Finance Act 2009

Changes to legislation:

Finance Act 2009, SCHEDULE 55 is up to date with all changes known to be in force on or before 10 September 2026. 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.

View outstanding changes

SCHEDULE 55 — Section 106

PENALTY FOR FAILURE TO MAKE RETURNS ETC

Modifications etc. (not altering text)

C1 Sch. 55 modified (8.4.2010) by Finance Act 2010 (c. 13), **Sch. 1 para. 38**

C2 Sch. 55 applied by S.R. 2009/128, **reg. 35** (as substituted (6.4.2011) by The Education (Student Loans) (Repayment) (Amendment) Regulations (Northern Ireland) 2011 (S.R. 2011/137), regs. 1(1), **8(a)** (with reg. 12))

C3 Sch. 55 applied by S.I. 2009/470, **reg. 40(1)(2)** (as substituted (6.4.2011) by The Education (Student Loans) (Repayment) (Amendment) Regulations 2011 (S.I. 2011/784), regs. 1(1), **9** (with reg. 12(2)))

C4 Sch. 55 applied (with modifications) by S.I. 2001/1004, **Sch. 4 para. 21G** (as inserted (with effect in accordance with reg. 1(3) of the amending S.I.) by The Social Security (Contributions) (Amendment No. 4) Regulations 2014 (S.I. 2014/2397), regs. 1(1), **3(5)**)

C5 Sch. 55 applied (with modifications) by 1992 c. 4, **s. 11A** (as inserted (with effect in accordance with Sch. 1 para. 35 of the amending Act) by National Insurance Contributions Act 2015 (c. 5), **Sch. 1 para. 3**)

C6 Sch. 55 applied (with modifications) by 1992 c. 7, **s. 11A** (as inserted (with effect in accordance with Sch. 1 para. 35 of the amending Act) by National Insurance Contributions Act 2015 (c. 5), **Sch. 1 para. 12**)

C7 Sch. 55 applied (with modifications) (with application in accordance with reg. 1 of the amending S.I.) by The Education (Postgraduate Masters Degree Loans) Regulations 2016 (S.I. 2016/606), regs. 1(1), **50(1)**(2)

C8 Sch. 55 modified (temp.) (with effect in accordance with Sch. 10 para. 43 of the amending Act) by Finance Act 2022 (c. 3), **Sch. 10 para. 26** (as amended (5.1.2023) by S.I. 2022/1321, regs. 1, **2(2)**

C9 Sch. 55 applied (14.9.2023) by The Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) (No. 2) Regulations 2023 (S.I. 2023/912), regs. 1(2), **42(3)** (with reg. 1(3))

C10 Sch. 55 applied (24.4.2025 for the tax year 2023-24 and subsequent tax years) by The Public Service Pension Schemes (Rectification of Unlawful Discrimination) (Tax) Regulations 2025 (S.I. 2025/419), regs. 1(2)(3), **15(2)**

Penalty for failure to make returns etc

1 (1) A penalty is payable by a person ("P") where P fails to make or deliver a return, or to deliver any other document, specified in the Table below on or before the filing date.

(2) Paragraphs 2 to **[F1** 13**][F1** 13J**]** set out—

(a) the circumstances in which a penalty is payable, and

(b) subject to paragraphs 14 to 17, the amount of the penalty.

(3) If P's failure falls within more than one paragraph of this Schedule, P is liable to a penalty under each of those paragraphs (but this is subject to paragraph 17(3)).

(4) In this Schedule—

"filing date", in relation to a return or other document, means the date by which it is required to be made or delivered to HMRC **F2** ...;

"penalty date", in relation to a return or other document **[F3** falling within any of items **[F4** 1 to 3**]** **[F4** 2A**]** and 5 to **[F5** 13B**]** in the Table**]**, means the date on which a penalty is first payable for failing to make or deliver it (that is to say, the day after the filing date).

[F6 (4A) The Treasury may by order make such amendments to item 4 in the Table as they think fit in consequence of any amendment, revocation or re-enactment of the regulations mentioned in that item.**]**

(5) In the provisions of this Schedule which follow the Table—

(a) any reference to a return includes a reference to any other document specified in the Table, and

(b) any reference to making a return includes a reference to delivering a return or to delivering any such document.

	Tax to which return etc relates	***Return or other document***
[F7 1	Income tax or capital gains tax	(a) Return under section 8(1)(a) of TMA 1970 (b) Accounts, statement or document required under section 8(1)(b) of TMA 1970]
[F7 2	Income tax or capital gains tax	(a) Return under section 8A(1)(a) of TMA 1970 (b) Accounts, statement or document required under section 8A(1)(b) of TMA 1970]
[F8 2A	Capital gains tax	[F9 Return under Schedule 2 to FA 2019 (other than one made under paragraph 9 or 15 of that Schedule)]]
[F7 3	Income tax or corporation tax	(a) Return under section 12AA(2)(a) or (3)(a) of TMA 1970 (b) Accounts, statement or document required under section 12AA(2)(b) or (3)(b) of TMA 1970]
4	Income tax	[F10 Return under any of the following provisions of the Income Tax (PAYE) Regulations 2003 (S.I. 2003/2682)— (a) regulation 67B (real time returns) (b) regulation 67D (exceptions to regulation 67B)]
[F11 4A	Apprenticeship levy	Return under regulations under section 105 of FA 2016]
5	Income tax	Return under section 254 of FA 2004 (pension schemes)
6	Deductions on account of tax under Chapter 3 of Part 3 of FA 2004 (construction industry scheme)	Return under regulations under section 70 of FA 2004
7	Corporation tax	Company tax return under paragraph 3 of Schedule 18 to FA 1998
[F12 7A	Value added tax	Return under regulations under paragraph 2 of Schedule 11 to VATA 1994]
7AA	F13 . . .	F13 . . .

7AB	F13 . . .	F13 . . .
[F12 7B	Insurance premium tax	Return under regulations under section 54 of FA 1994]
8	Inheritance tax	Account under section 216 or 217 of IHTA 1984
9	Stamp duty land tax	Land transaction return under section 76 of FA 2003 or further return under section 81 of that Act
10	Stamp duty land tax	Return under paragraph 3, 4 or 8 of Schedule 17A to FA 2003
11	Stamp duty reserve tax	Notice of charge to tax under regulations under section 98 of FA 1986
[F14 11A	Annual tax on enveloped dwellings	Annual tax on enveloped dwellings return under section 159 of FA 2013
11B	Annual tax on enveloped dwellings	Return of adjusted chargeable amount under section 160 of FA 2013]
12	Petroleum revenue tax	Return under paragraph 2 of Schedule 2 to OTA 1975
13	Petroleum revenue tax	Statement under section 1(1)(a) of PRTA 1980
[F15 13A	Soft drinks industry levy	Return under regulations under section 52 of FA 2017]
[F16 13B	Plastic packaging tax	Return under regulations under section 61 of FA 2021]
[F17 14	Aggregates levy	Return under regulations under section 25 of FA 2001]
[F17 15	Climate change levy	Return under regulations under paragraph 41 of Schedule 6 to FA 2000]
[F17 16	Landfill tax	Return under regulations under section 49 of FA 1996]
[F17 17	Air passenger duty	Return under regulations under section 38 of FA 1994]
[F18 18	Alcohol duty	Return under regulations under section 88 of F(No.2)A 2023]
[F17 19	Tobacco products duty	Return under regulations under section 7 of TPDA 1979]
[F17 20	Hydrocarbon oil duties	Return under regulations under section 21 of HODA 1979]
[F19 20A	Excise duties	Return under regulations under section 60A of the Customs and Excise Management Act 1979]
[F17 21	Excise duties	Return under regulations under section 93 of the Customs and Excise Management Act 1979]

[F17 22	Excise duties	Return under regulations under section 100G or 100H of the Customs and Excise Management Act 1979]
[F17 23	General betting duty	Return under regulations under paragraph 2 of Schedule 1 to BGDA 1981]
[F17 24	Pool betting duty	Return under regulations under paragraph 2A of Schedule 1 to BGDA 1981]
[F17 25	Bingo duty	Return under regulations under paragraph 9 of Schedule 3 to BGDA 1981]
[F17 26	Lottery duty	Return under regulations under section 28(2) of FA 1993]
[F17 27	Gaming duty	Return under directions under paragraph 10 of Schedule 1 to FA 1997]
[F17 28	Remote gaming duty	Return under regulations under section 26K of BGDA 1981]
[F20 29	Machine games duty	Return under regulations under paragraph 18 of Schedule 24 to FA 2012]

Textual Amendments

F1 Word in Sch. 55 para. 1(2) substituted (12.2.2019 for specified purposes) by Finance (No. 3) Act 2010 (c. 33), s. 26(2), **Sch. 10 para. 2(2)**; 2019 c. 1, s. 67(2)

F2 Words in Sch. 55 para. 1(4) omitted (31.12.2020) by virtue of Taxation (Cross-border Trade) Act 2018 (c. 22), s. 57(3), **Sch. 8 para. 118(2)(a)** (with savings and transitional provisions in S.I. 2019/105 (as amended by S.I. 2020/1495, regs. 1(2), 21), S.I. 2020/1545, Pt. 4 and 2020 c. 26, Sch. 2 para. 7(7)-(9)); S.I. 2020/1642, reg. 4(b) (with reg. 7)

