
STATUTORY INSTRUMENTS

2003 No. 2682

The Income Tax (Pay As You Earn) Regulations 2003

PART 4

PAYMENTS, RETURNS AND INFORMATION

[^{F1}CHAPTER 4

DEBTS OF MANAGED SERVICE COMPANIES

[^{F1}Procedure on appeals

97H.—(1) On an appeal [^{F2}that is notified to the tribunal, the tribunal] shall uphold or quash the transfer notice.

(2) The general rule in paragraph (1) is subject to the following qualifications.

(3) In the case of the ground of appeal specified in regulation 97G(3)(a), the [^{F3}tribunal] shall investigate the matter and shall—

- (a) uphold the amount of the relevant PAYE debt [^{F4}or the relevant apprenticeship levy debt] specified in the transfer notice, or
- (b) reduce or increase the amount of the relevant PAYE debt [^{F5}or the relevant apprenticeship levy debt] specified in the transfer notice to such amount as in [^{F6}the tribunal's opinion] is just and reasonable.

(4) If the [^{F7}tribunal determines] the amount of the relevant PAYE debt of a managed service company under paragraph (3), that amount is conclusive as to the amount of that relevant PAYE debt [^{F8}or the relevant apprenticeship levy debt] in any later appeal relating to that debt.

(5) In the case of the ground of appeal specified in regulation 97G(3)(f), the [^{F9}tribunal] may reduce the amount specified in the transfer notice to an amount determined in accordance with the equation—

$$RA = PTP \times AS$$

(6) In paragraph (5)—

RA means the reduced amount;

P means the number of days in the tax periods specified in the transfer notice during which the transferee was a person mentioned in section 688A(2);

TP means the number of days in the tax periods specified in the transfer notice;

AS means the amount specified in the transfer notice.

(7) In the case of the ground of appeal specified in regulation 97G(3)(k), the [^{F10}tribunal] may reduce the amount specified in the transfer notice to such amount as in [^{F11}the tribunal's opinion] is just and reasonable.]

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Income Tax (Pay As You Earn) Regulations 2003. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Textual Amendments

- F1** Pt. 4 Ch. 4 inserted (6.8.2007) by [The Income Tax \(Pay as You Earn\) \(Amendment No. 2\) Regulations 2007 \(S.I. 2007/2069\)](#), regs. 1, **2**
- F2** Words in [reg. 97H\(1\)](#) 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. 2 para. 104(2)**
- F3** Word in [reg. 97H\(3\)](#) 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. 2 para. 104(3)(a)**
- F4** Words in [reg. 97H\(3\)\(a\)](#) inserted (6.4.2017) by [The Income Tax \(Pay As You Earn\) \(Amendment\) Regulations 2017 \(S.I. 2017/414\)](#), regs. 1, **2(11)**
- F5** Words in [reg. 97H\(3\)\(b\)](#) inserted (6.4.2017) by [The Income Tax \(Pay As You Earn\) \(Amendment\) Regulations 2017 \(S.I. 2017/414\)](#), regs. 1, **2(11)**
- F6** Words in [reg. 97H\(3\)\(b\)](#) 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. 2 para. 104(3)(b)**
- F7** Words in [reg. 97H\(4\)](#) 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. 2 para. 104(4)**
- F8** Words in [reg. 97H\(4\)](#) inserted (6.4.2017) by [The Income Tax \(Pay As You Earn\) \(Amendment\) Regulations 2017 \(S.I. 2017/414\)](#), regs. 1, **2(11)**
- F9** Word in [reg. 97H\(5\)](#) 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. 2 para. 104(5)**
- F10** Word in [reg. 97H\(7\)](#) 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. 2 para. 104(6)(a)**
- F11** Words in [reg. 97H\(7\)](#) 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. 2 para. 104(6)(b)**

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

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

- reg. 67BD inserted by [S.I. 2024/305 reg. 2\(2\)](#)
- reg. 72GA-72GC inserted by [S.I. 2024/355 reg. 2\(2\)](#)