Sch. 4 para. 111**

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

**C54** Sch. 18 para. 67 applied (with modifications) (31.3.2001 with effect as mentioned in reg. 1(2) of the amending S.I.) by S.I. 2001/1163, **regs. 1, 8**



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### *Content of claims*

- 68 (1) A claim <sup>F238</sup>... must specify—
- (a) the amount of relief claimed, and
  - (b) the name of the surrendering company.
- (2) The amount specified must be an amount which is quantified at the time the claim is made.
- <sup>F239</sup>(3) A claim for group relief must also state whether or not there is a company mentioned in sub-paragraph (4) that was not resident in the United Kingdom in either or both of the following periods—
- (a) the accounting period of the surrendering company to which the surrender relates,
  - (b) the corresponding accounting period of the claimant company.
- (4) Those companies are the claimant company, the surrendering company and any other company by reference to which—
- (a) the claimant company and the surrendering company are members of the same group, or
  - <sup>F240</sup>(b) consortium condition 1, 2 or 3 in sections 132 and 133 of the Corporation Tax Act 2010 is satisfied in the case of the claimant company and the surrendering company.]]
- <sup>F241</sup>(5) A claim for group relief for carried-forward losses made under section 188CB of the Corporation Tax Act 2010 must also state whether or not there is a company mentioned in sub-paragraph (6) that was not resident in the United Kingdom in either or both of the following periods—
- (a) the accounting period of the surrendering company to which the claim relates,
  - (b) the corresponding accounting period of the claimant company.
- (6) Those companies are the claimant company, the surrendering company and any other company by reference to which—
- (a) the claimant company and the surrendering company are members of the same group,
  - (b) consortium condition 1 in section 188CF or consortium condition 2 in section 188CG of the Corporation Tax Act 2010 is satisfied in the case of the claimant company and the surrendering company.
- (7) A claim for group relief for carried forward-losses made under section 188CC of the Corporation Tax Act 2010 must also state whether or not there is a company mentioned in sub-paragraph (8) that was not resident in the United Kingdom in any or all of the following periods—
- (a) the specified loss-making period of the surrendering company,
  - (b) the accounting period of the surrendering company to which the surrender relates,
  - (c) the accounting period of the claimant company that corresponds with the period mentioned in paragraph (b).
- (8) Those companies are the claimant company, the surrendering company and any other company by reference to which consortium condition 3 in section 188CH

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or consortium condition 4 in section 188CI is satisfied in the case of the claimant company and the surrendering company.]

**Textual Amendments**

- F238** Words in Sch. 18 para. 68(1) omitted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by virtue of [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 4 para. 112\(2\)](#)
- F239** Sch. 18 para. 68(3)(4) inserted (28.7.2000 with effect as mentioned in [Sch. 27 para. 12\(1\)](#) of the amending Act) by [2000 c. 17, s. 97](#), [Sch. 27 Pt. II para. 11](#)
- F240** Sch. 18 para. 68(4)(b) substituted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), [Sch. 1 para. 297\(9\)](#) (with [Sch. 2](#))
- F241** Sch. 18 para. 68(5)-(8) inserted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 4 para. 112\(3\)](#)

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

- C55** Sch. 18 para. 68 applied (with modifications) (31.3.2001 with effect as mentioned in reg. 1(2) of the amending S.I.) by [S.I. 2001/1163](#), [regs. 1, 8](#)

*Claims for more or less than the amount available for surrender*

- 69 (1) A claim <sup>F242</sup>... may be made for less than the amount available for surrender at the time the claim is made.
- (2) A claim is ineffective if the amount claimed exceeds the amount available for surrender at the time the claim is made.
- (3) For these purposes the amount available for surrender at any time is calculated as follows.
- First step*
- Determine the total amount available for surrender under [<sup>F243</sup>Part 5 [<sup>F244</sup>or (as the case may be) Part 5A] of the Corporation Tax Act 2010]—
- (a) on the basis of the information in the company's company tax return, and
- (b) disregarding any amendments whose effect is deferred under paragraph 31(3).
- Second step*
- Then deduct the total of all amounts for which notices of consent have been given by the company and not withdrawn.
- (4) Where one or more claims are withdrawn on the same day as one or more claims are made, the withdrawals are given effect first.
- (5) Where more than one claim is made on the same day, and the claims together take the amount claimed over the limit of what is available for surrender, [<sup>F14</sup>an officer of Revenue and Customs] may determine which of the claims is to be ineffective.
- (6) The power under sub-paragraph (5) shall not be exercised to any greater extent than is necessary to bring the total amount claimed within the amount available for surrender.

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### Textual Amendments

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F242** Words in Sch. 18 para. 69(1) omitted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by virtue of [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 4 para. 113\(2\)](#)
- F243** Words in Sch. 18 para. 69(3) substituted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), [Sch. 1 para. 297\(10\)](#) (with Sch. 2)
- F244** Words in Sch. 18 para. 69(3) inserted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 4 para. 113\(3\)](#)

### *Consent to surrender*

- 70<sup>[F245]</sup>(1) In accordance with Requirement 1 in section 130(2), 135(2), 188CB(3) or (as the case may be) 188CC(3) of the Corporation Tax Act 2010, a claim requires the consent of the surrendering company.]
- (2) A consortium claim also requires the consent of each member of the consortium.
- (3) The necessary consent or consents must be given—
- by notice in writing,
  - to the officer of the Board to whom the surrendering company makes its company tax returns,
  - at or before the time the claim is made.
- Otherwise the claim is ineffective.
- (4) A claim <sup>F246</sup>... is ineffective unless it is accompanied by a copy of the notice of consent to surrender given by the surrendering company.
- (5) A consortium claim is ineffective unless it is also accompanied by a copy of the notice of consent to surrender given by each member of the consortium.
- <sup>F247</sup>(6) In this paragraph “consortium claim” means<sup>F248</sup>—
- a claim for group relief under Part 5 of the Corporation Tax Act 2010 based on consortium condition 1, 2 or 3 (see Requirement 3 in section 130(2) of that Act)<sup>F249</sup>,
  - a claim for group relief for carried-forward losses under section 188CB of that Act based on consortium condition 1 or 2 (see Requirement 3 in that section), and
  - a claim for group relief for carried-forward losses under section 188CC of that Act based on consortium condition 3 or 4 (see Requirement 3 in that section)].]

### Textual Amendments

- F245** Sch. 18 para. 70(1) substituted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 4 para. 114\(2\)](#)
- F246** Words in Sch. 18 para. 70(4) omitted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by virtue of [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 4 para. 114\(3\)](#)
- F247** Sch. 18 para. 70(6) inserted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), [Sch. 1 para. 297\(11\)\(b\)](#) (with Sch. 2)

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**F248** Words in Sch. 18 para. 70(6) inserted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **Sch. 4 para. 114(4)(a)**

**F249** Sch. 18 para. 70(6)(b)(c) inserted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by Finance (No. 2) Act 2017 (c. 32), **Sch. 4 para. 114(4)(b)**

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

**C56** Sch. 18 para. 70(1)(3)(4) applied (with modifications) (31.3.2001 with effect as mentioned in reg. 1(2) of the amending S.I.) by S.I. 2001/1163, **regs. 1, 8**

**C57** Sch. 18 para. 70(3)(4) applied (in relation to accounting periods beginning on or after 1.4.2022) by Finance Act 2022 (c. 3), s. 51(1), **Sch. 7 para. 8(4)**

**C58** Sch. 18 para. 70(3)(4) applied (in relation to accounting periods beginning on or after 1.4.2022) by Finance Act 2022 (c. 3), s. 51(1), **Sch. 7 para. 16(4)**

**C59** Sch. 18 para. 70(3)(4) applied (14.7.2022) by Energy (Oil and Gas) Profits Levy Act 2022 (c. 40), **Sch. 1 para. 9(4)** (with ss. 15(1), 16(1), 17)

*Notice of consent*

71 (1) Notice of consent by the surrendering company must contain all the following details—

- (a) the name of the surrendering company;
- (b) the name of the company to which relief is being surrendered;
- (c) the amount of relief being surrendered;
- (d) the accounting period of the surrendering company to which the surrender relates;
- (e) the tax district references of the surrendering company and the company to which relief is being surrendered.

Otherwise the notice is ineffective.

[<sup>F250</sup>(1A) Notice of consent given in respect of a claim for carried-forward losses made under section 188CC of the Corporation Tax Act 2010 must also state which accounting period of the surrendering company is the specified loss-making period.

Otherwise the notice is ineffective.]

- (2) Notice of consent may not be amended, but it may be withdrawn and replaced by another notice of consent.
- (3) Notice of consent may be withdrawn by notice to the officer of the Board to whom the notice of consent was given.
- (4) Except where the consent is withdrawn under paragraph 75 (withdrawal in consequence of reduction of amount available for surrender), the notice of withdrawal must be accompanied by a notice signifying the consent of the claimant company to the withdrawal.

Otherwise the notice is ineffective.

- (5) The claimant company must, so far as it may do so, amend its company tax return for the accounting period for which the claim was made so as to reflect the withdrawal of consent.

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**Textual Amendments**

**F250** Sch. 18 para. 71(1A) inserted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 4 para. 115](#)

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

**C60** Sch. 18 para. 71 applied (with modifications) (31.3.2001 with effect as mentioned in reg. 1(2) of the amending S.I.) by [S.I. 2001/1163](#), [regs. 1, 8](#)

*[<sup>F251</sup>Notice of consent: additional requirements where claim is for group relief for carried-forward losses*

**Textual Amendments**

**F251** Sch. 18 para. 71A and cross-heading inserted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 4 para. 116](#)

71A (1) Where notice of consent by the surrendering company is given in respect of a claim for carried-forward losses, the notice must comply with the additional requirements in this paragraph.

Otherwise the notice is ineffective.

- (2) The notice must identify the particular losses and other amounts carried forward to the surrender period that are to be treated as surrendered in satisfaction of the claim.
- (3) The notice must identify a loss or other amount by specifying—
  - (a) the provision of the Corporation Tax Act 2009 or the Corporation Tax Act 2010 under which it was carried forward to the surrender period, and
  - (b) in a case where the surrendering company is owned by a consortium, the accounting period of the surrendering company to which the loss or other amount is attributable.
- (4) Section 153 of the Corporation Tax Act 2010 (companies owned by consortiums) applies for the purposes of this paragraph.]