F3 Words in Sch. 55 para. 1(4) inserted (with effect in accordance with Sch. 50 para. 16(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 50 para. 3(a)**

F4 Word in Sch. 55 para. 1(4) substituted (6.4.2024 for specified purposes, 1.4.2026 for specified purposes) by Finance Act 2021 (c. 26), s. 118(2), **Sch. 27 para. 39(2)(a)**; S.I. 2024/440, reg. 2; S.I. 2026/370, reg. 3

F5 Word in Sch. 55 para. 1(4) substituted (10.12.2021 for specified purposes; 1.4.2022 in so far as not already in force and with effect in accordance with s. 85(1)(b) of the amending Act) by Finance Act 2021 (c. 26), s. 85(1)(a), **Sch. 15 para. 2(2)**; S.I. 2021/1409, regs. 3, **4**

F6 Sch. 55 para. 1(4A) inserted (with effect in accordance with Sch. 50 para. 16(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 50 para. 3(b)**

F7 Words in Sch. 55 para. 1 omitted (6.4.2024 for specified purposes, 1.4.2026 for specified purposes) by virtue of Finance Act 2021 (c. 26), s. 118(2), **Sch. 27 para. 39(2)(b)**; S.I. 2024/440, reg. 2; S.I. 2026/370, reg. 3

F8 Words in Sch. 55 para. 1 Table inserted (with effect in accordance with Sch. 7 paras. 59(2), 60 of the amending Act) by Finance Act 2015 (c. 11), **Sch. 7 para. 59(1)**

F9 Words in Sch. 55 para. 1 Table substituted (with effect in accordance with Sch. 2 para. 32(1) of the amending Act) by Finance Act 2019 (c. 1), **Sch. 2 para. 29(2)**

F10 Words in Sch. 55 para. 1 Table substituted (with effect in accordance with Sch. 50 para. 16(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 50 para. 4**

F11 Words in Sch. 55 para. 1 Table inserted (15.9.2016) by Finance Act 2016 (c. 24), **s. 113(6)** (with s. 117)

F12 Words in Sch. 55 para. 1 Table inserted (12.2.2019 for specified purposes) by Finance (No. 3) Act 2010 (c. 33), s. 26(2), **Sch. 10 para. 2(4)** (as amended (17.7.2014) by virtue of Finance Act 2014 (c. 26), **Sch. 22 para. 21(2)(b)**); 2019 c. 1, s. 67(2)

F13 Words in Sch. 55 para. 1 Table omitted (31.12.2020) by virtue of Taxation (Cross-border Trade) Act 2018 (c. 22), s. 57(3), **Sch. 8 para. 118(2)(b)** (with savings and transitional provisions in S.I. 2019/105 (as amended by S.I. 2020/1495, regs. 1(2), 21), S.I. 2020/1545, Pt. 4 and 2020 c. 26, Sch. 2 para. 7(7)-(9)); S.I. 2020/1642, reg. 4(b) (with reg. 7)

F14 Words in Sch. 55 para. 1 Table inserted (17.7.2013) by Finance Act 2013 (c. 29), **Sch. 34 para. 7(1)**

F15 Words in Sch. 55 para. 1 Table inserted (6.4.2018) by Finance Act 2017 (c. 10), s. 61(1), **Sch. 11 para. 4(3)**; S.I. 2018/464, art. 2(e)

F16 Words in Sch. 55 para. 1 Table inserted (10.12.2021 for specified purposes, 1.4.2022 in so far as not already in force and with effect in accordance with s. 85(1)(b) of the amending Act) by Finance Act 2021 (c. 26), s. 85(1)(a), **Sch. 15 para. 2(3)**; S.I. 2021/1409, regs. 3, **4**

F17 Words in Sch. 55 para. 1 Table inserted (12.2.2019 for specified purposes) by Finance (No. 3) Act 2010 (c. 33), s. 26(2), **Sch. 10 para. 2(5)**; 2019 c. 1, s. 67(2)

F18 Words in Sch. 55 para. 1 Table substituted (1.2.2025) by Finance (No. 2) Act 2023 (c. 30), s. 120(2), **Sch. 13 para. 32(1)**; S.I. 2025/96, reg. 2(e) (with reg. 3)

F19 Words in Sch. 55 para. 1 Table inserted (1.4.2015) by Finance Act 2014 (c. 26), Sch. 21 paras. 7, **10** (with Sch. 21 para. 11); S.I. 2015/812, **art. 2**

F20 Words in Sch. 55 para. 1 Table inserted (in relation to the playing of machine games on or after 1.2.2013) by Finance Act 2012 (c. 14), **Sch. 24 para. 31**

Modifications etc. (not altering text)

C11 Sch. 55 para. 1 excluded by Taxes Management Act 1970 (c. 9), **s. 12ZBA(7)** (as inserted (15.9.2016) by Finance Act 2016 (c. 24), **s. 91**)

Commencement Information

I1 Sch. 55 para. 1 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))

I2 Sch. 55 para. 1 in force at 6.10.2011 for specified purposes by S.I. 2011/2391, **art. 2(b)** (with art. 3(1)(2))

I3 Sch. 55 para. 1 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**

Sch. 55 para. 1 in force at 6.10.2014 for specified purposes and 6.3.2015 for specified purposes by S.I. 2014/2395, **art. 2(1)(b)**

I4	Sch. 55 para. 1 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**
I5	Sch. 55 para. 1 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**
I6	Sch. 55 para. 1 in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

[F21 Amount of penalty: occasional returns and annual returns][F21 Amount of penalty: occasional returns and returns for periods of 6 months or more]

Textual Amendments

F21 Sch. 55 para. 2 and cross-heading substituted (12.2.2019 for the purposes of soft drinks industry levy) by Finance (No. 3) Act 2010 (c. 33), s. 26(2), **Sch. 10 para. 3**; 2019 c. 1, s. 67(2)

[F21 2 Paragraphs 3 to 6 apply in the case of a return falling within any of items [F22 1 to 3, 5] and 7 to 13 in the Table.]

[F21 (1) Paragraphs 3 to 6 apply in the case of—

(a) a return falling within any of items [F23 1 to 5] [F23 2A, 4, 4A, 5], 7 and 8 to 13 in the Table,

(b) a return falling within any of items 7A, 7B and 14 to [F24 28] [F24 29] which relates to a period of 6 months or more, and

(c) a return falling within item 7A which relates to a transitional period for the purposes of the annual accounting scheme.

(2) In sub-paragraph (1)(c), a transitional period for the purposes of the annual accounting scheme is a prescribed accounting period (within the meaning of section 25(1) of VATA 1994) which—

(a) ends on the day immediately preceding the date indicated by the Commissioners for Her Majesty's Revenue and Customs in a notification of authorisation under regulation 50 of the Value Added Tax Regulations 1995 (S.I. 1995/2518) (admission to annual accounting scheme), or

(b) begins on the day immediately following the end of the last period of 12 months for which such an authorisation has effect.]

Textual Amendments

F22 Words in Sch. 55 para. 2 substituted (with effect in accordance with Sch. 50 para. 16(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 50 para. 5**

F23 Words in Sch. 55 para. 2(1)(a) substituted (6.4.2024 for specified purposes, 1.4.2026 for specified purposes) by Finance Act 2021 (c. 26), s. 118(2), **Sch. 27 para. 39(3)**; S.I. 2024/440, reg. 2; S.I. 2026/370, reg. 3

F24 Word in Sch. 55 para. 2(1)(b) substituted (in relation to the playing of machine games on or after 1.2.2013) by Finance Act 2012 (c. 14), Sch. 24 paras. 32(a), **66(2)**

Modifications etc. (not altering text)

C12 Sch. 55 para. 2 modified (cond.) (6.4.2024 for specified purposes, 1.4.2026 for specified purposes) by Finance Act 2021 (c. 26), s. 118(2), **Sch. 27 para. 39(6)**; S.I. 2024/440, reg. 2; S.I. 2026/370, reg. 3

Commencement Information

I7 Sch. 55 para. 2 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))

I8 Sch. 55 para. 2 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**

Sch. 55 para. 2 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I9 Sch. 55 para. 2 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I10 Sch. 55 para. 2 in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

3 P is liable to a penalty under this paragraph of £100.

Commencement Information

I11 Sch. 55 para. 3 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))

I12 Sch. 55 para. 3 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**

Sch. 55 para. 3 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I13 Sch. 55 para. 3 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I14 Sch. 55 para. 3 in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

4 (1) P is liable to a penalty under this paragraph if (and only if)—

(a) P's failure continues after the end of the period of 3 months beginning with the penalty date,

(b) HMRC decide that such a penalty should be payable, and

(c) HMRC give notice to P specifying the date from which the penalty is payable.

(2) The penalty under this paragraph is £10 for each day that the failure continues during the period of 90 days beginning with the date specified in the notice given under sub-paragraph (1)(c).

