

SCHEDULE 1

Article 8

Consequential Amendments - Primary Legislation

Taxes Management Act 1970

1. The Taxes Management Act 1970(1) is amended as follows.
2. In section 59C(4)(2) (surcharges on unpaid income tax and capital gains tax) for “section 7, 93(5), 95 or 95A of this Act” substitute “section 7 or 93(5) of this Act or Schedule 24 to the Finance Act 2007”.
3. In section 100B(1)(3) (appeals against penalty determinations) for “sections 93, 93A and 95A” substitute “sections 93 and 93A”.
4. In section 107A(4) (relevant trustees), in subsection (2)—
 - (a) omit “, 95”;
 - (b) after “Schedule 1A to this Act” insert “or Schedule 24 to the Finance Act 2007”.

Betting and Gaming Duties Act 1981

5. The Betting and Gaming Duties Act 1981(5) is amended as follows.
6. In paragraph 15(1)(a)(ii) of Schedule 1(6) after “section 8 of the Finance Act 1994 (penalty for evasion)” insert “or a penalty for a deliberate inaccuracy under paragraph 1 of Schedule 24 to the Finance Act 2007 (penalties for errors)”.

Finance Act 1982

7. Paragraph 10 of Schedule 18 to the Finance Act 1982(7) (alternative valuation of ethane for purposes of petroleum revenue tax: penalties for incorrect information etc) is amended as follows.
 - 8.—(1) In sub-paragraph (1) for “Paragraphs 8 and 9 of Schedule 2 to the principal Act (which penalise inaccurate returns etc. and are in this paragraph referred to as “the penalty provisions”)” substitute “Schedule 24 to the Finance Act 2007 (which penalises inaccurate documents and is in this paragraph referred to as “the penalty provisions”)”.
 - (2) Omit sub-paragraph (2)(b).

Income and Corporation Taxes Act 1988

9. Section 827 of the Income and Corporation Taxes Act 1988(8) (VAT penalties etc) is amended as follows.
10. After subsection (1G) add—

(1) 1970 c. 9. Sections 95 and 95A were omitted by section 97 of and paragraph 29(a) of Schedule 24 to the Finance Act 2007 (c. 11) and repealed by section 114 of and Part 5(5) of Schedule 27 to that Act. Section 7(8) was omitted by section 123 of and paragraph 25(a)(i) of Schedule 41 to the Finance Act 2008.

(2) Section 59C was inserted by sections 194 and 199(1) and (2)(a) of the Finance Act 1994. Subsection (4) was amended by section 109(1) of the Finance Act 1995 (c. 4).

(3) Section 100B was substituted by section 167 of the Finance Act 1989 (c. 26).

(4) Section 107A was inserted by section 103(5) and (7) of the Finance Act 1995.

(5) 1981 c. 63.

(6) Paragraph 15(1) was amended by section 9(9) of and paragraph 62(3)(a) of Schedule 4 to the Finance Act 1994 (c. 9).

(7) 1982 c. 39.

(8) 1988 c. 1.

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“(1H) Where a person is liable to make a payment by way of penalty under Schedule 24 to the Finance Act 2007 (penalties for errors) the payment shall not be allowed as a deduction in computing any income, profits or losses for any corporation tax purposes (but see also subsection (3)(a) below).”.

Finance Act 1994

11.—(1) Schedule 7 to the Finance Act 1994⁽⁹⁾ (insurance premium tax) is amended as follows.

(2) In paragraph 14(4)(b) after “paragraph 12 above” insert “or to a penalty for a deliberate inaccuracy under Schedule 24 to the Finance Act 2007 (penalties for errors)”.

(3) In paragraph 15(6)(b) after “paragraph 12 above” insert “or to a penalty for a deliberate inaccuracy under Schedule 24 to the Finance Act 2007 (penalties for errors)”.

(4) In paragraph 17(4)(b) after “paragraph 12 above” insert “or to a penalty for a deliberate inaccuracy under Schedule 24 to the Finance Act 2007 (penalties for errors)”.