*Notice of consent requiring amendment of return*

72<sup>F252</sup>(1) Where notice of consent by the surrendering company relates to a loss or other amount in respect of which corporation tax relief has been given to the company for any accounting period, the company must at the same time amend its company tax return for that accounting period so as to reflect the notice of consent.]

<sup>F253</sup>(2) . . . . .

- (3) The time limits otherwise applicable to amendment of a company tax return do not prevent an amendment being made under sub-paragraph (1) <sup>F254</sup> . . . .
- (4) If the surrendering company fails to comply with sub-paragraph (1) <sup>F255</sup> . . . . , the notice of consent is ineffective.

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#### Textual Amendments

- F252** Sch. 18 para. 72(1) substituted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 4 para. 117\(2\)](#)
- F253** Sch. 18 para. 72(2) omitted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by virtue of [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 4 para. 117\(3\)](#)
- F254** Words in Sch. 18 para. 72(3) omitted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by virtue of [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 4 para. 117\(4\)](#)
- F255** Words in Sch. 18 para. 72(4) omitted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by virtue of [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 4 para. 117\(5\)](#)

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

- C61** Sch. 18 para. 72(1)(4) applied (with modifications) (31.3.2001 with effect as mentioned in reg. 1(2) of the amending S.I.) by [S.I. 2001/1163](#), [regs. 1, 8](#)

#### *Withdrawal or amendment of claim*

- 73 (1) A claim <sup>F256</sup>... may be withdrawn by the claimant company only by amending its company tax return.
- (2) A claim <sup>F257</sup>... may not be amended, but must be withdrawn and replaced by another claim.

#### Textual Amendments

- F256** Words in Sch. 18 para. 73(1) omitted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by virtue of [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 4 para. 118\(2\)](#)
- F257** Words in Sch. 18 para. 73(2) omitted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by virtue of [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 4 para. 118\(3\)](#)

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

- C62** Sch. 18 para. 73 applied (with modifications) (31.3.2001 with effect as mentioned in reg. 1(2) of the commencing Regulations) by [S.I. 2001/1163](#), [regs. 1, 8](#)

#### *Time limit for claims*

- 74 (1) A claim <sup>F258</sup>... may be made or withdrawn at any time up to whichever is the last of the following dates—
- (a) the first anniversary of the filing date for the company tax return of the claimant company for the accounting period for which the claim is made;
  - (b) if notice of enquiry is given into that return, 30 days after the enquiry is completed;
  - (c) if after such an enquiry [<sup>F14</sup>an officer of Revenue and Customs][<sup>F85</sup>amends] the return under paragraph 34(2), 30 days after notice of the amendment is issued;
  - (d) if an appeal is brought against such an amendment, 30 days after the date on which the appeal is finally determined.
- (2) A claim <sup>F259</sup>... may be made or withdrawn at a later time if [<sup>F14</sup>an officer of Revenue and Customs][<sup>F85</sup>allows] it.

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- (3) The time limits otherwise applicable to amendment of a company tax return do not apply to an amendment to the extent that it makes or withdraws a claim <sup>F260</sup> ... within the time allowed by or under this paragraph.
- (4) The references in sub-paragraph (1) to an enquiry into a company tax return do not include an enquiry restricted to a previous amendment making or withdrawing a claim <sup>F261</sup> ... .

An enquiry is so restricted if—

- (a) the scope of the enquiry is limited as mentioned in paragraph 25(2), and
- (b) the amendment giving rise to the enquiry consisted of the making or withdrawing of a claim <sup>F261</sup> ... .

#### Textual Amendments

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), **Sch. 4 para. 68(a)**; S.I. 2005/1126, art. 2(2)(h)
- F85** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), **Sch. 4 para. 68(e)**; S.I. 2005/1126, art. 2(2)(h)
- F258** Words in Sch. 18 para. 74(1) omitted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by virtue of [Finance \(No. 2\) Act 2017 \(c. 32\)](#), **Sch. 4 para. 119(2)**
- F259** Words in Sch. 18 para. 74(2) omitted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by virtue of [Finance \(No. 2\) Act 2017 \(c. 32\)](#), **Sch. 4 para. 119(3)**
- F260** Words in Sch. 18 para. 74(3) omitted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by virtue of [Finance \(No. 2\) Act 2017 \(c. 32\)](#), **Sch. 4 para. 119(4)**
- F261** Words in Sch. 18 para. 74(4) omitted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by virtue of [Finance \(No. 2\) Act 2017 \(c. 32\)](#), **Sch. 4 para. 119(5)**

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

- C63** Sch. 18 para. 74 applied by [Income and Corporation Taxes Act 1988 \(c. 1\)](#), Sch. 19B para. 15(3) (as inserted (22.7.2004) by [Finance Act 2004 \(c. 12\)](#), **Sch. 38**)
- C64** Sch. 18 para. 74 applied (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), **ss. 320(2), 1184(1)** (with Sch. 2)
- C65** Sch. 18 para. 74 applied (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), **ss. 321(3), 1184(1)** (with Sch. 2)
- C66** Sch. 18 para. 74 modified (12.2.2019) by [Finance Act 2019 \(c. 1\)](#), **s. 24(4)**

#### *Reduction in amount available for surrender*

- 75 (1) This paragraph applies if, after the surrendering company has given one or more notices of consent to surrender, the [<sup>F262</sup>total amount available for surrender] is reduced to less than the amount stated in the notice, or the total of the amounts stated in the notices, as being surrendered.
- (2) The company must within 30 days withdraw the notice of consent, or as many of the notices as is necessary to bring the total amount surrendered within the new [<sup>F263</sup>total] amount available for surrender, and may give one or more new notices of consent.
- (3) The company must give notice in writing of the withdrawal of consent, and send a copy of any new notice of consent—
- (a) to each of the companies affected, and



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(b) to [F14an officer of Revenue and Customs].

- (4) If the surrendering company fails to act in accordance with sub-paragraph (2), [F14an officer of Revenue and Customs] may by notice to the surrendering company give such directions as [F85he thinks] fit as to which notice or notices are to be ineffective or are to have effect in a lesser amount.

This power shall not be exercised to any greater extent than is necessary to secure that the total amount stated in the notice or notices is consistent with the [F263total] amount available for surrender.

- (5) [F14An officer of Revenue and Customs] must at the same time send a copy of the notice to the claimant company, or each claimant company, affected by [F85his] action.
- (6) A claimant company which receives—
- (a) notice of the withdrawal of consent, or a copy of a new notice of consent, under sub-paragraph (3), or
  - (b) a copy of a notice containing directions by [F14an officer of Revenue and Customs] under sub-paragraph (4),
- must, so far as it may do so, amend its company tax return for the accounting period for which the claim is made so that it is consistent with the new position with regard to consent to surrender.
- (7) An appeal may be brought by the surrendering company against any directions given by [F14an officer of Revenue and Customs] under sub-paragraph (4).
- (8) Notice of appeal must be given—
- (a) in writing,
  - (b) within 30 days after the notice containing the directions was issued,
  - (c) to the officer of the Board by whom the notice was given.

#### Textual Amendments

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F85** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)
- F262** Words in Sch. 18 para. 75(1) substituted (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by [1999 c. 16, s. 92\(2\)\(a\)\(7\)](#)
- F263** Words in Sch. 18 para. 75(2)(4) inserted (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by [1999 c. 16, s. 92\(2\)\(b\)\(7\)](#)

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

- C67** Sch. 18 para. 75 applied (with modifications) (31.3.2001 with effect as mentioned in reg. 1(2) of the commencing Regulations) by S.I. 2001/1163, [regs. 1, 8](#)
- C68** Sch. 18 para. 75 modified in part by [Finance Act 2014 \(c. 26\)](#), [s. 225A\(3\)\(4\)](#) (as inserted by [Finance Act 2015 \(c. 11\)](#), [Sch. 18 paras. 7, 12\(1\)](#))
- C69** Sch. 18 para. 75 modified in part by [Finance Act 2014 \(c. 26\)](#), [Sch. 32 para. 6A\(3\)\(4\)](#) (as inserted by [Finance Act 2015 \(c. 11\)](#), [Sch. 18 paras. 10\(5\), 12\(2\)](#))

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

*F264* [Assessment on other claimant companies]

**Textual Amendments**

**F264** Sch. 18 para. 75A and crossheading inserted (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by 1999 c. 16, s. 92(3)(7)

- [<sup>F265</sup>75(1)] This paragraph applies where, after the surrendering company has given notice of consent to surrender, a claimant company (“the chargeable company”) has become liable to tax in consequence of receiving—
- (a) notice of the withdrawal of consent, or a copy of a new notice of consent, under paragraph 75(3), or
  - (b) a copy of a notice containing directions by [<sup>F14</sup>an officer of Revenue and Customs] under paragraph 75(4).
- (2) If any of the tax is unpaid six months after the chargeable company’s time limit for claims, [<sup>F14</sup>an officer of Revenue and Customs] may make an assessment to tax in the name of the chargeable company on any other company that has obtained <sup>F266</sup>... relief as a result of the surrender.
- (3) The assessment may not be made more than two years after that time limit.
- (4) The amount of the assessment must not exceed—
- (a) the amount of the unpaid tax, or
  - (b) if less, the amount of tax which the other company saves by virtue of the surrender.
- (5) A company assessed to an amount of tax under sub-paragraph (2) is entitled to recover from the chargeable company—
- (a) a sum equal to that amount, and
  - (b) any interest on that amount which it has paid under section 87A of the <sup>M13</sup>Taxes Management Act 1970 (interest on unpaid corporation tax).
- (6) For the purposes of this paragraph the chargeable company’s time limit for claims is the last of the dates mentioned in paragraph 74(1) on which the chargeable company could make or withdraw a claim <sup>F267</sup>... for the accounting period for which the claim in question is made.]