(3) The date specified in the notice under sub-paragraph (1)(c)—

(a) may be earlier than the date on which the notice is given, but

(b) may not be earlier than the end of the period mentioned in sub-paragraph (1)(a).

Commencement Information

I15 Sch. 55 para. 4 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))

I16 Sch. 55 para. 4 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**

Sch. 55 para. 4 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I17 Sch. 55 para. 4 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I18 Sch. 55 para. 4 in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

5 (1) P is liable to a penalty under this paragraph if (and only if) P's failure continues after the end of the period of 6 months beginning with the penalty date.

(2) The penalty under this paragraph is the greater of—

(a) 5% of any liability to tax which would have been shown in the return in question, and

(b) £300.

Commencement Information

I19 Sch. 55 para. 5 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))

I20 Sch. 55 para. 5 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**

Sch. 55 para. 5 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I21 Sch. 55 para. 5 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I22 Sch. 55 para. 5 in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

6 (1) P is liable to a penalty under this paragraph if (and only if) P's failure continues after the end of the period of 12 months beginning with the penalty date.

(2) Where, by failing to make the return, P [F25 deliberately] withholds information which would enable or assist HMRC to assess P's liability to tax, the penalty under this paragraph is determined in accordance with sub-paragraphs (3) and (4).

(3) If the withholding of the information is deliberate and concealed, the penalty is the greater of—

(a) 100% of any liability to tax which would have been shown in the return in question, and

(b) £300.

[F26 (3A) For the purposes of sub-paragraph (3)(a), the relevant percentage is—

(a) for the withholding of category 1 information, [F27 the relevant percentage],

(b) for the withholding of category 2 information, 150%, and

(c) for the withholding of category 3 information, 200%.]

(4) If the withholding of the information is deliberate but not concealed, the penalty is the greater of—

(a) [F28 the relevant percentage] of any liability to tax which would have been shown in the return in question, and

(b) £300.

[F29 (4A) For the purposes of sub-paragraph (4)(a), the relevant percentage is—

(a) for the withholding of category 1 information, 70%,

(b) for the withholding of category 2 information, 105%, and

(c) for the withholding of category 3 information, 140%.]

(5) In [F30 any other case][F30 any case not falling within sub-paragraph (2)], the penalty under this paragraph is the greater of—

(a) 5% of any liability to tax which would have been shown in the return in question, and

(b) £300.

[F31 (6) Paragraph 6A explains the 3 categories of information.]

Textual Amendments

F25 Word in Sch. 55 para. 6(2) inserted (1.4.2011 for specified purposes, 6.4.2011 for specified purposes, 12.2.2019 for specified purposes) by Finance (No. 3) Act 2010 (c. 33), s. 26(2), **Sch. 10 para. 4(2)**; S.I. 2011/703, art. 2(a)(b); 2019 c. 1, s. 67(2)

F26 Sch. 55 para. 6(3A) inserted (6.4.2011 for specified purposes) by Finance Act 2010 (c. 13), s. 35(2), **Sch. 10 para. 11(3)**; S.I. 2011/975, art. 2(2) (with art. 5)

F27 Words in Sch. 55 para. 6(3)(a) substituted (6.4.2011 for specified purposes) by Finance Act 2010 (c. 13), s. 35(2), **Sch. 10 para. 11(2)**; S.I. 2011/975, art. 2(2) (with art. 5)

F28 Words in Sch. 55 para. 6(4)(a) substituted (6.4.2011 for specified purposes) by Finance Act 2010 (c. 13), s. 35(2), **Sch. 10 para. 11(4)**; S.I. 2011/975, art. 2(2) (with art. 5)

F29 Sch. 55 para. 6(4A) inserted (6.4.2011 for specified purposes) by Finance Act 2010 (c. 13), s. 35(2), **Sch. 10 para. 11(5)**; S.I. 2011/975, art. 2(2) (with art. 5)

F30 Words in Sch. 55 para. 6(5) substituted (1.4.2011 for specified purposes, 6.4.2011 for specified purposes, 12.2.2019 for specified purposes) by Finance (No. 3) Act 2010 (c. 33), s. 26(2), **Sch. 10 para. 4(3)**; S.I. 2011/703, art. 2(a)(b); 2019 c. 1, s. 67(2)

F31 Sch. 55 para. 6(6) inserted (6.4.2011 for specified purposes) by Finance Act 2010 (c. 13), s. 35(2), **Sch. 10 para. 11(6)**; S.I. 2011/975, art. 2(2) (with art. 5)

Commencement Information

I23 Sch. 55 para. 6 in force at 1.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))

I24 Sch. 55 para. 6 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**

Sch. 55 para. 6 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I25 Sch. 55 para. 6 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I26 Sch. 55 para. 6 in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

[F32 6A[F33 (A1) Information is category 0 information if—

(a) it involves a domestic matter,

(b) it involves an offshore matter or an offshore transfer, the territory in question is a category 0 territory and it is information which would enable or assist HMRC to assess P's liability to income tax, capital gains tax or inheritance tax, or

(c) it involves an offshore matter and it is information which would enable or assist HMRC to assess P's liability to a tax other than income tax, capital gains tax or inheritance tax.

(1) Information is category 1 information if—

(a) it involves an offshore matter or an offshore transfer,

(b) the territory in question is a category 1 territory, and

(c) it is information which would enable or assist HMRC to assess P's liability to income tax, capital gains tax or inheritance tax.]

(2) Information is category 2 information if—

(a) it involves an offshore matter [F34 or an offshore transfer],

(b) the territory in question is a category 2 territory, and

(c) it is information which would enable or assist HMRC to assess P's liability to income tax[F35, capital gains tax or inheritance tax].

(3) Information is category 3 information if—

(a) it involves an offshore matter [F36 or an offshore transfer],

(b) the territory in question is a category 3 territory, and

(c) it is information which would enable or assist HMRC to assess P's liability to income tax[F37, capital gains tax or inheritance tax].

(4) Information "involves an offshore matter" if the liability to tax which would have been shown in the return includes a liability to tax charged on or by reference to—

(a) income arising from a source in a territory outside the UK,

(b) assets situated or held in a territory outside the UK,

(c) activities carried on wholly or mainly in a territory outside the UK, or

(d) anything having effect as if it were income, assets or activities of a kind described above.

[F38 (4A) If the liability to tax which would have been shown in the return is a liability to inheritance tax, assets are treated for the purposes of sub-paragraph (4) as situated or held in a territory outside the UK if they are so situated or held immediately after the transfer of value by reason of which inheritance tax becomes chargeable.

(4B) Information "involves an offshore transfer" if—

(a) it does not involve an offshore matter,

(b) it is information which would enable or assist HMRC to assess P's liability to income tax, capital gains tax or inheritance tax,

(c) by failing to make the return, P deliberately withholds the information (whether or not the withholding of the information is also concealed), and

(d) the applicable condition in paragraph 6AA is satisfied.]

(5) Information "involves a domestic matter" if [F39 it does not involve an offshore matter or an offshore transfer].

(6) If the information which P withholds falls into more than one category—

(a) P's failure to make the return is to be treated for the purposes of this Schedule as if it were separate failures, one for each category of information according to the matters [F40 or transfers] which the information involves, and

(b) for each separate failure, the liability to tax which would have been shown in the return in question is taken to be such share of the liability to tax which would have been shown in the return mentioned in paragraph (a) as is just and reasonable.

(7) For the purposes of this Schedule—

(a) paragraph 21A of Schedule 24 to FA 2007 (classification of territories) has effect, but

(b) an order under that paragraph does not apply to a failure if the filing date is before the date on which the order comes into force.

F41 (8) . . . .

(9) In this paragraph [F42 and paragraph 6AA]—

"assets" has the meaning given in section 21(1) of TCGA 1992, but also includes sterling;

"UK" means the United Kingdom, including the territorial sea of the United Kingdom.]

