

SCHEDULES

SCHEDULE 24

MACHINE GAMES DUTY

PART 1

IMPOSITION OF DUTY

Profit-sharers

- 26 (1) Sub-paragraph (2) applies if—
- (a) it appears to HMRC that machine games duty may be chargeable in respect of a machine,
 - (b) no-one is registered in respect of the premises where the machine is located, and
 - (c) either—
 - (i) HMRC do not know the identity of any of those responsible for the premises (see paragraph 12), or
 - (ii) HMRC do know the identity of one or more such persons but none of them is in the United Kingdom.
- (2) HMRC may give a notice under this paragraph to any person they believe to be beneficially entitled to a share of the machine's takings.
- (3) The notice must inform the person to whom it is given ("P") that P will become liable to pay a share of the duty in accordance with this paragraph unless, within the specified period—
- (a) P provides HMRC with sufficient information to identify a person in the United Kingdom who is responsible for the premises, or
 - (b) P satisfies HMRC that, when P became beneficially entitled to a share of the machine's takings, P took all reasonable steps to ascertain that a registrable person was registered in respect of the premises.
- (4) The specified period is—
- (a) such period of 30 days or more as is specified in the notice, or
 - (b) such other period as may be agreed between HMRC and P.
- (5) If P fails to satisfy sub-paragraph (3)(a) or (b) within the specified period, HMRC may assess to the best of their judgement an amount equal to P's share of the machine games duty that would have been due in respect of the machine for an accounting period on the assumptions set out in sub-paragraph (6).
- (6) The assumptions are—
- (a) that P had been liable for machine games duty in respect of the machine in the accounting period in accordance with paragraph 11,

Status: This is the original version (as it was originally enacted).

- (b) that the machine had been the only machine in respect of which P was so liable, and
 - (c) that the dutiable machine games in respect of which P is beneficially entitled to a share of the takings had been the only dutiable machine games played on the machine.
- (7) P's share is a percentage equal to the share of the machine's takings to which P is beneficially entitled.
- (8) An assessment under this paragraph may relate to more than one machine, more than one set of premises and more than one accounting period.
- (9) But it may not relate to a period that began more than 4 years before the date of the assessment.
- (10) An amount assessed under this paragraph is deemed to be an amount of machine games duty assessed under section 12 of FA 1994 and due from P in accordance with regulations under paragraph 19 of this Schedule.
- (11) P is not entitled to any repayment from HMRC of an amount assessed under this paragraph if HMRC subsequently identify a person responsible for the premises.
- (12) But if, after P has paid such an amount, HMRC make an assessment under section 12 of FA 1994 of an amount of machine games duty due from another person in respect of the same takings from the same machine for the same accounting period, account must be taken in that assessment of the amount paid by P.