

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

## SCHEDULES

### SCHEDULE 18

#### 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)
- C1 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)
- C1 Sch. 18 applied (20.7.2005) by Finance (No. 2) Act 2005 (c. 22), s. 61
- C1 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
- C1 Sch. 18 excluded (17.7.2013) by Finance Act 2013 (c. 29), s. 210(6)(b)
- C1 Sch. 18: power to amend conferred (12.2.2019) by Finance Act 2019 (c. 1), s. 87(5)(a)(6)
- C1 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))
- C3 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 VIII

#### CLAIMS FOR GROUP RELIEF <sup>[F1]</sup> AND GROUP RELIEF FOR CARRIED-FORWARD LOSSES]

##### Textual Amendments

- F1 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)

- C1 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)
- C2 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)
- C4 Sch. 18 Pt. 8 applied (with modifications) (11.7.2023) by Finance (No. 2) Act 2023 (c. 30), s. 305

#### Introduction

- <sup>[F2]</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.

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- (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**

- F2** 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>F3</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**

- F3** 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)**

- C5** 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**

*Content of claims*

- 68 (1) A claim <sup>F4</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>F5</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>F6</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.]]

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- [<sup>F7</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 or consortium condition 4 in section 188CI is satisfied in the case of the claimant company and the surrendering company.]

#### Textual Amendments

- F4** 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\(2\)](#)
- F5** 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](#)
- F6** 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](#))
- F7** 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)

- C6** 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>F8</sup>... may be made for less than the amount available for surrender at the time the claim is made.

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- (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>F9</sup>Part 5 [<sup>F10</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>F11</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.

**Textual Amendments**

- F8** 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\(2\)](#)
- F9** 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)
- F10** 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\(3\)](#)
- F11** 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)

*Consent to surrender*

- 70 [<sup>F12</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—
- (a) by notice in writing,
- (b) to the officer of the Board to whom the surrendering company makes its company tax returns,
- (c) at or before the time the claim is made.

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Otherwise the claim is ineffective.

- (4) A claim<sup>F13</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>F14</sup>(6) In this paragraph “consortium claim” means]<sup>F15</sup>—
- (a)] 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>F16</sup>,
  - (b) 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
  - (c) 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

- F12** 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)**
- F13** 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)**
- F14** 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)
- F15** 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)**
- F16** 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)

- C7** 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**
- C8** [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)**
- C9** [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)**
- C10** [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;

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- (e) the tax district references of the surrendering company and the company to which relief is being surrendered.

Otherwise the notice is ineffective.

<sup>F17</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.

#### **Textual Amendments**

**F17** 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)**

**C11** 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>F18</sup>Notice of consent: additional requirements where  
 claim is for group relief for carried-forward losses*

#### **Textual Amendments**

**F18** 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—

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- (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 [F19(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.]

F20(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) F21 ... .
- (4) If the surrendering company fails to comply with sub-paragraph (1) F22 ... , the notice of consent is ineffective.

**Textual Amendments**

- F19** 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)**
- F20** 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)**
- F21** 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)**
- F22** 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)**

- C12** 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 F23... may be withdrawn by the claimant company only by amending its company tax return.
- (2) A claim F24... may not be amended, but must be withdrawn and replaced by another claim.

**Textual Amendments**

- F23** 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)**

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**F24** 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)**

**C13** 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>F25</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>F11</sup>an officer of Revenue and Customs][<sup>F26</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>F27</sup>... may be made or withdrawn at a later time if [<sup>F11</sup>an officer of Revenue and Customs][<sup>F26</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 or withdraws a claim <sup>F28</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>F29</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>F29</sup>... .

**Textual Amendments**

- F11** 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)
- F25** 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)**
- F26** 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)
- F27** 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)**
- F28** 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)**
- F29** 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)**



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

- C14** 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)
- C15** 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)
- C16** 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)
- C17** 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>F30</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>F31</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—
- to each of the companies affected, and
  - to [<sup>F11</sup>an officer of Revenue and Customs].
- (4) If the surrendering company fails to act in accordance with sub-paragraph (2), [<sup>F11</sup>an officer of Revenue and Customs] may by notice to the surrendering company give such directions as [<sup>F26</sup>he 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 [<sup>F31</sup>total] amount available for surrender.
- (5) [<sup>F11</sup>An 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 [<sup>F26</sup>his] action.
- (6) A claimant company which receives—
- notice of the withdrawal of consent, or a copy of a new notice of consent, under sub-paragraph (3), or
  - a copy of a notice containing directions by [<sup>F11</sup>an 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 [<sup>F11</sup>an officer of Revenue and Customs] under sub-paragraph (4).
- (8) Notice of appeal must be given—
- in writing,
  - within 30 days after the notice containing the directions was issued,

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(c) to the officer of the Board by whom the notice was given.

#### Textual Amendments

- F11** 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)
- F26** 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)
- F30** 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\(2\)\(a\)\(7\)](#)
- F31** 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)

- C18** 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](#)
- C19** 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\(1\)](#))
- C20** 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\(2\)](#))

<sup>F32</sup>*[Assessment on other claimant companies]*

#### Textual Amendments

- F32** 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>F33</sup>75A(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>F11</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>F11</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>F34</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

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- (b) any interest on that amount which it has paid under section 87A of the <sup>M1</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>F35</sup>... for the accounting period for which the claim in question is made.]

#### Textual Amendments

- F11** 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)
- F33** 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\(3\)\(7\)](#)
- F34** 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\(2\)](#)
- F35** 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)

- C21** 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](#)

#### Marginal Citations

- M1** 1970 c.9.

*Assessment to recover excessive <sup>F36</sup>... relief*

#### Textual Amendments

- F36** 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>F11</sup>an officer of Revenue and Customs][<sup>F26</sup>discovers] that any <sup>F37</sup>... relief which has been given is or has become excessive, [<sup>F26</sup>he] may make an assessment to tax in the amount which in [<sup>F26</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>F38</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

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- (b) the date on which [<sup>F11</sup>an officer of Revenue and Customs][<sup>F26</sup>sends] the claimant company a copy of a notice containing [<sup>F26</sup>his] directions under paragraph 75(4).]

#### Textual Amendments

- F11** 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)
- F26** 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)
- F37** 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\(3\)](#)
- F38** 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)

- C22** 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—
- (a) a claim <sup>F39</sup>... may be made without being accompanied by a copy of the notice of consent to surrender given by the surrendering company [<sup>F40</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>F41</sup>... relief or revising the amounts of <sup>F41</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>F42</sup>... , and
  - (b) giving [<sup>F11</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

- F11** 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)
- F39** 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\(2\)\(a\)](#)
- F40** Words in Sch. 18 para. 77(1)(a) inserted (28.7.2000) by [2000 c. 17, s. 99](#)

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- F41** 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\(2\)\(b\)](#)
- F42** 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>F43</sup>Claims in respect of overseas losses of non-resident companies*

**Textual Amendments**

- F43** 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>F44</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>F45</sup>the accounting period that the company is assumed to have under section 125 of the Corporation Tax Act 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)).

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- (8) A notice under [<sup>F46</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>F47</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>F48</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>F49</sup>Chapter 3 of Part 5 of the Corporation Tax Act 2010].]

#### Textual Amendments

- F44** 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)
- F45** 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)
- F46** 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**
- F47** 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)
- F48** 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)
- F49** 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)

**Changes to legislation:**

There are currently no known outstanding effects for the Finance Act 1998, Part VIII.