Textual Amendments

F32 Sch. 55 para. 6A inserted (6.4.2011 for specified purposes) by Finance Act 2010 (c. 13), s. 35(2), **Sch. 10 para. 12** ; S.I. 2011/975, **art. 2(2)** (with art. 5)

F33 Sch. 55 para. 6A(A1)(1) substituted for Sch. 55 para. 6A(1) (with effect in accordance with art. 5(2) of the commencing S.I.) by Finance Act 2015 (c. 11), s. 120(2), **Sch. 20 para. 16(2)**; S.I. 2016/456, art. 5(1)

F34 Words in Sch. 55 para. 6A(2)(a) inserted (with effect in accordance with art. 5(2) of the commencing S.I.) by Finance Act 2015 (c. 11), s. 120(2), **Sch. 20 para. 16(3)(a)**; S.I. 2016/456, art. 5(1)

F35 Words in Sch. 55 para. 6A(2)(c) substituted (with effect in accordance with art. 5(2) of the commencing S.I.) by Finance Act 2015 (c. 11), s. 120(2), **Sch. 20 para. 16(3)(b)**; S.I. 2016/456, art. 5(1)

F36 Words in Sch. 55 para. 6A(3)(a) inserted (with effect in accordance with art. 5(2) of the commencing S.I.) by Finance Act 2015 (c. 11), s. 120(2), **Sch. 20 para. 16(4)(a)**; S.I. 2016/456, art. 5(1)

F37 Words in Sch. 55 para. 6A(3)(c) substituted (with effect in accordance with art. 5(2) of the commencing S.I.) by Finance Act 2015 (c. 11), s. 120(2), **Sch. 20 para. 16(4)(b)**; S.I. 2016/456, art. 5(1)

F38 Sch. 55 para. 6A(4A)(4B) inserted (with effect in accordance with art. 5(2) of the commencing S.I.) by Finance Act 2015 (c. 11), s. 120(2), **Sch. 20 para. 16(5)**; S.I. 2016/456, art. 5(1)

F39 Words in Sch. 55 para. 6A(5) substituted (with effect in accordance with art. 5(2) of the commencing S.I.) by Finance Act 2015 (c. 11), s. 120(2), **Sch. 20 para. 16(6)**; S.I. 2016/456, art. 5(1)

F40 Words in Sch. 55 para. 6A(6)(a) inserted (with effect in accordance with art. 5(2) of the commencing S.I.) by Finance Act 2015 (c. 11), s. 120(2), **Sch. 20 para. 16(7)**; S.I. 2016/456, art. 5(1)

F41 Sch. 55 para. 6A(8) omitted (with effect in accordance with art. 5(2) of the commencing S.I.) by virtue of Finance Act 2015 (c. 11), s. 120(2), **Sch. 20 para. 16(8)**; S.I. 2016/456, art. 5(1)

F42 Words in Sch. 55 para. 6A(9) inserted (with effect in accordance with art. 5(2) of the commencing S.I.) by Finance Act 2015 (c. 11), s. 120(2), **Sch. 20 para. 16(9)**; S.I. 2016/456, art. 5(1)

Commencement Information

I27 Sch. 55 para. 6A in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I28 Sch. 55 para. 6A in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I29 Sch. 55 para. 6A in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

[F43 6AA(1)

This paragraph makes provision in relation to offshore transfers.

(2) Where the liability to tax which would have been shown in the return is a liability to income tax, the applicable condition is satisfied if the income on or by reference to which the tax is charged, or any part of the income—

(a) is received in a territory outside the UK, or

(b) is transferred before the relevant date to a territory outside the UK.

(3) Where the liability to tax which would have been shown in the return is a liability to capital gains tax, the applicable condition is satisfied if the proceeds of the disposal on or by reference to which the tax is charged, or any part of the proceeds—

(a) are received in a territory outside the UK, or

(b) are transferred before the relevant date to a territory outside the UK.

(4) Where the liability to tax which would have been shown in the return is a liability to inheritance tax, the applicable condition is satisfied if—

(a)

the disposition that gives rise to the transfer of value by reason of which the tax becomes chargeable involves a transfer of assets, and

(b) after that disposition but before the relevant date the assets, or any part of the assets, are transferred to a territory outside the UK.

(5) In the case of a transfer falling within sub-paragraph (2)(b), (3)(b) or (4)(b), references to the income, proceeds or assets transferred are to be read as including references to any assets derived from or representing the income, proceeds or assets.

(6) In relation to an offshore transfer, the territory in question for the purposes of paragraph 6A is the highest category of territory by virtue of which the information involves an offshore transfer.

(7) "Relevant date" means the date on which P becomes liable to a penalty under paragraph 6.

Textual Amendments

F43 Sch. 55 paras. 6AA, 6AB inserted (with effect in accordance with art. 5(2) of the commencing S.I.) by Finance Act 2015 (c. 11), s. 120(2), **Sch. 20 para. 17**; S.I. 2016/456, art. 5(1)

Commencement Information

I30 Sch. 55 para. 6AA in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I31 Sch. 55 para. 6AA in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I32 Sch. 55 para. 6AA in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

6AB Regulations under paragraph 21B of Schedule 24 to FA 2007 (location of assets etc) apply for the purposes of paragraphs 6A and 6AA of this Schedule as they apply for the purposes of paragraphs 4A and 4AA of that Schedule.]

Textual Amendments

F43 Sch. 55 paras. 6AA, 6AB inserted (with effect in accordance with art. 5(2) of the commencing S.I.) by Finance Act 2015 (c. 11), s. 120(2), **Sch. 20 para. 17**; S.I. 2016/456, art. 5(1)

Commencement Information

I33 Sch. 55 para. 6AB in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I34 Sch. 55 para. 6AB in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I35 Sch. 55 para. 6AB in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

[F44 *Amount of penalty: real time information for PAYE* [F45 *and apprenticeship levy*]

Textual Amendments

F44 Sch. 55 paras. 6B-6D and cross-heading inserted (with effect in accordance with Sch. 50 para. 16(2) of the amending Act) by Finance Act 2013 (c. 29), Sch. 50 para. 6

F45 Words in Sch. 55 para. 6B cross-heading inserted (15.9.2016) by Finance Act 2016 (c. 24), **s. 113(8)** (with s. 117)

6B Paragraphs 6C and 6D apply in the case of a return falling within item 4 [F46 or 4A] in the Table.

Textual Amendments

F46 Words in Sch. 55 para. 6B inserted (15.9.2016) by Finance Act 2016 (c. 24), **s. 113(7)** (with s. 117)

Commencement Information

I36 Sch. 55 para. 6B in force at 6.10.2014 for specified purposes and 6.3.2015 for specified purposes by S.I. 2014/2395, art. 2(1)(b)

I37 Sch. 55 para. 6B in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I38 Sch. 55 para. 6B in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I39 Sch. 55 para. 6B in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

6C(1) If P fails during a tax month to make a return on or before the filing date, P is liable to a penalty under this paragraph in respect of that month.

(2) But this is subject to sub-paragraphs (3) and (4).

(3) P is not liable to a penalty under this paragraph in respect of a tax month as a result of any failure to make a return on or before the filing date which occurs during the initial period.

(4) P is not liable to a penalty under this paragraph in respect of a tax month falling in a tax year if the month is the first tax month in that tax year during which P fails to make a return on or before the filing date (disregarding for this purpose any failure which occurs during the initial period).

(5) In sub-paragraphs (3) and (4) “the initial period” means the period which—

(a) begins with the day in the first tax year on which P is first required to make a return, and

(b) is of such duration as is specified in regulations made by the Commissioners,

and for this purpose “the first tax year” means the first tax year in which P is required to make returns.

(6) P may be liable under this paragraph to no more than one penalty in respect of each tax month.

(7) The penalty under this paragraph is to be calculated in accordance with regulations made by the Commissioners.

(8) Regulations under sub-paragraph (7) may provide for a penalty under this paragraph in respect of a tax month to be calculated by reference to either or both of the following matters—

(a) the number of persons employed by P, or treated as employed by P for the purposes of PAYE regulations;

(b) the number of previous penalties incurred by P under this paragraph in the same tax year.

(9) The Commissioners may by regulations disapply sub-paragraph (3) or (4) in such circumstances as are specified in the regulations.

(10) If P has elected under PAYE regulations to be treated as different employers in relation to different groups of employees, this paragraph applies to P as if—

(a) in respect of each group P were a different person, and

(b) each group constituted all of P's employees.

(11) Regulations made by the Commissioners under this paragraph may—

(a) make different provision for different cases, and

(b) include incidental, consequential and supplementary provision.

Modifications etc. (not altering text)

C13 Sch. 55 para. 6C(1)-(6) applied (6.4.2022) by The Pension (Non-Taxable Payments Following Death) (Real Time Information) Regulations 2021 (S.I. 2021/506), regs. 1, **7(3)**

Commencement Information

I40 Sch. 55 para. 6C in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I41 Sch. 55 para. 6C in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I42 Sch. 55 para. 6C in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

I43 Sch. 55 para. 6C(1)-(4)(6)(10) in force at 6.10.2014 for specified purposes and 6.3.2015 for specified purposes by S.I. 2014/2395, art. 2(1)(b)

I44 Sch. 55 para. 6C(5)(7)-(9)(11) in force at 11.9.2014 for specified purposes by S.I. 2014/2395, art. 2(1)(a)

6D(1) P may be liable to one or more penalties under this paragraph in respect of extended failures.

(2) In this paragraph an "extended failure" means a failure to make a return on or before the filing date which continues after the end of the period of 3 months beginning with the day after the filing date.

(3) P is liable to a penalty or penalties under this paragraph if (and only if)—

(a) HMRC decide at any time that such a penalty or penalties should be payable in accordance with sub-paragraph (4) or (6), and

(b) HMRC give notice to P specifying the date from which the penalty, or each penalty, is payable.

(4) HMRC may decide under sub-paragraph (3)(a) that a separate penalty should be payable in respect of each unpenalised extended failure in the tax year to date.

(5) In that case the amount of the penalty in respect of each failure is 5% of any liability to make payments which would have been shown in the return in question.

(6) HMRC may decide under sub-paragraph (3)(a) that a single penalty should be payable in respect of all the unpenalised extended failures in the tax year to date.

(7) In that case the amount of the penalty in respect of those failures is 5% of the sum of the liabilities to make payments which would have been shown in each of the returns in question.