**Textual Amendments**

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F265** Sch. 18 Pt. VIII para. 75A inserted (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by 1999 c. 16, s. 92(3)(7)
- F266** Word in Sch. 18 para. 75A(2) omitted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by virtue of [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 4 para. 120\(2\)](#)
- F267** Words in Sch. 18 para. 75A(6) omitted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by virtue of [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 4 para. 120\(3\)](#)

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

- C70** Sch. 18 para. 75A applied (with modifications) (31.3.2001 with effect as mentioned in reg. 1(2) of the commencing Regulations) by [S.I. 2001/1163](#), [regs. 1, 8](#)

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

### Marginal Citations

**M13** 1970 c.9.

*Assessment to recover excessive <sup>F268</sup>... relief*

### Textual Amendments

**F268** Word in Sch. 18 para. 76 cross-heading omitted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by virtue of [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 4 para. 121\(2\)](#)

- 76 (1) If [<sup>F14</sup>an officer of Revenue and Customs][<sup>F85</sup>discovers] that any <sup>F269</sup>... relief which has been given is or has become excessive, [<sup>F85</sup>he] may make an assessment to tax in the amount which in [<sup>F85</sup>his] opinion ought to be charged.
- (2) This power is without prejudice to—
- (a) the power to make a discovery assessment under paragraph 41(1);
  - (b) the making of all such adjustments by way of discharge or repayment of tax or otherwise as may be required where a claimant company has obtained too much relief, or a surrendering company has forgone relief in respect of a corresponding amount.
- <sup>F270</sup>(3) If an assessment under this paragraph is made because a claimant company fails, or is unable, to amend its company tax return under paragraph 75(6), the assessment is not out of time if it is made within one year from—
- (a) the date on which the surrendering company gives notice of the withdrawal of consent, or (if later) sends a copy of a new notice of consent, to the claimant company under paragraph 75(3), or
  - (b) the date on which [<sup>F14</sup>an officer of Revenue and Customs][<sup>F85</sup>sends] the claimant company a copy of a notice containing [<sup>F85</sup>his] directions under paragraph 75(4).]

### Textual Amendments

**F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)

**F85** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)

**F269** Word in Sch. 18 para. 76(1) omitted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by virtue of [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 4 para. 121\(3\)](#)

**F270** Sch. 18 para. 76(3) added (27.7.1999 with effect in relation to accounting periods ending on or after 1.7.1999) by [1999 c. 16, s. 92\(4\)\(7\)](#)

### Modifications etc. (not altering text)

**C71** Sch. 18 para. 76 applied (with modifications) (31.3.2001 with effect as mentioned in reg. 1(2) of the amending S.I.) by [S.I. 2001/1163, regs. 1, 8](#)

*Joint amended returns*

- 77 (1) The Treasury may by regulations make provision for arrangements under which—

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- (a) a claim <sup>F271</sup>... may be made without being accompanied by a copy of the notice of consent to surrender given by the surrendering company [<sup>F272</sup>, provided authority for the claim being so made is given by a company which is authorised in relation to the claimant company as mentioned in paragraph (b)], and
  - (b) one company may be authorised to act on behalf of two or more companies in the same group in amending their company tax returns for the purpose of claiming or surrendering <sup>F273</sup>... relief or revising the amounts of <sup>F273</sup>... relief claimed or surrendered by them.
- (2) Regulations under this paragraph may add to, exclude or modify the operation of any provisions of this Part of this Schedule to such extent as the Treasury think necessary or expedient for the purpose of, or in connection with, such arrangements.
- (3) Provision may in particular be made—
- (a) altering the conditions for making and withdrawing claims <sup>F274</sup>... , and
  - (b) giving [<sup>F14</sup>an officer of Revenue and Customs] power to recover from the authorised company or another company in the group any amount which might be recovered from the claimant company by an assessment under paragraph 76.

#### Textual Amendments

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F271** Words in Sch. 18 para. 77(1)(a) omitted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by virtue of [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 4 para. 122\(2\)\(a\)](#)
- F272** Words in Sch. 18 para. 77(1)(a) inserted (28.7.2000) by [2000 c. 17](#), s. 99
- F273** Words in Sch. 18 para. 77(1)(b) omitted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by virtue of [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 4 para. 122\(2\)\(b\)](#)
- F274** Words in Sch. 18 para. 77(3)(a) omitted (with effect in accordance with Sch. 4 para. 190 of the amending Act) by virtue of [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 4 para. 122\(3\)](#)

#### *<sup>F275</sup>Claims in respect of overseas losses of non-resident companies*

#### Textual Amendments

- F275** Sch. 18 para. 77A and cross-heading inserted (with effect in accordance with Sch. 1 para. 9 of the amending Act) by [Finance Act 2006 \(c. 25\)](#), [Sch. 1 para. 8](#)

- 77A (1) This paragraph applies if a claim for group relief is made in respect of any loss or other amount as a result of the condition in [<sup>F276</sup>section 136 of the Corporation Tax Act 2010 being met (claims for group relief based on the EEA group condition).]
- (2) In relation to the surrendering company, this Part of this Schedule applies as if—
- (a) references to the relief being surrendered were to the EEA amount and to the relief being claimed, and
  - (b) references to its accounting period were to [<sup>F277</sup>the accounting period that the company is assumed to have under section 125 of the Corporation Tax Act

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2010 for the purpose of recalculating the EEA amount at Step 3 in section 113 of that Act.]

- (3) Notice of consent of the surrendering company—
- (a) is to be given to the officer of the Board under paragraph 70(3)(b) by the claimant company (and not by the surrendering company), and
  - (b) is to be given to the officer to whom the claimant company makes its company tax returns.
- (4) If the surrendering company is not within the charge to income or corporation tax, the requirement under paragraph 71(1)(e) for notice of consent by the surrendering company to contain details of its tax district reference is not to apply.
- (5) If notice of consent is withdrawn under paragraph 71, the notice of the withdrawal is to be given to the officer of the Board by the claimant company (and not by the surrendering company).
- (6) If notice of consent is withdrawn under paragraph 75—
- (a) the notice of withdrawal, and any copy of any new notice of consent, is to be sent to an officer of Revenue and Customs by the claimant company (and not by the surrendering company), and
  - (b) any notice containing directions by an officer of Revenue and Customs under sub-paragraph (4) of that paragraph is to be given to the claimant company (and not to the surrendering company).
- (7) The remaining provisions of that paragraph, and the rest of this Part of this Schedule, are, accordingly, to be read with the appropriate modifications (so that, in particular, it is the claimant company (and not the surrendering company) which can bring an appeal under paragraph 75(7)).
- (8) A notice under [<sup>F278</sup>paragraph 1 of Schedule 36 to the Finance Act 2008 (notice to taxpayer to produce documents etc)] given to the claimant company may require the claimant company—
- (a) to explain why the EEA amount meets the conditions mentioned in [<sup>F279</sup>Step 2 in section 113(2) of the Corporation Tax Act 2010 and is not prevented from being surrendered by section 127] of that Act, and
  - (b) to provide details of the recalculation required under [<sup>F280</sup>Step 3 in section 113(2) of that Act] in relation to the EEA amount.
- (9) Except where expressly indicated, requirements imposed under this paragraph are in addition to those imposed apart from this paragraph.
- (10) In this paragraph “the EEA amount” has the same meaning as in [<sup>F281</sup>Chapter 3 of Part 5 of the Corporation Tax Act 2010].]

#### Textual Amendments

- F276** Words in Sch. 18 para. 77A(1) substituted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), **Sch. 1 para. 297(13)(a)** (with Sch. 2)
- F277** Words in Sch. 18 para. 77A(2)(b) substituted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\)](#), s. 1184(1), **Sch. 1 para. 297(13)(b)** (with Sch. 2)
- F278** Words in Sch. 18 para. 77A(8) substituted (13.8.2009) by [The Finance Act 2009, Schedule 47 \(Consequential Amendments\) Order 2009 \(S.I. 2009/2035\)](#), art. 1, **Sch. para. 38**

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- F279** Words in Sch. 18 para. 77A(8)(a) substituted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\), s. 1184\(1\), Sch. 1 para. 297\(13\)\(c\)](#) (with Sch. 2)
- F280** Words in Sch. 18 para. 77A(8)(b) substituted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\), s. 1184\(1\), Sch. 1 para. 297\(13\)\(d\)](#) (with Sch. 2)
- F281** Words in Sch. 18 para. 77A(10) substituted (with effect in accordance with s. 1184(1) of the amending Act) by [Corporation Tax Act 2010 \(c. 4\), s. 1184\(1\), Sch. 1 para. 297\(13\)\(e\)](#) (with Sch. 2)

## **[<sup>F282</sup>PART 8A**

### CLAIMS FOR ALLOCATION OF SURPLUS DUAL INCLUSION INCOME

#### **Textual Amendments**

- F282** Sch. 18 Pt. 8A inserted (with effect in accordance with Sch. 7 para. 40 of the amending Act) by [Finance Act 2021 \(c. 26\), Sch. 7 para. 16](#)

#### *Introduction*

- 77B (1) This Part of this Schedule applies to allocation claims under Chapter 12A of Part 6A of TIOPA 2010 (hybrid and other mismatches: allocation of dual inclusion income within group).
- (2) Expressions used in this Part of this Schedule and in that Chapter have the same meaning in this Part of this Schedule as they have in that Chapter.

#### *Claims to be included in company tax return*

- 77C (1) An allocation claim must be made by being included in the company tax return of the claimant company (“company B”) for the shortfall period.
- (2) It may be included in the return originally made or by amendment.

#### *Consent to allocation claim*

- 77D (1) In accordance with Requirement 1 in section 259ZMB of TIOPA 2010, an allocation claim in respect of all or part of the DII surplus of a company (“company A”) requires the company's consent.
- (2) The necessary consent must be given—
- by notice in writing,
  - to an officer of Revenue and Customs,
  - at or before the time the allocation claim is made.

Otherwise the allocation claim is ineffective.

- (3) An allocation claim by company B is ineffective unless it is accompanied by a copy of the notice of consent to the allocation claim given by company A.