Value Added Tax Act 1994

12. The Value Added Tax Act 1994⁽¹⁰⁾ is amended as follows.

13. In section 66(7) (failure to submit EC sales statement or statement relating to section 55A)—

(a) after “76” insert “and Schedule 24 to the Finance Act 2007”, and

(b) after “any penalty under this section” insert “or that Schedule”.

14. In section 69(9)(c) (breaches of regulatory provisions) after “section 60 or 63” insert “ or a penalty under Schedule 24 to the Finance Act 2007”.

15. In section 69A(7)(a) (breach of record-keeping requirements etc in relation to transactions in gold) after “section 60” insert “or a penalty for a deliberate inaccuracy under Schedule 24 to the Finance Act 2007”.

16. In section 69B(7)(a) (breach of record keeping requirements imposed by directions) after “section 60” insert “or a penalty for a deliberate inaccuracy under Schedule 24 to the Finance Act 2007”.

17. In paragraph 10(3)(b) of Schedule 11A(a)⁽¹¹⁾ (disclosure of avoidance schemes) after “section 60” insert “or a penalty for a deliberate inaccuracy under Schedule 24 to the Finance Act 2007”.

Finance Act 1996

18. Schedule 5 to the Finance Act 1996⁽¹²⁾ (landfill tax) is amended as follows.

19. In paragraphs 22(4) and 23(2) after “paragraph 18 above” insert “or a penalty for a deliberate inaccuracy under Schedule 24 to the Finance Act 2007 (penalties for errors)”.

Finance Act 2000

20.—(1) Schedule 6 to the Finance Act 2000⁽¹³⁾ (climate change levy) is amended as follows.

(9) 1994 c. 9; section 8 and paragraphs 12 and 13 of Schedule 7 were omitted by section 112 of and paragraph 21(d) of Schedule 40 to the Finance Act 2008 (c. 9).

(10) 1994 c. 23. Sections 60, 61, 63 and 64 were omitted by section 97 of and paragraph 29(d) of Schedule 24 to the Finance Act 2007. Section 67 was omitted by paragraph 25(f) of Schedule 41 to the Finance Act 2008.

(11) Schedule 11A was inserted by section 9 of and paragraph 2 of Schedule 2 to the Finance Act 2004 (c. 12).

(12) 1996 c. 8. Paragraphs 18 to 20 of Schedule 5 were omitted by paragraph 21(e) of Schedule 40 to the Finance Act 2008.

(13) 2000 c. 17. paragraphs 98 to 100 of Schedule 6 were omitted by paragraph 21(h) of Schedule 40 to the Finance Act 2008.

(2) In paragraph 41(5)(b) after “paragraph 98 (penalty for evasion)” insert “or to a penalty for a deliberate inaccuracy under Schedule 24 to the Finance Act 2007 (penalties for errors)”.

(3) In paragraph 55(6)(b) after “paragraph 98 (penalty for evasion)” insert “or to a penalty for a deliberate inaccuracy under Schedule 24 to the Finance Act 2007 (penalties for errors)”.

(4) In paragraph 124(5)(b) after “paragraph 98 (penalty for evasion)” insert “or to a penalty for a deliberate inaccuracy under Schedule 24 to the Finance Act 2007 (penalties for errors)”.

(5) In paragraph 125(8)(b) after “paragraph 98 (penalty for evasion)” insert “or to a penalty for a deliberate inaccuracy under Schedule 24 to the Finance Act 2007 (penalties for errors)”.

(6) In paragraph 127(6)(b) after “paragraph 98 (penalty for evasion)” insert “or to a penalty for a deliberate inaccuracy under Schedule 24 to the Finance Act 2007 (penalties for errors)”.

(7) In paragraph 146(5)(b) after “paragraph 98” insert “or to a penalty for a deliberate inaccuracy under Schedule 24 to the Finance Act 2007 (penalties for errors)”.