(8) For the purposes of this paragraph, an extended failure is unpenalised if a penalty has not already been imposed in respect of it under this paragraph (whether in accordance with sub-paragraph (4) or (6)).

(9) The date specified in the notice under sub-paragraph (3)(b) in relation to a penalty —

(a) may be earlier than the date on which the notice is given, but

(b) may not be earlier than the end of the period mentioned in sub-paragraph (2) in relation to the relevant extended failure.

(10) In sub-paragraph (9)(b) "the relevant extended failure" means—

(a) the extended failure in respect of which the penalty is payable, or

(b) if the penalty is payable in respect of more than one extended failure (in accordance with sub-paragraph (6)), the extended failure with the latest filing date.]

Modifications etc. (not altering text)

C14 Sch. 55 para. 6D applied (6.4.2022) by The Pension (Non-Taxable Payments Following Death) (Real Time Information) Regulations 2021 (S.I. 2021/506), regs. 1, **7(3)**

Commencement Information

I45 Sch. 55 para. 6D in force at 6.10.2014 for specified purposes and 6.3.2015 for specified purposes by S.I. 2014/2395, art. 2(1)(b)

I46 Sch. 55 para. 6D in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I47 Sch. 55 para. 6D in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I48 Sch. 55 para. 6D in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

Amount of penalty: CIS returns

7 Paragraphs 8 to 13 apply in the case of a return falling within item 6 in the Table.

Commencement Information

I49 Sch. 55 para. 7 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))

I50 Sch. 55 para. 7 in force at 6.10.2011 in so far as not already in force by S.I. 2011/2391, **art. 2(b)** (with art. 3(1)(2))

I51 Sch. 55 para. 7 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**

Sch. 55 para. 7 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I52 Sch. 55 para. 7 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I53 Sch. 55 para. 7 in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

8 P is liable to a penalty under this paragraph of £100.

Commencement Information

I54 Sch. 55 para. 8 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))

I55 Sch. 55 para. 8 in force at 6.10.2011 in so far as not already in force by S.I. 2011/2391, **art. 2(b)** (with art. 3(1)(2))

I56 Sch. 55 para. 8 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**

Sch. 55 para. 8 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I57 Sch. 55 para. 8 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I58 Sch. 55 para. 8 in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

9 (1) P is liable to a penalty under this paragraph if (and only if) P's failure continues after the end of the period of 2 months beginning with the penalty date.

(2) The penalty under this paragraph is £200.

Commencement Information

I59 Sch. 55 para. 9 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))

I60 Sch. 55 para. 9 in force at 6.10.2011 in so far as not already in force by S.I. 2011/2391, **art. 2(b)** (with art. 3(1)(2))

I61 Sch. 55 para. 9 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**

Sch. 55 para. 9 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I62 Sch. 55 para. 9 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I63	Sch. 55 para. 9 in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

10 (1) P is liable to a penalty under this paragraph if (and only if) P's failure continues after the end of the period of 6 months beginning with the penalty date.

(2) The penalty under this paragraph is the greater of—

(a) 5% of any liability to make payments which would have been shown in the return in question, and

(b) £300.

Commencement Information

I64	Sch. 55 para. 10 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))
I65	Sch. 55 para. 10 in force at 6.10.2011 in so far as not already in force by S.I. 2011/2391, **art. 2(b)** (with art. 3(1)(2))
I66	Sch. 55 para. 10 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**
	Sch. 55 para. 10 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**
I67	Sch. 55 para. 10 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**
I68	Sch. 55 para. 10 in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

11 (1) P is liable to a penalty under this paragraph if (and only if) P's failure continues after the end of the period of 12 months beginning with the penalty date.

(2) Where, by failing to make the return, P **[**F47 deliberately**]** withholds information which would enable or assist HMRC to assess the amount that P is liable to pay to HMRC in accordance with Chapter 3 of Part 3 of FA 2004, the penalty under this paragraph is determined in accordance with sub-paragraphs (3) and (4).

(3) If the withholding of the information is deliberate and concealed, the penalty is the greater of—

(a) 100% of any liability to make payments which would have been shown in the return in question, and

(b) £3,000.

(4) If the withholding of the information is deliberate but not concealed, the penalty is the greater of—

(a) 70% of any liability to make payments which would have been shown in the return in question, and

(b) £1,500.

(5) In **[**F48 any other case**][**F48 any case not falling within sub-paragraph (2)**]**, the penalty under this paragraph is the greater of—

(a)

5% of any liability to make payments which would have been shown in the return in question, and

(b) £300.

Textual Amendments

F47 Word in Sch. 55 para. 11(2) inserted (6.10.2011 for specified purposes, 12.2.2019 for specified purposes) by Finance (No. 3) Act 2010 (c. 33), s. 26(2), **Sch. 10 para. 5(2)**; S.I. 2011/2391, art. 2(a) (with art. 3); 2019 c. 1, s. 67(2)

F48 Words in Sch. 55 para. 11(5) substituted (6.10.2011 for specified purposes, 12.2.2019 for specified purposes) by Finance (No. 3) Act 2010 (c. 33), s. 26(2), **Sch. 10 para. 5(3)**; S.I. 2011/2391, art. 2(a) (with art. 3); 2019 c. 1, s. 67(2)

Commencement Information

I69 Sch. 55 para. 11 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))

I70 Sch. 55 para. 11 in force at 6.10.2011 in so far as not already in force by S.I. 2011/2391, **art. 2(b)** (with art. 3(1)(2))

I71 Sch. 55 para. 11 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**

Sch. 55 para. 11 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I72 Sch. 55 para. 11 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

12 (1) P is liable to a penalty under this paragraph if (and only if)—

(a) P's failure continues after the end of the period of 12 months beginning with the penalty date, and

(b) the information required in the return relates only to persons registered for gross payment (within the meaning of Chapter 3 of Part 3 of FA 2004).

(2) Where, by failing to make the return, P **[F49** deliberately**]** withholds information which relates to such persons, the penalty under this paragraph is—

(a) if the withholding of the information is deliberate and concealed, £3,000, and

(b) if the withholding of the information is deliberate but not concealed, £1,500.

Textual Amendments

F49 Word in Sch. 55 para. 12(2) inserted (6.10.2011 for specified purposes, 12.2.2019 for specified purposes) by Finance (No. 3) Act 2010 (c. 33), s. 26(2), **Sch. 10 para. 6(2)**; S.I. 2011/2391, art. 2(a) (with art. 3); 2019 c. 1, s. 67(2)

Commencement Information

I73 Sch. 55 para. 12 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))

I74 Sch. 55 para. 12 in force at 6.10.2011 in so far as not already in force by S.I. 2011/2391, **art. 2(b)** (with art. 3(1)(2))

I75 Sch. 55 para. 12 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**

Sch. 55 para. 12 in force at 1.1.2015 for specified purposes by S.I. 2014/3269, **art. 2**

I76 Sch. 55 para. 12 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I77 Sch. 55 para. 12 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I78 Sch. 55 para. 12 in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

13 (1) This paragraph applies—

(a) at any time before P first makes a return falling within item 6 in the Table, to any return falling within that item, and

(b) at any time after P first makes a return falling within that item, to that return and any earlier return.

(2) In respect of any return or returns to which this paragraph applies—

(a) paragraphs 10(2)(b) and 11(5)(b) do not apply, and

(b) P is not liable to penalties under paragraphs 8 and 9 which exceed, in total, £3,000.

(3) In sub-paragraph (1)(b) "earlier return" means any return falling within item 6 which has a filing date earlier than the date on which P first made a return.

Commencement Information

I79 Sch. 55 para. 13 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))

I80 Sch. 55 para. 13 in force at 6.10.2011 in so far as not already in force by S.I. 2011/2391, **art. 2(b)** (with art. 3(1)(2))

I81 Sch. 55 para. 13 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**

Sch. 55 para. 13 in force at 1.1.2015 for specified purposes by S.I. 2014/3269, **art. 2**

I82 Sch. 55 para. 13 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I83 Sch. 55 para. 13 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I84 Sch. 55 para. 13 in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

[F50 *Amount of penalty: returns for periods of between 2 and 6 months*

Textual Amendments

F50 Sch. 55 paras. 13A-13J and cross-headings inserted (12.2.2019 for the purposes of soft drinks industry levy, 1.4.2022 for the purposes of plastic packaging tax) by Finance (No. 3) Act 2010 (c. 33), s. 26(2), **Sch. 10 para. 7** (as amended (17.7.2014) by Finance Act 2014 (c. 26), **Sch. 22 para. 21(3)**; (12.2.2019) by Finance Act 2019 (c. 1), **s. 67(1)**; and (1.4.2022 and with effect in accordance with s. 85(1)(b) of the amending Act) by Finance Act 2021 (c. 26), s. 85(1)(a), **Sch. 15 para. 3(1)**; S.I. 2021/1409, reg. 4); 2019 c. 1, **s. 67(2)**, 2021 c. 26, Sch. 15 para. 3(2)

13A(1) Paragraphs 13B to 13E apply in the case of a return falling within any of items **[F51** 7A, 7B**]**, 13A, 13B and 14 to **[F52** 28**]** **[F52** 29**]** in the Table which relates to a period of less than 6 months but more than 2 months.