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*Notice of consent*

- 77E (1) Notice of consent to an allocation claim given by company A must contain all the following details—
- (a) the name of company A;
  - (b) the name of company B;
  - (c) the amount of the DII surplus to be allocated to company B;
  - (d) the accounting period of company A which is the surplus period.
- (2) Notice of consent may not be amended, but it may be withdrawn and replaced by another notice of consent.
- (3) Notice of consent may be withdrawn by notice to an officer of Revenue and Customs.
- (4) Except where the consent is withdrawn under paragraph 77I (withdrawal in consequence of reduction of DII surplus), the notice of withdrawal must be accompanied by a notice signifying the consent of company B to the withdrawal.
- Otherwise the notice of withdrawal is ineffective.
- (5) Company B must, so far as it may do so, amend its company tax return for the accounting period for which the allocation claim was made so as to reflect the withdrawal of consent.

*Notice of consent requiring amendment of return*

- 77F (1) Where company A gives notice of consent to an allocation claim in respect of all or part of an accounting period after filing its company tax return for the accounting period, company A must amend its company tax return for the accounting period so as to reflect the notice of consent.
- (2) The time limits otherwise applicable to amendment of a company tax return do not prevent an amendment being made under sub-paragraph (1).
- (3) If company A fails to comply with sub-paragraph (1), the notice of consent is ineffective.

*Withdrawal or amendment of allocation claim*

- 77G (1) An allocation claim may be withdrawn by company B only by amending its company tax return.
- (2) An allocation claim may not be amended, but must be withdrawn and replaced by another allocation claim.

*Time limit for allocation claims*

- 77H (1) An allocation claim may be made or withdrawn at any time up to whichever is the last of the following dates—
- (a) the first anniversary of the filing date for the company tax return of company B for the accounting period for which the claim is made;
  - (b) if notice of enquiry is given into that return, 30 days after the enquiry is completed;
  - (c) if after such an enquiry an officer of Revenue and Customs amends the return under paragraph 34(2), 30 days after notice of the amendment is issued;



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- (d) if an appeal is brought against such an amendment, 30 days after the date on which the appeal is finally determined.
- (2) An allocation claim may be made or withdrawn at a later time if an officer of Revenue and Customs allows it.
- (3) The time limits otherwise applicable to amendment of a company tax return do not apply to an amendment to the extent that it makes or withdraws an allocation claim within the time allowed by or under this paragraph,
- (4) The references in sub-paragraph (1) to an enquiry into a company tax return do not include an enquiry restricted to a previous amendment making or withdrawing a claim.
- (5) An enquiry is so restricted if—
  - (a) the scope of the enquiry is limited as mentioned in paragraph 25(2), and
  - (b) the amendment giving rise to the enquiry consisted of the making or withdrawing of an allocation claim.

#### *Reduction in DII surplus*

- 771
- (1) This paragraph applies if, after company A has given one or more notices of consent to an allocation claim or claims, the unused part of the DII surplus of company A is reduced to less than the amount stated in the notice of consent, or the total of the amounts stated in the notices of consent.
  - (2) Company A must within 30 days withdraw the notice of consent, or as many of the notices of consent as is necessary to bring the total amount of the DII surplus to which the claim or claims relate within the new unused part of the DII surplus of company A.
  - (3) Company A may give one or more new notices of consent.
  - (4) Company A must give notice in writing of the withdrawal of consent, and send a copy of any new notice of consent—
    - (a) to each of the companies affected, and
    - (b) to an officer of Revenue and Customs.
  - (5) If company A fails to act in accordance with sub-paragraph (2), an officer of Revenue and Customs may by notice to company A give such directions as the officer thinks fit as to which notice or notices are to be ineffective or are to have effect in a lesser amount.
  - (6) The power in sub-paragraph (5) must not be exercised to any greater extent than is necessary to secure that the total amount stated in the notice or notices is consistent with the unused part of the DII surplus of company A.
  - (7) An officer of Revenue and Customs must at the same time send a copy of the notice to each company affected by the exercise of the power.
  - (8) A company which receives—
    - (a) notice of the withdrawal of consent, or a copy of a new notice of consent, under sub-paragraph (4), or
    - (b) a copy of a notice containing directions by an officer of Revenue and Customs under sub-paragraph (7),

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must, so far as it may do so, amend its company tax return for the accounting period for which the claim is made so that it is consistent with the new position with regard to consent to an allocation claim.

- (9) An appeal may be brought by company A against any directions given by an officer of Revenue and Customs under sub-paragraph (5).
- (10) Notice of appeal must be given—
- (a) in writing,
  - (b) within 30 days after the notice containing the directions was issued, and
  - (c) to the officer of Revenue and Customs by whom the notice was given.

*Assessments on other companies*

- 77J (1) This paragraph applies where, after company A has given notice of consent to an allocation claim, company B has become liable to tax in consequence of receiving—
- (a) notice of the withdrawal of consent, or a copy of a new notice of consent, under paragraph 77I(4), or
  - (b) a copy of a notice containing directions by an officer of Revenue and Customs under paragraph 77I(7).
- (2) If any of the tax is unpaid 6 months after company B's time limit for allocation claims, an officer of Revenue and Customs may make an assessment to tax in the name of company B on any other company that has benefited as a result of the consent given by company A.
- (3) The assessment may not be made more than two years after that time limit.
- (4) The amount of the assessment must not exceed—
- (a) the amount of the unpaid tax, or
  - (b) if less, the amount of tax which the other company saves by virtue of the consent.
- (5) A company assessed to an amount of tax under sub-paragraph (2) is entitled to recover from company B—
- (a) a sum equal to that amount, and
  - (b) any interest on that amount which it has paid under section 87A of the Taxes Management Act 1970 (interest on unpaid corporation tax).
- (6) For the purposes of this paragraph, company B's time limit for allocation claims is the last of the dates mentioned in paragraph 77H(1) on which company B could make or withdraw an allocation claim for the accounting period for which the claim in question is made.

*Assessment to recover excessive amount claimed*

- 77K (1) If an officer of Revenue and Customs discovers that any amount which is the subject of an allocation claim is or has become excessive, the officer may make an assessment to tax in the amount which in the officer's opinion ought to be charged.
- (2) This power is without prejudice to—
- (a) the power to make a discovery assessment under paragraph 41(1);

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- (b) the making of all such adjustments by way of discharge or repayment of tax or otherwise as may be required where an amount claimed by company B on an allocation claim is excessive or company A has given consent to an allocation claim in respect of a corresponding amount.
- (3) If an assessment under this paragraph is made because company B fails, or is unable, to amend its company tax return under paragraph 77I(8), the assessment is not out of time if it is made within one year from—
  - (a) the date on which company A gives notice of the withdrawal of consent, or (if later) sends a copy of a new notice of consent, to company B under paragraph 77I(4), or
  - (b) the date on which an officer of Revenue and Customs sends company B a copy of a notice containing the officer's direction under paragraph 77I(7).

#### *Joint amended returns*

- 77L (1) The Treasury may by regulations make provision for arrangements under which—
- (a) an allocation claim may be made without being accompanied by a copy of the notice of consent to the claim given by company A, provided authority for the claim being so made is given by a company which is authorised in relation to company B as mentioned in paragraph (b), and
  - (b) one company may be authorised to act on behalf of two or more companies in the same group in amending their company tax returns for the purpose of making an allocation claim or giving consent to an allocation claim or revising the amount to which an allocation claim or consent relates.
- (2) Regulations under this paragraph may add to, exclude or modify the operation of any provisions of this Part of this Schedule to such extent as the Treasury think necessary or expedient for the purpose of, or in connection with, such arrangements.
- (3) Provision may in particular be made—
- (a) altering the conditions for making and withdrawing allocation claims, and
  - (b) giving an officer of revenue and Customs power to recover from the authorised company or another company in the group any amount which might be recovered from company B by an assessment under paragraph 77K.]

## **PART IX**

### **CLAIMS FOR CAPITAL ALLOWANCES**

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

**C72** Sch. Pt. IX applied (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, s. 135(5) (with Sch. 3 Pt. IV paras. 54, 55)

#### *Introduction*

- [<sup>F283</sup>78 This Part of this Schedule applies to claims for allowances under the Capital Allowances Act which—
- (a) are made for corporation tax purposes, and

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(b) are required under section 3 of that Act to be included in a tax return.]

**Textual Amendments**

**F283** Sch. 18 para. 78 substituted (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, ss. 578, 579, **Sch. 2 para. 103(1)**

*Claim to be included in company tax return*

[<sup>F284</sup>79(1) A claim for capital allowances must be included in the claimant company's company tax return for the accounting period for which the claim is made.]

(2) It may be included in the return originally made or by amendment.

**Textual Amendments**

**F284** Sch. 18 para. 79(1) substituted (22.3.2001 with effect as mentioned in s. 579(1) of the amending Act) by 2001 c. 2, ss. 578, 579, **Sch. 2 para. 103(2)**

*Content of claims*

80 A claim for capital allowances must specify the amount claimed, which must be an amount which is quantified at the time the claim is made.

*Amendment or withdrawal of claim*

81 A claim for capital allowances may be amended or withdrawn by the claimant company only by amending its company tax return.

*Time limit for claims*

82 (1) A claim for capital allowances may be made, amended or withdrawn at any time up to whichever is the last of the following dates—

- (a) the first anniversary of the filing date for the company tax return of the claimant company for the accounting period for which the claim is made;
- (b) if notice of enquiry is given into that return, 30 days after the enquiry is completed;
- (c) if after such an enquiry [<sup>F14</sup>an officer of Revenue and Customs][<sup>F85</sup>amends] the return under paragraph 34(2), 30 days after notice of the amendment is issued;
- (d) if an appeal is brought against such an amendment, 30 days after the date on which the appeal is finally determined.

(2) A claim for capital allowances may be made, amended or withdrawn at a later time if [<sup>F14</sup>an officer of Revenue and Customs][<sup>F85</sup>allows] it.

(3) The time limits otherwise applicable to amendment of a company tax return do not apply to an amendment to the extent that it makes, amends or withdraws a claim for capital allowances within the time allowed by or under this paragraph.

