
Changes to legislation: Finance Act 2008, Cross Heading: Minor and consequential amendments is up to date with all changes known to be in force on or before 23 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 7

REMITTANCE BASIS

PART 1

MAIN PROVISIONS

Minor and consequential amendments

- 65 In section 33(2A) of TMA 1970 (error or mistake)—
- (a) omit the “or” at the end of paragraph (a), and
 - (b) at the end of paragraph (b) insert “, or
 - (c) an error or mistake consisting of the making of a claim under section 809B of ITA 2007 (claim for remittance basis).”
- 66 ITTOIA 2005 is amended as follows.
- 67 In section 839 (annual payments payable out of relevant foreign income), omit subsection (6).
- 68 In section 840 (relief for backdated pensions charged on arising basis), omit subsection (4) (application of section 837).
- 69 After that section insert—

“840A Claims under section 840

- (1) A claim under section 840 must be made on or before the fifth anniversary of the normal self-assessment filing date for the tax year for which the relief is claimed.
- (2) All adjustments (by way of repayment of tax, assessment or otherwise) are to be made which are necessary to give effect to section 840.
- (3) Those adjustments may be made at any time, despite anything to the contrary in the Income Tax Acts.
- (4) A person's personal representatives may make any claim under section 840 which the person might have made.
- (5) If a person dies—
 - (a) any tax paid by the person and repayable because of a claim under section 840 is to be repaid to the personal representatives, and
 - (b) the person's personal representatives are liable for any additional tax which arises because of a claim under that section.

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- (6) If subsection (5)(b) applies, the additional tax—
- (a) is to be assessed on the personal representatives, and
 - (b) is a debt due and payable out of the estate.”
- 70 (1) Section 857 (partners to whom the remittance basis may apply) is amended as follows.
- (2) In subsection (1), for paragraph (c) substitute—
- “(c) section 809B, 809D or 809E of ITA 2007 (remittance basis) applies to a partner for a tax year.”
- (3) In subsection (3), omit “for the purposes of this Act (see Part 8)”.
- (4) Accordingly, in the heading, for “**may apply**” substitute “**applies**”.
- 71 In section 878 (definitions), omit subsection (2).
- 72 In Schedule 2 (transitional provision etc), omit paragraphs 150 and 151.
- 73 In Part 2 of Schedule 4 (index of defined expressions), omit the entry for “person to whom the remittance basis applies”.
- 74 ITA 2007 is amended as follows.
- 75 In section 2(14) (overview of Act), before paragraph (a) insert—
- “(za) an alternative basis for charge (the remittance basis) for certain income and gains of certain individuals (Chapter A1).”
- 76 In section 34 (personal allowances etc: introduction), after subsection (2) insert—
- “(3) For the effect of section 809B (claim for remittance basis to apply) applying to an individual for a tax year, see section 809G (no entitlement to personal allowance or blind person's allowance).”
- 77 In section 42 (tax reductions for married couples etc: introduction), after subsection (4) insert—
- “(5) For the effect of section 809B (claim for remittance basis to apply) applying to an individual for a tax year, see section 809G (no entitlement to tax reduction).”
- 78 In section 460 (residence etc of claimants for relief for life insurance payments etc), after subsection (3) insert—
- “(4) For the effect of section 809B (claim for remittance basis to apply) applying to an individual for a tax year, see section 809G (no entitlement under section 457, 458 or 459).”
- 79 In consequence of the amendments made by this Part of this Schedule, omit—
- (a) in ITEPA 2003, paragraph 208 of Schedule 6,
 - (b) in ITTOIA 2005, paragraph 429 of Schedule 1, and
 - (c) in CRCA 2005, paragraphs 102(3)(b) to (d) and 104 of Schedule 4.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 41 para. 6(1A) inserted by [2015 c. 11 Sch. 20 para. 10\(2\)](#)
- Sch. 41 para. 6A(A1)(1) substituted for Sch. 41 para. 6A(1) by [2015 c. 11 Sch. 20 para. 11\(2\)](#)