(2) But those paragraphs do not apply in the case of a return mentioned in paragraph 2(1)(c).

Textual Amendments

F51 Words in Sch. 55 para. 13A substituted (31.12.2020) by Taxation (Cross-border Trade) Act 2018 (c. 22), s. 57(3), **Sch. 8 para. 118(3)** (with savings and transitional provisions in S.I. 2019/105 (as amended by S.I. 2020/1495, regs. 1(2), 21), S.I. 2020/1545, Pt. 4 and 2020 c. 26, Sch. 2 para. 7(7)-(9)); S.I. 2020/1642, reg. 4(b) (with reg. 7)

F52 Word in Sch. 55 para. 13A(1) substituted (in relation to the playing of machine games on or after 1.2.2013) by Finance Act 2012 (c. 14), Sch. 24 paras. 32(b), **66(2)**

Commencement Information

I85 Sch. 55 para. 13A in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

13B(1) P is liable to a penalty under this paragraph of £100.

(2) In addition, a penalty period begins to run on the penalty date for the return.

(3) The penalty period ends with the day 12 months after the filing date for the return, unless it is extended under paragraph 13C(2)(c) or 13H(2)(c).

Commencement Information

I86 Sch. 55 para. 13B in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

13C(1) This paragraph applies if—

(a) a penalty period has begun under paragraph 13B or 13G because P has failed to make a return ("return A"), and

(b) before the end of the period, P fails to make another return ("return B") falling within the same item in the Table as return A.

(2) In such a case—

(a) paragraph 13B(1) and (2) do not apply to the failure to make return B, but

(b) P is liable to a penalty under this paragraph for that failure, and

(c) the penalty period that has begun is extended so that it ends with the day 12 months after the filing date for return B.

(3) The amount of the penalty under this paragraph is determined by reference to the number of returns that P has failed to make during the penalty period.

(4)

If the failure to make return B is P's first failure to make a return during the penalty period, P is liable, at the time of the failure, to a penalty of £200.

(5) If the failure to make return B is P's second failure to make a return during the penalty period, P is liable, at the time of the failure, to a penalty of £300.

(6) If the failure to make return B is P's third or a subsequent failure to make a return during the penalty period, P is liable, at the time of the failure, to a penalty of £400.

(7) For the purposes of this paragraph—

(a) in accordance with sub-paragraph (1)(b), the references in sub-paragraphs (3) to (6) to a return are references to a return falling within the same item in the Table as returns A and B, and

(b) a failure to make a return counts for the purposes of those sub-paragraphs if (but only if) the return relates to a period of less than 6 months.

(8) A penalty period may be extended more than once under sub-paragraph (2)(c).

Commencement Information

I87 Sch. 55 para. 13C in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

13D(1) P is liable to a penalty under this paragraph if (and only if) P's failure continues after the end of the period of 6 months beginning with the penalty date.

(2) The penalty under this paragraph is the greater of—

(a) 5% of any liability to tax which would have been shown in the return in question, and

(b) £300.

Commencement Information

I88 Sch. 55 para. 13D in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

13E(1) P is liable to a penalty under this paragraph if (and only if) P's failure continues after the end of the period of 12 months beginning with the penalty date.

(2) Where, by failing to make the return, P deliberately withholds information which would enable or assist HMRC to assess P's liability to tax, the penalty under this paragraph is determined in accordance with sub-paragraphs (3) and (4).

(3) If the withholding of the information is deliberate and concealed, the penalty is the greater of—

(a) 100% of any liability to tax which would have been shown in the return in question, and

(b) £300.

(4) If the withholding of the information is deliberate but not concealed, the penalty is the greater of—

(a) 70% of any liability to tax which would have been shown in the return in question, and

(b) £300.

(5) In any case not falling within sub-paragraph (2), the penalty under this paragraph is the greater of—

(a) 5% of any liability to tax which would have been shown in the return in question, and

(b) £300.

Commencement Information

I89 Sch. 55 para. 13E in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

Amount of penalty: returns for periods of 2 months or less

13F(1) Paragraphs 13G to 13J apply in the case of a return falling within any of items 7A, 7B and 14 to [F53 28][F53 29] in the Table which relates to a period of 2 months or less.

(2) But those paragraphs do not apply in the case of a return mentioned in paragraph 2(1)(c).

Textual Amendments

F53 Word in Sch. 55 para. 13F(1) substituted (in relation to the playing of machine games on or after 1.2.2013) by Finance Act 2012 (c. 14), Sch. 24 paras. 32(c), **66(2)**

Commencement Information

I90 Sch. 55 para. 13F in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

13G(1) P is liable to a penalty under this paragraph of £100.

(2) In addition, a penalty period begins to run on the penalty date for the return.

(3) The penalty period ends with the day 12 months after the filing date for the return, unless it is extended under paragraph 13C(2)(c) or 13H(2)(c).

Commencement Information

I91 Sch. 55 para. 13G in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

13H(1) This paragraph applies if—

(a) a penalty period has begun under paragraph 13B or 13G because P has failed to make a return ("return A"), and

(b) before the end of the period, P fails to make another return ("return B") falling within the same item in the Table as return A.

(2) In such a case—

(a) paragraph 13G(1) and (2) do not apply to the failure to make return B, but

(b) P is liable to a penalty under this paragraph for that failure, and

(c)

the penalty period that has begun is extended so that it ends with the day 12 months after the filing date for return B.

(3) The amount of the penalty under this paragraph is determined by reference to the number of returns that P has failed to make during the penalty period.

(4) If the failure to make return B is P's first, second, third, fourth or fifth failure to make a return during the penalty period, P is liable, at the time of the failure, to a penalty of £100.

(5) If the failure to make return B is P's sixth or a subsequent failure to make a return during the penalty period, P is liable, at the time of the failure, to a penalty of £200.

(6) For the purposes of this paragraph—

(a) in accordance with sub-paragraph (1)(b), the references in sub-paragraphs (3) to (5) to a return are references to a return falling within the same item in the Table as returns A and B, and

(b) a failure to make a return counts for the purposes of those sub-paragraphs if (but only if) the return relates to a period of less than 6 months.

(7) A penalty period may be extended more than once under sub-paragraph (2)(c).

Commencement Information

I92 Sch. 55 para. 13H in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

13I(1) P is liable to a penalty under this paragraph if (and only if) P's failure continues after the end of the period of 6 months beginning with the penalty date.

(2) The penalty under this paragraph is the greater of—

(a) 5% of any liability to tax which would have been shown in the return in question, and

(b) £300.

Commencement Information

I93 Sch. 55 para. 13I in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

13J(1) P is liable to a penalty under this paragraph if (and only if) P's failure continues after the end of the period of 12 months beginning with the penalty date.

(2) Where, by failing to make the return, P deliberately withholds information which would enable or assist HMRC to assess P's liability to tax, the penalty under this paragraph is determined in accordance with sub-paragraphs (3) and (4).

(3) If the withholding of the information is deliberate and concealed, the penalty is the greater of—

(a) 100% of any liability to tax which would have been shown in the return in question, and

(b) £300.

(4) If the withholding of the information is deliberate but not concealed, the penalty is the greater of—

(a) 70% of any liability to tax which would have been shown in the return in question, and

(b) £300.

(5) In any case not falling within sub-paragraph (2), the penalty under this paragraph is the greater of—

(a) 5% of any liability to tax which would have been shown in the return in question, and

(b) £300.]

Commencement Information

I94 Sch. 55 para. 13J in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

Reductions for disclosure

14 [F54 (A1) In this paragraph, "relevant information" means information which has been withheld by a failure to make a return.]

(1) Paragraph 15 provides for reductions in the penalty under paragraph 6(3) or (4) [F55 where P discloses relevant information that involves a domestic matter] [F56 or 11(3) or (4)][F56 , 11(3) or (4), 13E(3) or (4) or 13J(3) or (4)] where P discloses [F57 relevant information].

[F58 (1A) Paragraph 15A provides for reductions in the penalty under paragraph 6(3) or (4) where P discloses relevant information that involves an offshore matter or an offshore transfer.

(1B) Sub-paragraph (2) applies where—

(a) P is liable to a penalty under paragraph 6(3) or (4) and P discloses relevant information that involves a domestic matter, or

(b) P is liable to a penalty under any of the other provisions mentioned in sub-paragraph (1) and P discloses relevant information.]

(2) P discloses relevant information by—

(a) telling HMRC about it,

(b) giving HMRC reasonable help in quantifying any tax unpaid by reason of its having been withheld, and

(c) allowing HMRC access to records for the purpose of checking how much tax is so unpaid.

[F59 (2A) Sub-paragraph (2B) applies where P is liable to a penalty under paragraph 6(3) or (4) and P discloses relevant information that involves an offshore matter or an offshore transfer.

(2B) P discloses relevant information by—

(a) telling HMRC about it,

(b) giving HMRC reasonable help in quantifying any tax unpaid by reason of its having been withheld,

(c) allowing HMRC access to records for the purpose of checking how much tax is so unpaid, and

(d) providing HMRC with additional information.