Finance Act 2001

21. Part 2 of the Finance Act 2001(14) is amended as follows.

22. In section 25(5)(b) (aggregates levy: returns and payment of levy) after “(penalty for evasion)” insert “or a penalty for a deliberate inaccuracy under Schedule 24 to the Finance Act 2007 (penalties for errors)”.

23. In section 45(3) after “Schedule 6 to this Act” insert “or a penalty for a deliberate inaccuracy under Schedule 24 to the Finance Act 2007 (penalties for errors)”.

24. In paragraph 1(6)(b) of Schedule 4 after “(penalty for evasion)” insert “or a penalty for a deliberate inaccuracy under Schedule 24 to the Finance Act 2007 (penalties for errors)”.

25. In paragraphs 1(5)(b), 2(8)(b) and 4(6)(b) of Schedule 7 after “(penalty for evasion)” in each case insert “or a penalty for a deliberate inaccuracy under Schedule 24 to the Finance Act 2007 (penalties for errors)”.

Finance Act 2004

26.—(1) Section 313 of the Finance Act 2004(15) (tax avoidance schemes: duty of parties to notifiable arrangements to notify Board of number, etc.) is amended as follows.

(2) For subsection (4)(a) to (g)(16) substitute—

“(a) any provision relating to incorrect or uncorrected returns made under section 98 of the Finance Act 1986 (administration of stamp duty reserve tax),

(b) Schedule 24 to the Finance Act 2007 (penalties for errors), or

(c) any other prescribed provision.”.

Income Tax (Trading and Other Income) Act 2005

27. The Income Tax (Trading and Other Income) Act 2005(17) is amended as follows.

(14) 2001 c. 9. Paragraphs 7 to 9 and paragraph 9A(5)(b) of Schedule 6 were omitted by paragraph 21(i) of Schedule 40 to the Finance Act 2008.

(15) 2004 c. 12.

(16) Section 95 of the Taxes Management Act 1970 was omitted by paragraph 29(a) of Schedule 24 to the Finance Act 2007; paragraph 8 of Schedule 2 to the Oil Taxation Act 1975 (c. 22) was omitted by paragraph 21(a) of Schedule 40 to the Finance Act 2008; section 247 of the Inheritance Tax Act 1984 was omitted by paragraph 21(c)(i) of Schedule 40 to the Finance Act 2008; paragraph 20 of Schedule 18 to the Finance Act 1998 (c. 36) was omitted by paragraph 29(c) of Schedule 24 to the Finance Act 2007; paragraph 8 of Schedule 10 to the Finance Act 2003 (c. 14) was omitted by paragraph 21(k)(ii) of Schedule 40 to the Finance Act 2008.

(17) 2005 c. 5.

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28. In section 54(2) (no deduction of certain amounts in calculating profits of a trade), at the end of the table add—

“Penalty under Schedule 24 to FA 2007	Various taxes and excise duties”.
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29. In section 869(4) (no deduction of certain amounts in calculating profits or other income charged to income tax), at the end of the table add—

“Penalty under Schedule 24 to FA 2007	Various taxes and excise duties”.
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SCHEDULE 2

Article 9

Consequential Amendments - Secondary Legislation

Registered Pension Schemes (Relief at Source) Regulations 2005

1. The Registered Pension Schemes (Relief at Source) Regulations 2005⁽¹⁸⁾ are amended as follows.
2. Omit paragraph (4) of regulation 14.

Duty Stamps Regulations 2006

3. The Duty Stamps Regulations 2006⁽¹⁹⁾ are amended as follows.
4. For regulation 10(8) substitute—

“(8) A relevant penalty is a penalty that has been assessed and notified under Schedule 24 to the Finance Act 2007 (penalties for errors) and that has not been withdrawn or quashed.”

⁽¹⁸⁾ S.I. 2005/3448.

⁽¹⁹⁾ S.I. 2006/202.