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- (4) The references in sub-paragraph (1) to an enquiry into a company tax return do not include an enquiry restricted to a previous amendment making, amending or withdrawing a claim for capital allowances.

An enquiry is so restricted if—

- (a) the scope of the enquiry is limited as mentioned in paragraph 25(2), and
- (b) the amendment giving rise to the enquiry consisted of the making, amending or withdrawing of a claim for capital allowances.

#### Textual Amendments

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), **Sch. 4 para. 68(a)**; S.I. 2005/1126, art. 2(2)(h)
- F85** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), **Sch. 4 para. 68(c)**; S.I. 2005/1126, art. 2(2)(h)

#### *Consequential amendment of return for another accounting period*

- 83 (1) This paragraph applies if the effect of a claim for capital allowances is to reduce the amount available by way of capital allowances for another accounting period of the company for which a company tax return has been delivered.
- (2) The company has 30 days within which to make any necessary amendments of the company tax return for that other period.
- (3) If it does not do so, [<sup>F14</sup>an officer of Revenue and Customs] may by notice in writing to the company amend the return to make it consistent with the amount available by way of capital allowances.
- (4) The time limits otherwise applicable to amendment of a company tax return do not prevent an amendment being made under sub-paragraph (2) or (3).
- (5) An appeal may be brought by the company against any such amendment.
- (6) Notice of appeal must be given—
- (a) in writing,
  - (b) within 30 days after notice of the amendment was issued,
  - (c) to the officer of the Board by whom the notice of amendment was issued.

#### Textual Amendments

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), **Sch. 4 para. 68(a)**; S.I. 2005/1126, art. 2(2)(h)

[<sup>F285</sup>83(1)] Subject as follows, this Part of this Schedule applies to claims for a first-year tax credit under Schedule A1 to the Capital Allowances Act as it applies to claims for allowances under that Act.

- (2) A company tax return in which a claim to a first-year tax credit is made must specify—
- (a) the plant or machinery to which the relevant first-year expenditure relates,

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

- (b) the amount of the relevant first-year expenditure incurred in respect of that plant or machinery, and
  - (c) the date on which that expenditure was incurred.
- (3) Where an order under section 45B or 45I of that Act (first-year allowance available only if relevant certificate in force) applies in relation to the plant or machinery, the company tax return must be accompanied by the relevant certificate.

F286(4) .....

F287(5) .....]

**Textual Amendments**

- F285** Sch. 18 para. 83ZA inserted (with effect in accordance with Sch. 25 para. 9 of the amending Act) by [Finance Act 2008 \(c. 9\)](#), **Sch. 25 para. 8(5)**
- F286** Sch. 18 para. 83ZA(4) omitted (1.4.2009) by virtue of [Finance Act 2008 \(c. 9\)](#), s. 122(2), **Sch. 40 para. 21(f)**; S.I. 2009/571, art. 2
- F287** Sch. 18 para. 83ZA(5) omitted (1.4.2009) by virtue of [Finance Act 2008 \(c. 9\)](#), s. 122(2), **Sch. 40 para. 21(f)**; S.I. 2009/571, art. 2

[<sup>F288</sup>**PART IXA**

[<sup>F289</sup>**CLAIMS FOR R&D EXPENDITURE CREDITS OR R&D TAX RELIEF**]

**Textual Amendments**

- F288** [Sch. 18 Pt. 9A](#) (paras. 83A-83F) inserted (28.7.2000 with effect as mentioned in s. 69(1) of the amending Act) by [2000 c. 17](#), s. 69(2), **Sch. 21 para. 4**
- F289** Words in [Sch. 18 Pt. 9A](#) heading substituted (with effect in accordance with Sch. 15 para. 27 of the amending Act) by [Finance Act 2013 \(c. 29\)](#), **Sch. 15 para. 7(4)**

*Introduction*

- 83A This Part of this Schedule applies [<sup>F290</sup>to—
- (a) claims for R&D expenditure credits under Chapter 6A of Part 3 of the Corporation Tax Act 2009, and
  - (b) claims for R&D tax relief under Part 13 of that Act.]

**Textual Amendments**

- F290** Words in Sch. 18 para. 83A substituted (with effect in accordance with Sch. 15 para. 27 of the amending Act) by [Finance Act 2013 \(c. 29\)](#), **Sch. 15 para. 7(2)**

*Claim to be included in company tax return*

- 83B (1) A [<sup>F291</sup>claim to which this Part of this Schedule applies] must be made by being included in the claimant company’s company tax return for the accounting period for which the claim is made.

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

(2) It may be included in the return originally made or by amendment.

#### Textual Amendments

**F291** Words in Sch. 18 para. 83B(1) substituted (with effect in accordance with Sch. 3 para. 10 of the amending Act) by [Finance Act 2006 \(c. 25\)](#), [Sch. 3 para. 4\(a\)](#)

#### *Content of claim*

83C A [<sup>F292</sup>claim to which this Part of this Schedule applies] must specify the amount of the [<sup>F293</sup>credit or] relief claimed, which must be an amount quantified at the time the claim is made.

#### Textual Amendments

**F292** Words in Sch. 18 para. 83C substituted (with effect in accordance with Sch. 3 para. 10 of the amending Act) by [Finance Act 2006 \(c. 25\)](#), [Sch. 3 para. 4\(b\)](#)

**F293** Words in Sch. 18 para. 83C inserted (with effect in accordance with Sch. 15 para. 27 of the amending Act) by [Finance Act 2013 \(c. 29\)](#), [Sch. 15 para. 7\(3\)](#)

#### *Amendment or withdrawal of claim*

83D A [<sup>F294</sup>claim to which this Part of this Schedule applies] may be amended or withdrawn by the claimant company only by amending its company tax return.

#### Textual Amendments

**F294** Words in Sch. 18 para. 83D substituted (with effect in accordance with Sch. 3 para. 10 of the amending Act) by [Finance Act 2006 \(c. 25\)](#), [Sch. 3 para. 4\(c\)](#)

#### *Time limit for claims*

[<sup>F295</sup>83(1)] Except where [sub-paragraph \(3\)](#) applies, a claim to which this Part of this Schedule applies may be made, amended or withdrawn at any time up to the last day of the period of—

- (a) two years beginning with the last day of the period of account, in a case where the period of account to which the claim relates is not longer than 18 months, or
- (b) 42 months beginning with the first day of the period of account, in any other case.

(2) [Sub-paragraph \(3\)](#) applies where—

- (a) a company makes a claim for R&D tax relief under Part 13 of the Corporation Tax Act 2009,
- (b) the company is not entitled to the relief, and
- (c) an officer of Revenue and Customs exercises the power under paragraph 34(2)(b) or (2A) to make an amendment by removing the claim from the company tax return in which it is made.



*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

- (3) The company may make, amend or withdraw a claim for R&D expenditure credit under Chapter 6A of Part 3 of the Corporation Tax Act 2009 in respect of eligible expenditure at any time up to whichever is the last of the following dates—
- (a) 30 days after notice of the amendment mentioned in [sub-paragraph \(2\)\(c\)](#) is issued;
  - (b) if an appeal is brought against that amendment, 30 days after the date on which the appeal is finally determined.
- (4) In this paragraph “eligible expenditure” means expenditure—
- (a) to which the claim mentioned in [sub-paragraph \(2\)\(a\)](#) relates, and
  - (b) in respect of which the company is entitled to R&D expenditure credit.
- (5) A claim to which this Part of this Schedule applies may be made, amended or withdrawn after the end of the period mentioned in [sub-paragraph \(1\)](#) or [\(3\)](#) (as the case may be) if an officer of Revenue and Customs allows it.]

#### Textual Amendments

**F295** [Sch. 18 para. 83E](#) substituted (in relation to accounting periods beginning on or after 1.4.2023) by [Finance \(No. 2\) Act 2023 \(c. 30\)](#), [Sch. 1 paras. 12, 20](#)

*<sup>F296</sup>Additional information to be provided in relation to claim*

#### Textual Amendments

**F296** [Sch. 18 para. 83EA](#) and cross-heading inserted (in relation to claims made on or after 1.8.2023) by [Finance \(No. 2\) Act 2023 \(c. 30\)](#), [Sch. 1 paras. 13, 19](#)

- 83EA (1) A claim to which this Part of this Schedule applies is invalid unless the claimant company has provided information to an officer of Revenue and Customs in accordance with regulations under [sub-paragraph \(2\)](#) not later than the date on which the claim is made or amended by the company in accordance with paragraph 83E.
- (2) The Commissioners for Revenue and Customs may by regulations specify, in relation to a claim to which this Part of this Schedule applies—
- (a) information to be provided by the claimant company;
  - (b) the form and manner in which the information is to be provided.]

*<sup>F297</sup>Removal from return of claims made in error*

#### Textual Amendments

**F297** [Sch. 18 para. 83EB](#) and cross-heading inserted (in relation to accounting periods beginning on or after 1.4.2023) by [Finance \(No. 2\) Act 2023 \(c. 30\)](#), [Sch. 1 paras. 14, 20](#)

- 83EB (1) This paragraph applies, in relation to a claim to which this Part of this Schedule applies (the “original claim”), where an officer of Revenue and Customs—

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

- (a) reasonably believes that a claimant company has failed to comply with a requirement relating to the making of the claim (and accordingly that the claim has been made in error), and
  - (b) exercises the power under paragraph 16(1) to make a correction by removing the claim from the company tax return in which it is made.
- (2) Sub-paragraphs (4) and (5) of paragraph 16 do not apply in relation to the correction (and accordingly the claimant company may not reject the correction).
- (3) The claimant company may, within 90 days beginning with the date of the notice issued under paragraph 16(3), send written representations to an officer of Revenue and Customs objecting to the notice on the grounds that a matter stated in the notice was incorrect.
- (4) An officer of Revenue and Customs must consider any representations made under [sub-paragraph \(3\)](#).
- (5) Having considered the representations, the officer must determine whether to—
- (a) confirm the notice, or
  - (b) withdraw the notice,
- and must notify the claimant company accordingly.
- (6) Nothing in [sub-paragraph \(2\)](#) prevents the claimant company from amending its company tax return to make a new claim to which this Part of this Schedule would apply in respect of the expenditure to which the original claim related (but see [sub-paragraph \(7\)](#)).
- (7) Where, in relation to the original claim—
- (a) a claim notification (within the meaning of [section 1142A](#) of the Corporation Tax Act 2009) was required to be made, and
  - (b) no claim notification was made,
- the company may not make a new claim to which this Part of this Schedule would apply in respect of the expenditure to which the original claim related.]