(2C) The Treasury must make regulations setting out what is meant by "additional information" for the purposes of sub-paragraph (2B)(d).

(2D) Regulations under sub-paragraph (2C) are to be made by statutory instrument.

(2E) An instrument containing regulations under sub-paragraph (2C) is subject to annulment in pursuance of a resolution of the House of Commons.]

(3) Disclosure of relevant information—

(a) is "unprompted" if made at a time when P has no reason to believe that HMRC have discovered or are about to discover the relevant information, and

(b) otherwise, is "prompted".

(4) In relation to disclosure "quality" includes timing, nature and extent.

[F60(5) Paragraph 6A(4) to (5) applies to determine whether relevant information involves an offshore matter, an offshore transfer or a domestic matter for the purposes of this paragraph.]

Textual Amendments

F54 Sch. 55 para. 14(A1) inserted (with effect in accordance with reg. 2 of the commencing S.I.) by Finance Act 2016 (c. 24), s. 163(2), **Sch. 21 para. 10(2)**; S.I. 2017/259, reg. 2

F55 Words in Sch. 55 para. 14(1) inserted (with effect in accordance with reg. 2 of the commencing S.I.) by Finance Act 2016 (c. 24), s. 163(2), **Sch. 21 para. 10(3)(a)**; S.I. 2017/259, reg. 2

F56 Words in Sch. 55 para. 14(1) substituted (12.2.2019 for specified purposes) by Finance (No. 3) Act 2010 (c. 33), s. 26(2), **Sch. 10 para. 8**; 2019 c. 1, s. 67(2)

F57 Words in Sch. 55 para. 14(1) substituted (with effect in accordance with reg. 2 of the commencing S.I.) by Finance Act 2016 (c. 24), s. 163(2), **Sch. 21 para. 10(3)(b)**; S.I. 2017/259, reg. 2

F58 Sch. 55 para. 14(1A)(1B) inserted (with effect in accordance with reg. 2 of the commencing S.I.) by Finance Act 2016 (c. 24), s. 163(2), **Sch. 21 para. 10(4)**; S.I. 2017/259, reg. 2

F59 Sch. 55 para. 14(2A)-(2E) inserted (in so far as not already in force and with effect in accordance with reg. 2 of the commencing S.I. of the commencing S.I.) by Finance Act 2016 (c. 24), s. 163(2), **Sch. 21 para. 10(5)**; S.I. 2017/259, regs. 2, 3

F60 Sch. 55 para. 14(5) inserted (with effect in accordance with reg. 2 of the commencing S.I.) by Finance Act 2016 (c. 24), s. 163(2), **Sch. 21 para. 10(6)**; S.I. 2017/259, reg. 2

Commencement Information

I95 Sch. 55 para. 14 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))

I96 Sch. 55 para. 14 in force at 6.10.2011 for specified purposes by S.I. 2011/2391, **art. 2(b)** (with art. 3(1)(2))

I97 Sch. 55 para. 14 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**

Sch. 55 para. 14 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I98 Sch. 55 para. 14 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I99 Sch. 55 para. 14 in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

15 (1) [F61 Where a person who would otherwise be liable to a 100% penalty has made an unprompted disclosure, HMRC must reduce the 100% to a percentage, not below 30%, which reflects the quality of the disclosure.]

[F61 If a person who would otherwise be liable to a penalty of a percentage shown in column 1 of the Table (a "standard percentage") has made a disclosure, HMRC must reduce the standard percentage to one that reflects the quality of the disclosure.]

(2) [F61 Where a person who would otherwise be liable to a 100% penalty has made a prompted disclosure, HMRC must reduce the 100% to a percentage, not below 50%, which reflects the quality of the disclosure.]

[F61 But the standard percentage may not be reduced to a percentage that is below the minimum shown for it—

(a) in the case of a prompted disclosure, in column 2 of the Table, and

(b) in the case of an unprompted disclosure, in column 3 of the Table.]

[F62 ***Standard %***	***Minimum % for prompted disclosure***	***Minimum % for unprompted disclosure***
70%	35%	20%
100%	50%	30%]

(3) [F63 Where a person who would otherwise be liable to a 70% penalty has made an unprompted disclosure, HMRC must reduce the 70% to a percentage, not below 20%, which reflects the quality of the disclosure.]

(4) [F64 Where a person who would otherwise be liable to a 70% penalty has made a prompted disclosure, HMRC must reduce the 70% to a percentage, not below 35%, which reflects the quality of the disclosure.]

(5) But HMRC must not under this paragraph—

(a) reduce a penalty under paragraph 6(3) or (4) below £300, or

(b) reduce a penalty under [F65 paragraph 11(3) or (4)][F65 sub-paragraph (3) or (4) of any of paragraphs 11, 13E and 13J] below the amount set by [F66 paragraph 11(3)(b) or (4)(b) (as the case may be)][F66 paragraph (b) of that sub-paragraph].

Textual Amendments

F61 Sch. 55 para. 15(1)(2) substituted (6.4.2011 for specified purposes) by Finance Act 2010 (c. 13), s. 35(2), Sch. 10 para. 13(2); S.I. 2011/975, art. 2(2) (with art. 5)

F62 Sch. 55 para. 15(2) Table substituted (with effect in accordance with reg. 2 of the commencing S.I.) by Finance Act 2016 (c. 24), s. 163(2), **Sch. 21 para. 11**; S.I. 2017/259, reg. 2

F63 Sch. 55 para. 15(3) omitted (6.4.2011 for specified purposes) by virtue of Finance Act 2010 (c. 13), s. 35(2), **Sch. 10 para. 13(3)**; S.I. 2011/975, art. 2(2) (with art. 5)

F64 Sch. 55 para. 15(4) omitted (6.4.2011 for specified purposes) by virtue of Finance Act 2010 (c. 13), s. 35(2), **Sch. 10 para. 13(3)**; S.I. 2011/975, art. 2(2) (with art. 5)

F65 Words in Sch. 55 para. 15(5) substituted (12.2.2019 for specified purposes) by Finance (No. 3) Act 2010 (c. 33), s. 26(2), **Sch. 10 para. 9(a)**; 2019 c. 1, s. 67(2)

F66 Words in Sch. 55 para. 15(5) substituted (12.2.2019 for specified purposes) by Finance (No. 3) Act 2010 (c. 33), s. 26(2), **Sch. 10 para. 9(b)**; 2019 c. 1, s. 67(2)

Commencement Information

I100 Sch. 55 para. 15 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))

I101 Sch. 55 para. 15 in force at 6.10.2011 for specified purposes by S.I. 2011/2391, **art. 2(b)** (with art. 3(1)(2))

I102 Sch. 55 para. 15 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**

Sch. 55 para. 15 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I103 Sch. 55 para. 15 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I104 Sch. 55 para. 15 in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

[**F67** 15A(1) If a person who would otherwise be liable to a penalty of a percentage shown in column 1 of the Table (a "standard percentage") has made a disclosure, HMRC must reduce the standard percentage to one that reflects the quality of the disclosure.

(2) But the standard percentage may not be reduced to a percentage that is below the minimum shown for it—

(a) in the case of a prompted disclosure, in column 2 of the Table, and

(b) in the case of an unprompted disclosure, in column 3 of the Table.

Standard %	***Minimum % for prompted disclosure***	***Minimum % for unprompted disclosure***
70%	45%	30%
87.5%	53.75%	35%
100%	60%	40%

105%	62.5%	40%
125%	72.5%	50%
140%	80%	50%
150%	85%	55%
200%	110%	70%

(3) But HMRC must not under this paragraph reduce a penalty below £300.]

Textual Amendments

F67 Sch. 55 para. 15A inserted (with effect in accordance with reg. 2 of the commencing S.I.) by Finance Act 2016 (c. 24), s. 163(2), **Sch. 21 para. 12**; S.I. 2017/259, reg. 2

Commencement Information

I105 Sch. 55 para. 15A in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I106 Sch. 55 para. 15A in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I107 Sch. 55 para. 15A in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

Special reduction

16 (1) If HMRC think it right because of special circumstances, they may reduce a penalty under any paragraph of this Schedule.

(2) In sub-paragraph (1) “special circumstances” does not include—

(a) ability to pay, or

(b) the fact that a potential loss of revenue from one taxpayer is balanced by a potential over-payment by another.

(3) In sub-paragraph (1) the reference to reducing a penalty includes a reference to—

(a) staying a penalty, and

(b) agreeing a compromise in relation to proceedings for a penalty.

Modifications etc. (not altering text)

C15 Sch. 55 para. 16 applied (6.4.2022) by The Pension (Non-Taxable Payments Following Death) (Real Time Information) Regulations 2021 (S.I. 2021/506), regs. 1, **7(3)**

Commencement Information

I108 Sch. 55 para. 16 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))

I109 Sch. 55 para. 16 in force at 6.10.2011 for specified purposes by S.I. 2011/2391, **art. 2(b)** (with art. 3(1)(2))

I110 Sch. 55 para. 16 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**

Sch. 55 para. 16 in force at 6.10.2014 for specified purposes and 6.3.2015 for specified purposes by S.I. 2014/2395, **art. 2(1)(b)**

I111 Sch. 55 para. 16 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I112 Sch. 55 para. 16 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I113 Sch. 55 para. 16 in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

Interaction with other penalties and late payment surcharges

17 (1) Where P is liable for a penalty under any paragraph of this Schedule which is determined by reference to a liability to tax, the amount of that penalty is to be reduced by the amount of any other penalty incurred by P, if the amount of the penalty is determined by reference to the same liability to tax.

