



# Finance (No. 3) Act 2010

## 2010 CHAPTER 33

### PART 1

#### INCOME TAX, CORPORATION TAX AND CAPITAL GAINS TAX

##### *Income tax and corporation tax*

#### **7 Settlor to return excess repayment to trustees etc**

- (1) Section 646 of ITTOIA 2005 (adjustments between settlor and trustees etc) is amended as follows.
- (2) For subsection (4) substitute—
  - “(4) Subsection (5) applies if a settlor chargeable to tax under section 624 or 629 obtains a repayment by reason of the payment of the tax by—
    - (a) any trustee, or
    - (b) any other person to whom the income is payable by virtue of or as a result of the settlement.”
- (3) In subsection (5), for “excess” substitute “repayment”.
- (4) After subsection (6) insert—
  - “(6A) For the purpose of subsection (5), the settlor may require an officer of Revenue and Customs to provide the settlor with a certificate specifying—
    - (a) that the settlor has obtained a repayment as mentioned in subsection (4), and
    - (b) the amount of the repayment.
  - (6B) A certificate provided under subsection (6A) is conclusive evidence of the facts stated in it.”
- (5) In subsection (7), for “Any” substitute “Subject to subsections (6A) and (6B), any”.

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*Status: This is the original version (as it was originally enacted).*

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- (6) The amendments made by this section have effect in relation to repayments of tax for the tax year 2010-11 or any subsequent tax year.