*Penalty*

<sup>F298</sup>83F .....]

**Textual Amendments**

**F298** Sch. 18 para. 83F omitted (1.4.2009) by virtue of [Finance Act 2008 \(c. 9\)](#), s. 122(2), [Sch. 40 para. 21\(f\)](#); [S.I. 2009/571](#), art. 2

<sup>F299</sup>**PART 9B**

CLAIMS RELATING TO REMEDIATION OF CONTAMINATED <sup>F300</sup>OR DERELICT] LAND

**Textual Amendments**

**F299** Sch. 18 Pt. 9B inserted (11.5.2001 with effect as mentioned in [s. 70](#) of the amending Act) by virtue of [2001 c. 9](#), s.70, [Sch. 23 para. 6](#)

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

**F300** Words in Sch. 18 Pt. 9B heading inserted (with effect in accordance with Sch. 7 paras. 27, 28 of the amending Act) by [Finance Act 2009 \(c. 10\)](#), [Sch. 7 para. 25](#)

### *Introduction*

- 83G This Part of this Schedule applies to claims for—
- (a) land remediation tax credits under [<sup>F301</sup>section 1151 of the Corporation Tax Act 2009] (“land remediation tax credits”), and
  - (b) life assurance company tax credits under [<sup>F302</sup>section 1164 of that Act] (“life assurance company tax credits”).

#### **Textual Amendments**

**F301** Words in Sch. 18 para. 83G(a) substituted (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), [Sch. 1 para. 454\(9\)\(a\)](#) (with [Sch. 2 Pts. 1, 2](#))

**F302** Words in Sch. 18 para. 83G(b) substituted (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), [Sch. 1 para. 454\(9\)\(b\)](#) (with [Sch. 2 Pts. 1, 2](#))

### *Claim to be included in company tax return*

- <sup>F303</sup>83H(1) A claim for a land remediation tax credit or a life assurance company tax credit must be made by being included in the claimant company’s company tax return for the accounting period for which the claim is made.
- (2) It may be included in the return originally made or by amendment.

#### **Textual Amendments**

**F303** Sch. 18 Pt. 9B para. 83H inserted (11.5.2001 with effect as mentioned in [s. 70](#) of the amending Act) by [2001 c. 9, s. 70](#), [Sch. 23 para. 6](#)

### *Content of claim*

- <sup>F304</sup>83I A claim for a land remediation tax credit or a life assurance company tax credit must specify the amount of the tax credit claimed, which must be an amount quantified at the time the claim is made.

#### **Textual Amendments**

**F304** Sch. 18 Pt. 9B para. 83I inserted (11.5.2001 with effect as mentioned in [s. 70](#) of the amending Act) by [2001 c. 9, s. 70](#), [Sch. 23 para. 6](#)

### *Amendment or withdrawal of claim*

- <sup>F305</sup>83J A claim for a land remediation tax credit or a life assurance company tax credit may be amended or withdrawn by the claimant company only by amending its company tax return.

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

**Textual Amendments**

**F305** Sch. 18 Pt. 9B para. 83J inserted (11.5.2001 with effect as mentioned in s. 70 of the amending Act) by 2001 c. 9, s. 70, **Sch. 23 para. 6**

*Time limit for claims*

<sup>F306</sup>83K(1) A claim for a land remediation tax credit or a life assurance company tax credit may be made, amended or withdrawn at any time up to the first anniversary of the filing date for the company tax return of the claimant company for the accounting period for which the claim is made.

(2) The claim may be made, amended or withdrawn at a later date if [<sup>F14</sup>an officer of Revenue and Customs][<sup>F85</sup>allows] it.

**Textual Amendments**

**F14** Words in Sch. 18 substituted (18.4.2005) by **Commissioners for Revenue and Customs Act 2005** (c. 11), s. 53(1), **Sch. 4 para. 68(a)**; S.I. 2005/1126, art. 2(2)(h)

**F85** Words in Sch. 18 substituted (18.4.2005) by virtue of **Commissioners for Revenue and Customs Act 2005** (c. 11), s. 53(1), **Sch. 4 para. 68(c)**; S.I. 2005/1126, art. 2(2)(h)

**F306** Sch. 18 Pt. 9B para. 83K inserted (11.5.2001 with effect as mentioned in s. 70 of the amending Act) by 2001 c. 9, s. 70, **Sch. 23 para. 6**

*Penalty*

<sup>F307</sup>83L ..... ]

**Textual Amendments**

**F307** Sch. 18 para. 83L omitted (1.4.2009) by virtue of **Finance Act 2008** (c. 9), s. 122(2), **Sch. 40 para. 21(f)**; S.I. 2009/571, art. 2

<sup>F308</sup> **PART 9BA**

**CLAIMS FOR RELIEF UNDER SCHEDULE 12 TO THE FINANCE ACT 2002**

**Textual Amendments**

**F308** Sch. 18 Pt. 9BA repealed (with effect in accordance with s. 1329(1) of the amending Act) by **Corporation Tax Act 2009** (c. 4), s. 1329(1), **Sch. 1 para. 454(10)**, **Sch. 3 Pt. 1** (with **Sch. 2 Pts. 1, 2**)

83LA .....

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

- .....
- 83LB .....  
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- .....
- 83LC .....  
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- .....
- 83LD .....  
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- .....
- 83LE .....

**<sup>F309</sup>PART 9C**

CLAIMS FOR RELIEF UNDER SCHEDULE 13 TO THE FINANCE ACT 2002

**Textual Amendments**

**F309** Sch. 18 Pt. 9C repealed (with effect in accordance with s. 1329(1) of the amending Act) by [Corporation Tax Act 2009 \(c. 4\)](#), s. 1329(1), [Sch. 1 para. 454\(11\)](#), **Sch. 3 Pt. 1** (with [Sch. 2 Pts. 1, 2](#))

**<sup>F310</sup>PART 9D**

**<sup>F311</sup>CLAIMS FOR TAX RELIEF UNDER PART 15, 15A, 15B<sup>F312</sup>,  
<sup>F313</sup>15C<sup>F313</sup>, 15D OR 15E]] OF THE CORPORATION TAX ACT 2009]**

**Textual Amendments**

- F310** Sch. 18 Pt. 9D inserted (1.1.2007) by [Finance Act 2006 \(c. 25\)](#), s. 53(1), **Sch. 5 para. 29**; [S.I. 2006/3399](#), [art. 2](#)
- F311** Sch. 18 Pt. 9D heading substituted (with effect in accordance with [Sch. 4 para. 17](#) of the amending Act) by [Finance Act 2014 \(c. 26\)](#), **Sch. 4 paras. 6(3), 16**; [S.I. 2014/2228](#), [art. 2](#)
- F312** Words in Sch. 18 Pt. 9D heading substituted (with effect in accordance with [Sch. 8 para. 17\(1\)\(a\)](#) of the amending Act) by [Finance Act 2016 \(c. 24\)](#), **Sch. 8 para. 6(a)**
- F313** Words in Sch. 18 Pt. 9D heading substituted (for specified purposes and with effect in accordance with [Sch. 6 paras. 20, 21\(1\)\(b\)](#) of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), **Sch. 6 para. 6(a)**

*Introduction*

- 83S This Part of this Schedule applies to claims for <sup>F314</sup>the following reliefs—
  - (a) film tax relief,
  - (b) television tax relief,

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

- (c) video games tax relief],
  - [ an additional deduction under Part 15C of CTA 2009,
- <sup>F315</sup>(d)
- (e) a theatre tax credit under that Part of that Act],
  - [ orchestra tax relief]
- <sup>F316</sup>(f)
- [ museums and galleries exhibition tax relief].
- <sup>F317</sup>(g)

#### Textual Amendments

- F314** Words in Sch. 18 para. 83S substituted (with effect in accordance with Sch. 18 para. 23 of the amending Act) by [Finance Act 2013 \(c. 29\)](#), [Sch. 18 paras. 5\(2\), 22](#); [S.I. 2013/1817, art. 2\(2\)](#); [S.I. 2014/1962, art. 2\(3\)](#)
- F315** Sch. 18 para. 83S(d)(e) inserted (with effect in accordance with Sch. 4 para. 17 of the amending Act) by [Finance Act 2014 \(c. 26\)](#), [Sch. 4 paras. 6\(2\), 16](#); [S.I. 2014/2228, art. 2](#)
- F316** Sch. 18 para. 83S(f) inserted (with effect in accordance with Sch. 8 para. 17(1)(a) of the amending Act) by [Finance Act 2016 \(c. 24\)](#), [Sch. 8 para. 6\(b\)](#)
- F317** Sch. 18 para. 83S(g) inserted (for specified purposes and with effect in accordance with Sch. 6 paras. 20, 21(1)(b) of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\)](#), [Sch. 6 para. 6\(b\)](#)

#### *Claim to be included in company tax return*

- 83T (1) A claim to which this Part of this Schedule applies must be made by being included in the claimant company's tax return for the accounting period for which the claim is made.
- (2) It may be included in the return originally made or by amendment.

#### *Content of claim*

- 83U A claim to which this Part of this Schedule applies must specify the amount of the relief claimed, which must be an amount quantified at the time the claim is made.

#### *Amendment or withdrawal of claim*

- 83V A claim to which this Part of this Schedule applies may be amended or withdrawn by the claimant company only by amending its company tax return.

#### *Time limits for claim*

- 83W (1) A claim to which this part of this Schedule applies may be made, amended or withdrawn at any time up to the first anniversary of the filing date for the company tax return of the claimant company for the accounting period for which the claim is made.
- (2) The claim may be made, amended or withdrawn at a later date if an officer of Revenue and Customs allows it.

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

*Penalty*

<sup>F318</sup>83X .....]

**Textual Amendments**

**F318** Sch. 18 para. 83X omitted (1.4.2009) by virtue of [Finance Act 2008 \(c. 9\)](#), s. 122(2), [Sch. 40 para. 21\(f\)](#); [S.I. 2009/571](#), art. 2

[<sup>F319</sup>**PART 9E**

DESIGNATION OF LOSSES AS UNRESTRICTED LOSSES FOR THE PURPOSES  
OF CHAPTER 3 OF PART 7A OF THE CORPORATION TAX ACT 2010

**Textual Amendments**

**F319** Sch. 18 Pt. 9E inserted (with effect in accordance with Sch. 2 paras. 7-8 of the amending Act) by [Finance Act 2015 \(c. 11\)](#), [Sch. 2 para. 2](#)

*Introduction*

- 83Y (1) This Part of this Schedule applies to the designation of losses within subparagraph (2) as unrestricted losses by a banking company under section 269CH of the Corporation Tax Act 2010 (losses covered by carried-forward loss allowance).
- (2) The losses mentioned in subparagraph (1) are losses which, in relation to any accounting period, would (in the absence of that section) be relevant carried-forward losses.
- (3) Expressions used in this Part of this Schedule and in Chapter 3 of Part 7A of the Corporation Tax Act 2010 have the same meaning in this Part of this Schedule as they have in that Chapter.

*Designation to be made in company tax return*

- 83YA (1) A designation to which this Part of this Schedule applies must be made by being included in the company's tax return for the accounting period for which the company makes a deduction in respect of the losses.
- (2) It may be included in the return originally made or by amendment.

*Identification of losses*

- 83YB Where a company designates any relevant carried-forward loss in a company tax return, the return must specify—
- (a) the amount of the loss, and
  - (b) whether the loss is—
    - (i) a pre-2015 carried-forward trading loss,
    - (ii) a pre-2015 carried-forward non-trading deficit, or
    - (iii) pre-2015 carried-forward management expenses.



*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

*Amendment or withdrawal of designation*

83YC A designation to which this Part of this Schedule applies may be amended or withdrawn by the company only by amending its company tax return.]

**PART X**

SPECIAL PROVISIONS

F320 .....

**Textual Amendments**

**F320** Sch. 18 para. 84 and cross-heading repealed (with effect in accordance with s. 1329(1) of the amending Act) by Corporation Tax Act 2009 (c. 4), s. 1329(1), Sch. 1 para. 454(12), **Sch. 3 Pt. 1** (with Sch. 2 Pts. 1, 2)

F320<sup>84</sup> .....

*Non-annual accounting of general insurance business*

85 (1) This paragraph applies where a company carrying on insurance business delivers a company tax return based wholly or partly on accounts drawn up using the method described in [F321]paragraph 58 in Section E of Part 2 of Schedule 3 to the Large and Medium-sized Companies and Groups (Accounts and Reports) Regulations 2008].

That paragraph provides for a technical provision to be made in the accounts which is later replaced by a provision for estimated claims outstanding.

- (2) Where this paragraph applies—
- (a) the company may make any amendments of its return arising from the replacement of the technical provision at any time within twelve months from the date on which the provision was replaced, and
  - (b) [F14]an officer of Revenue and Customs] may give notice of enquiry into the return at any time up to two years from that date.

(3) Nothing in this paragraph prevents notice of enquiry being given at any later time in accordance with the general rule in paragraph 24(3).

**Textual Amendments**

**F14** Words in Sch. 18 substituted (18.4.2005) by Commissioners for Revenue and Customs Act 2005 (c. 11), s. 53(1), **Sch. 4 para. 68(a)**; S.I. 2005/1126, art. 2(2)(h)

**F321** Words in Sch. 18 para. 85(1) substituted (1.10.2009) by The Companies Act 2006 (Consequential Amendments) (Taxes and National Insurance) Order 2009 (S.I. 2009/1890), arts. 1(1), **5(2)(b)**

*Insurance companies with non-annual actuarial investigations*

F322<sup>86</sup> .....

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

### Textual Amendments

**F322** Sch. 18 para. 86 repealed (19.7.2007) by [Finance Act 2007 \(c. 11\)](#), [Sch. 10 para. 16\(7\)](#), [Sch. 27 Pt. 2\(10\)](#)

#### *Friendly societies with non-annual actuarial investigations*

- 87 (1) This paragraph applies where a company tax return is delivered by a friendly society which is required by section <sup>F323</sup>5.2 of the <sup>F324</sup>IPRU (FSOC)] to cause an investigation to be made into its financial condition at least once in every period of three years.
- (2) Where this paragraph applies—
- (a) the society may make any amendments of its return arising from the relevant investigation at any time within 15 months from the date as at which that investigation is carried out, and
  - (b) <sup>F14</sup>[an officer of Revenue and Customs] may give notice of enquiry into the return at any time up to 27 months from that date.
- (3) “The relevant investigation” means—
- (a) if the return is for a period as at the end of which there is carried out an investigation under section <sup>F323</sup>5.2 of the <sup>F325</sup>IPRU (FSOC)] into the financial condition of the society, that investigation;
  - (b) if the return is not for such a period, the first such investigation to be made into the financial condition of the company as at the end of a subsequent period.
- <sup>F326</sup>(4) In this paragraph, “IPRU (FSOC)” means the Interim Prudential Sourcebook for Friendly Societies made by the Prudential Regulation Authority under the Financial Services and Markets Act 2000.]

### Textual Amendments

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), [Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F323** Words in Sch. 18 paras. 87(1)(3) substituted (1.12.2001 with effect as mentioned in art. 103(5) of the amending S.I.) by S.I. 2001/3629, [art. 103\(4\)\(a\)\(5\)](#)
- F324** Words in Sch. 18 para. 87(1) substituted (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments\) Order 2013 \(S.I. 2013/636\)](#), art. 1(2), [Sch. para. 5\(2\)](#)
- F325** Words in Sch. 18 para. 87(3)(a) substituted (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments\) Order 2013 \(S.I. 2013/636\)](#), art. 1(2), [Sch. para. 5\(3\)](#)
- F326** Sch. 18 para. 87(4) substituted (1.4.2013) by [The Financial Services Act 2012 \(Consequential Amendments\) Order 2013 \(S.I. 2013/636\)](#), art. 1(2), [Sch. para. 5\(4\)](#)

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

## [<sup>F327</sup>PART 10A

### SES

#### Textual Amendments

**F327** Sch. 18 Pt. 10A inserted (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\), s. 381\(1\), Sch. 7 para. 108\(2\)](#) (with Sch. 9 paras. 1-9, 22)

#### *Company ceasing to be UK resident on formation of SE by merger*

- 87A (1) Sub-paragraph (2) applies if at any time a company ceases to be resident in the United Kingdom in the course of the formation of an SE by merger, whether or not the company continues to exist after the formation of the SE.
- (2) The other Parts of this Schedule apply after that time, but in relation to liabilities accruing and matters arising before that time—
- (a) as if the company were still resident in the United Kingdom, and
  - (b) if the company has ceased to exist, as if the SE were the company.

#### *SE ceasing to be UK resident*

- 87B (1) Sub-paragraph (2) applies if at any time an SE—
- (a) transfers its registered office from the United Kingdom, and
  - (b) ceases to be resident in the United Kingdom.
- (2) The other Parts of this Schedule apply after that time, but in relation to liabilities accruing and matters arising before that time, as if the SE were still resident in the United Kingdom.

#### *Meaning of SE*

- 87C In this Part “SE” means a European public limited-liability company (or Societas Europaea) within the meaning of Council Regulation [\(EC\) No. 2157/2001](#) on the Statute for a European company.]

## PART XI

### SUPPLEMENTARY PROVISIONS

#### *Conclusiveness of amounts stated in return*

- 88 (1) This paragraph applies to an amount stated in a company tax return for an accounting period which is required to be included in the return and which affects or may affect—
- (a) the tax payable by the company making the return for another accounting period, or
  - (b) the tax liability of another company for any accounting period.

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*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

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- (2) If such an amount can no longer be altered it is taken to be conclusively determined for the purposes of the Corporation Tax Acts in relation to that other period or other company.

Sub-paragraphs (3) to (5) explain what is meant by can no longer be altered.

- (3) An amount is regarded as one that can no longer be altered if—
- (a) the period specified in paragraph 15(4) (general period for amendment by company) has ended,
  - (b) any enquiry into the return has been completed <sup>F328</sup> ... <sup>F329</sup> (or is completed so far as relating to the matters to which the amount relates by the issue of a partial closure notice) ,
  - (c) if <sup>F14</sup>an officer of Revenue and Customs<sup>F85</sup> amends<sup>F85</sup> the return under paragraph <sup>F330</sup>34], the period within which an appeal may be brought against that amendment has ended, and
  - (d) if an appeal is brought, the appeal has been finally determined.
- (4) If the return is amended by the company under a provision that allows an amendment after the end of the period specified in paragraph 15(4), an amount affected by the amendment ceases to be regarded as one that can no longer be altered until after whichever is the last of the following—
- (a) the end of the period within which notice of enquiry into the return may be given in consequence of the amendment;
  - (b) if such a notice is given, <sup>F331</sup>the completion of the enquiry<sup>F332</sup> (or the completion of the enquiry so far as relating to the matters to which the amount relates by the issue of a partial closure notice) ] ;
  - (c) if <sup>F14</sup>an officer of Revenue and Customs<sup>F85</sup> amends<sup>F85</sup> the return under paragraph <sup>F333</sup>34], the end of the period within which an appeal against that amendment may be brought;
  - (d) if an appeal is brought, the date on which the appeal is finally determined.
- (5) If the return is amended by <sup>F14</sup>an officer of Revenue and Customs<sup>F85</sup> under paragraph 83(3) (consequential amendment of return where amount available by way of capital allowances is reduced), an amount affected by the amendment ceases to be regarded as one that can no longer be altered until after—
- (a) the end of the period within which an appeal against that amendment may be brought, or
  - (b) if an appeal is brought, the date on which the appeal is finally determined.
- (6) For the purposes of this paragraph an amount carried forward from a period for which a return was made under section 11 of the <sup>M14</sup>Taxes Management Act 1970 is not regarded as one required to be included in a company tax return for a later period.
- (7) Nothing in this paragraph affects any power to make an assessment other than a self-assessment or the power to make a discovery determination.
- <sup>F334</sup>(8) Nothing in this paragraph affects a power of the company making the return to make a claim under paragraph 51 (claim for relief for overpaid tax).]
- <sup>F335</sup>(9) Nothing in this paragraph affects the operation of any provision of Part 10 of TIOPA 2010 (corporate interest restriction).]

*Changes to legislation: There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18. (See end of Document for details)*

### Textual Amendments

- F14** Words in Sch. 18 substituted (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(a\)](#); S.I. 2005/1126, art. 2(2)(h)
- F85** Words in Sch. 18 substituted (18.4.2005) by virtue of [Commissioners for Revenue and Customs Act 2005 \(c. 11\), s. 53\(1\), Sch. 4 para. 68\(c\)](#); S.I. 2005/1126, art. 2(2)(h)
- F328** Words in Sch. 18 para. 88(3)(b) omitted (1.4.2010) by virtue of [Finance Act 2008 \(c. 9\), s. 119\(10\)\(a\)\(13\)](#); S.I. 2009/405, art. 2
- F329** Words in Sch. 18 para. 88(3)(b) inserted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\), Sch. 15 para. 34\(2\)](#)
- F330** Word in Sch. 18 para. 88(3)(c) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\), s. 119\(10\)\(b\)\(13\)](#); S.I. 2009/405, art. 2
- F331** Words in Sch. 18 para. 88(4)(b) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\), s. 119\(10\)\(c\)\(13\)](#); S.I. 2009/405, art. 2
- F332** Words in Sch. 18 para. 88(4)(b) inserted (with effect in accordance with Sch. 15 para. 44 of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\), Sch. 15 para. 34\(3\)](#)
- F333** Word in Sch. 18 para. 88(4)(c) substituted (1.4.2010) by [Finance Act 2008 \(c. 9\), s. 119\(10\)\(d\)\(13\)](#); S.I. 2009/405, art. 2
- F334** Sch. 18 para. 88(8) inserted (with effect in accordance with s. 100(2) of the amending Act) by [Finance Act 2009 \(c. 10\), Sch. 52 para. 16](#)
- F335** Sch. 18 para. 88(9) inserted (with effect in accordance with Sch. 5 para. 25(1)(2) of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\), Sch. 5 para. 4](#)

### Modifications etc. (not altering text)

- C73** Sch. 18 para. 88(3)-(5) applied by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\), Sch. 7A para. 4\(6\)](#) (as inserted (with effect in accordance with Sch. 5 para. 25(1)(2) of the amending Act) by [Finance \(No. 2\) Act 2017 \(c. 32\), Sch. 5 para. 2](#) (with [Sch. 5 para. 28](#)))

### Marginal Citations

- M14** 1970 c. 9.

*[<sup>F336</sup>Security for payments*

### Textual Amendments

- F336** Sch. 18 para. 88A and cross-heading inserted (12.2.2019) by [Finance Act 2019 \(c. 1\), s. 82\(2\)](#)

- 88A (1) The Commissioners for Her Majesty's Revenue and Customs may by regulations make provision for and in connection with requiring the giving, by prescribed persons and in prescribed circumstances, of security for the payment of tax that a company is or may be liable to pay.
- (2) Regulations under this paragraph must provide that security may be required only where an officer of Revenue and Customs considers it necessary for the protection of the revenue.
- (3) Regulations under this paragraph must provide for a right of appeal against—
- decisions to require security to be given;
  - decisions as to the amount, terms or duration of any security required.
- (4) A person commits an offence if—

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- (a) the person fails to comply with a requirement to give security that is imposed by regulations under this paragraph, and
  - (b) the failure continues for such period as is prescribed.
- (5) A person who commits an offence under sub-paragraph (4) is liable on summary conviction—
- (a) in England and Wales, to a fine;
  - (b) in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.
- (6) In this paragraph—
- “prescribed” means prescribed in regulations under this paragraph;
  - “security” includes further security.]

*Penalty for fraud or negligence*

F33789 .....

**Textual Amendments**

**F337** Sch. 18 para. 89 repealed (1.4.2008 for specified purposes, 1.7.2008 for specified purposes, 1.1.2009 for specified purposes, 1.4.2009 in so far as not already in force) by [Finance Act 2007 \(c. 11\), s. 97\(2\), Sch. 24 para. 29\(c\), Sch. 27 Pt. 5\(5\)](#); S.I. 2008/568, art. 2(a)(b)(c)(d)(e)(f) (with art. 3) (see also S.I. 2009/56, [Sch. 1 para. 265](#))

*Multiple tax-related penalties in respect of same accounting period*

- 90 (1) This paragraph applies where a company incurs more than one penalty whose amount falls to be determined by reference to the tax payable by it for an accounting period.
- (2) Each penalty after the first shall be reduced so that the total amount of the penalties, so far as determined by reference to any particular part of the tax, does not exceed whichever is, or but for this paragraph would be, the greater or greatest of them, so far as so determined.

*[<sup>F338</sup>UK Economic Interest Groupings and] European Economic Interest Groupings*

**Textual Amendments**

**F338** Words in Sch. 18 para. 91 heading inserted (31.12.2020) by [The Taxes \(Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/689\), regs. 1, 8\(2\)\(a\)](#) (with [regs. 39-41](#)); 2020 c. 1, Sch. 5 para. 1(1)

- 91 An act or omission such as is mentioned in section 98B of the <sup>M15</sup>Taxes Management Act 1970 ([<sup>F339</sup>UK Economic Interest Groupings and] European Economic Interest Groupings: acts or omissions attracting penalties) on the part of a grouping, or a member of a grouping, is treated as the act or omission of each member of the grouping for the purposes of—

- paragraphs 43 and 46(2) (assessment in case of fraud or negligence), and
- paragraphs 61(2) and 65(1) (consequential claims in case of such an assessment).

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**Textual Amendments**

**F339** Words in Sch. 18 para. 91 inserted (31.12.2020) by [The Taxes \(Amendments\) \(EU Exit\) Regulations 2019 \(S.I. 2019/689\)](#), regs. 1, **8(2)(b)** (with regs. 39-41); 2020 c. 1, Sch. 5 para. 1(1)

**Marginal Citations**

**M15** 1970 c. 9.

*Notices of appeal*

- 92 (1) This paragraph applies in relation to any appeal under this Schedule.  
(2) The notice of appeal shall specify the grounds of appeal.  
<sup>F340</sup>(3) .....

**Textual Amendments**

**F340** Sch. 18 para. 92(3) omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 266**

*General jurisdiction of Special or General Commissioners*

<sup>F341</sup>93 .....

**Textual Amendments**

**F341** Sch. 18 para. 93 omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 267**

*Election to take appeal to Special Commissioners*

<sup>F342</sup>94 .....

**Textual Amendments**

**F342** Sch. 18 para. 94 omitted (1.4.2009) by virtue of [The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 \(S.I. 2009/56\)](#), art. 1(2), **Sch. 1 para. 267**

*Meaning of “the Inland Revenue”*

<sup>F343</sup>95 .....

**Textual Amendments**

**F343** Sch. 18 para. 95 repealed (18.4.2005) by [Commissioners for Revenue and Customs Act 2005 \(c. 11\)](#), s. 53(1), Sch. 4 para. 68(b), **Sch. 5**; S.I. 2005/1126, art. 2(2)(h)(i)



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*The self-assessment appointed day*

- 96 In this Schedule “the self-assessment appointed day” means the day appointed by the Treasury under section 199 of the <sup>M16</sup>Finance Act 1994 for the purposes of Chapter III of Part IV of that Act (corporation tax self-assessment).

**Marginal Citations**

**M16** 1994 c. 9.

*Construction of references to assessment*

- 97 Any reference in the Tax Acts (however expressed) to a person being assessed to tax, or being charged to tax by an assessment, include a reference to his being so assessed, or being so charged—
- (a) by a self-assessment under this Schedule, or an amendment of such a self-assessment, or
  - (b) by a determination under paragraph 36 or 37 of this Schedule (which, until superseded by a self-assessment, has effect as if it were one).

*[<sup>F344</sup>Meaning of TIOPA 2010*

**Textual Amendments**

**F344** Sch. 18 para. 97A and cross-heading inserted (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\), s. 381\(1\), Sch. 8 para. 321\(6\)](#) (with Sch. 9 paras. 1-9, 22)

- 97A In this Schedule “TIOPA 2010” means the Taxation (International and Other Provisions) Act 2010.]

*Index of defined expressions*

- 98 In this Schedule the expressions listed below are defined or otherwise explained by the provisions indicated—

the Board	paragraph 95(6)
closure notice	paragraph 32(1)
company tax return	paragraph 3(1)
delivery (in relation to company tax return)	paragraph 4
discovery assessment	paragraph 41(1)
discovery determination	paragraph 41(2)
filing date	paragraph 14
Inland Revenue	paragraph 95
notice of enquiry	paragraph 24(1)

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notice requiring company tax return	paragraph 3(1)
[ <sup>F345</sup> SE (in Part 10A)	paragraph 87C]
self-assessment	paragraph 7
self-assessment appointed day	paragraph 96
tax	paragraph 1 (and see paragraphs 63(3) and 64(5))
tax payable	paragraph 8
[ <sup>F346</sup> TIOPA 2010	paragraph 97A]
wrong period (return for)	paragraph 26(2) to (4)

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#### Textual Amendments

- F345** Words in Sch. 18 para. 98 inserted (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\), s. 381\(1\), Sch. 7 para. 108\(3\)](#) (with Sch. 9 paras. 1-9, 22)
- F346** Words in Sch. 18 para. 98 inserted (with effect in accordance with s. 381(1) of the amending Act) by [Taxation \(International and Other Provisions\) Act 2010 \(c. 8\), s. 381\(1\), Sch. 8 para. 321\(7\)](#) (with Sch. 9 paras. 1-9, 22)

**Changes to legislation:**

There are currently no known outstanding effects for the Finance Act 1998, SCHEDULE 18.