(2) In sub-paragraph (1) the reference to "any other penalty" does not include—

(a) a penalty under any other paragraph of this Schedule, or

(b) a penalty under Schedule 56 (penalty for late payment of tax)[F68 , or

(c) a penalty under Part 4 of FA 2014 (penalty where corrective action not taken after follower notice etc)] [F69 or

(d) a penalty under Schedule 22 to FA 2016 (asset-based penalty)].

(3) Where P is liable for a penalty under more than one paragraph of this Schedule which is determined by reference to a liability to tax, the aggregate of the amounts of those penalties must not exceed [F70 100%] [F70 the relevant percentage] of the liability to tax.

[F71 (4) The relevant percentage is—

(a) if one of the penalties is a penalty under paragraph 6(3) or (4) and the information withheld is category 3 information, 200%,

(b) if one of the penalties is a penalty under paragraph 6(3) or (4) and the information withheld is category 2 information, 150%, and

(c) in all other cases, 100%.]

Textual Amendments

F68 Sch. 55 para. 17(2)(c) and word inserted (17.7.2014) by Finance Act 2014 (c. 26), **Sch. 33 para. 5**

F69 Sch. 55 para. 17(2)(d) and word inserted (with effect in accordance with reg. 2(b) of the commencing S.I.) by Finance Act 2016 (c. 24), s. 165(2), **Sch. 22 para. 20(5)**; S.I. 2017/277, reg. 2(b)

F70 Words in Sch. 55 para. 17(3) substituted (6.4.2011 for specified purposes) by Finance Act 2010 (c. 13), s. 35(2), **Sch. 10 para. 14(a)**; S.I. 2011/975, art. 2(2) (with art. 5)

F71 Sch. 55 para. 17(4) inserted (6.4.2011 for specified purposes) by Finance Act 2010 (c. 13), s. 35(2), **Sch. 10 para. 14(b)**; S.I. 2011/975, art. 2(2) (with art. 5)

Commencement Information

I114 Sch. 55 para. 17 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))

I115 Sch. 55 para. 17 in force at 6.10.2011 for specified purposes by S.I. 2011/2391, **art. 2(b)** (with art. 3(1)(2))

I116 Sch. 55 para. 17 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**

Sch. 55 para. 17 in force at 6.10.2014 for specified purposes and 6.3.2015 for specified purposes by S.I. 2014/2395, **art. 2(1)(b)**

I117 Sch. 55 para. 17 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I118 Sch. 55 para. 17 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I119 Sch. 55 para. 17 in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

[F72[F73 *Cancellation of penalty*]

Textual Amendments

F72 Sch. 55 paras. 17A, 17B and cross-heading inserted (with effect in accordance with Sch. 51 para. 9 of the amending Act) by Finance Act 2013 (c. 29), **Sch. 51 para. 8**

F73 Sch. 55 para. 17A and cross-heading omitted (6.4.2024 for specified purposes, 1.4.2026 for specified purposes) by virtue of Finance Act 2021 (c. 26), s. 118(2), **Sch. 27 para. 39(4)**; S.I. 2024/440, reg. 2; S.I. 2026/370, reg. 3

[F73 17A(1)

This paragraph applies where—

(a) P is liable for a penalty under any paragraph of this Schedule in relation to a failure to make a return falling within item 1 or 2 in the Table, and

(b) **[**F74 HMRC decide to give P a notice under section 8B withdrawing**]** a notice under section 8 or 8A of that Act.

(2) The notice under section 8B of TMA 1970 may include provision under this paragraph cancelling liability to the penalty from the date specified in the notice.**]**

Textual Amendments

F74 Words in Sch. 55 para. 17A(1)(b) substituted (with effect in accordance with s. 169(7) of the amending Act) by Finance Act 2016 (c. 24), **s. 169(6)**

Commencement Information

I120 Sch. 55 para. 17A in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I121 Sch. 55 para. 17A in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I122 Sch. 55 para. 17A in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

F75[F73 17B(1)

This paragraph applies where—

(a) P is liable for a penalty under any paragraph of this Schedule in relation to a failure to make a return falling within item 3 in the Table, and

(b) a request is made under section 12AAA of TMA 1970 for HMRC to withdraw a notice under section 12AA of that Act.

(2) The notice under section 12AAA of TMA 1970 may include provision under this paragraph cancelling liability to the penalty from the date specified in the notice.]]

Textual Amendments

F75 Sch. 55 para. 17B omitted (6.4.2024 for specified purposes, 1.4.2026 for specified purposes) by virtue of Finance Act 2021 (c. 26), s. 118(2), **Sch. 27 para. 39(4)**; S.I. 2024/440, reg. 2; S.I. 2026/370, reg. 3

Commencement Information

I123 Sch. 55 para. 17B in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I124 Sch. 55 para. 17B in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I125 Sch. 55 para. 17B in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

Assessment

18 (1) Where P is liable for a penalty under any paragraph of this Schedule HMRC must—

(a) assess the penalty,

(b) notify P, and

(c) state in the notice the period in respect of which the penalty is assessed.

(2) A penalty under any paragraph of this Schedule must be paid before the end of the period of 30 days beginning with the day on which notification of the penalty is issued.

(3) An assessment of a penalty under any paragraph of this Schedule—

(a) is to be treated for procedural purposes in the same way as an assessment to tax (except in respect of a matter expressly provided for by this Schedule),

(b) may be enforced as if it were an assessment to tax, and

(c) may be combined with an assessment to tax.

(4) A supplementary assessment may be made in respect of a penalty if an earlier assessment operated by reference to an underestimate of the liability to tax which would have been shown in a return.

[F76(5) Sub-paragraph (6) applies if—

(a) an assessment in respect of a penalty is based on a liability to tax that would have been shown in a return, and

(b) that liability is found by HMRC to be excessive.

(6) HMRC may by notice to P amend the assessment so that it is based upon the correct amount.

(7) An amendment under sub-paragraph (6)—

(a) does not affect when the penalty must be paid;

(b) may be made after the last day on which the assessment in question could have been made under paragraph 19.]

Textual Amendments

F76 Sch. 55 para. 18(5)-(7) substituted (with effect in accordance with Sch. 50 para. 16(2) of the amending Act) for Sch. 55 para. 18(5) by Finance Act 2013 (c. 29), **Sch. 50 para. 7**

Modifications etc. (not altering text)

C16 Sch. 55 paras. 18-23 applied (with modifications) (24.2.2022) by Finance Act 2022 (c. 3), **Sch. 2 para. 24(6)**

C17 Sch. 55 para. 18(1) modified (10.12.2021 for specified purposes, 1.4.2022 in so far as not already in force and with effect in accordance with s. 85(1)(b) of the amending Act) by Finance Act 2021 (c. 26), s. 85(1)(a), **Sch. 15 para. 8(2)(a)**; S.I. 2021/1409, regs. 3, **4**

C18 Sch. 55 para. 18(1)-(4) applied (6.4.2022) by The Pension (Non-Taxable Payments Following Death) (Real Time Information) Regulations 2021 (S.I. 2021/506), regs. 1, **7(3)**

Commencement Information

I126 Sch. 55 para. 18 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))

I127 Sch. 55 para. 18 in force at 6.10.2011 for specified purposes by S.I. 2011/2391, **art. 2(b)** (with art. 3(1)(2))

I128 Sch. 55 para. 18 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**

Sch. 55 para. 18 in force at 6.10.2014 for specified purposes and 6.3.2015 for specified purposes by S.I. 2014/2395, **art. 2(1)(b)**

I129 Sch. 55 para. 18 in force at 1.1.2015 for specified purposes by S.I. 2014/3269, **art. 2**

I130 Sch. 55 para. 18 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I131 Sch. 55 para. 18 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I132 Sch. 55 para. 18 in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

19 (1) An assessment of a penalty under any paragraph of this Schedule in respect of any amount must be made on or before the later of date A and (where it applies) date B.

(2) Date A is [F77—

(a) in the case of an assessment of a penalty under paragraph 6C, the last day of the period of 2 years beginning with the end of the tax month in respect of which the penalty is payable,

(b) in the case of an assessment of a penalty under paragraph 6D, the last day of the period of 2 years beginning with the filing date for the relevant extended failure (as defined in paragraph 6D(10)), and

(c) in any other case,]

the last day of the period of 2 years beginning with the filing date.

(3) Date B is the last day of the period of 12 months beginning with—

(a) the end of the appeal period for the assessment of the liability to tax which would have been shown in the return [F78 or returns (as the case may be in relation to penalties under section 6C or 6D)], or

(b) if there is no such assessment, the date on which that liability is ascertained or it is ascertained that the liability is nil.

(4) In sub-paragraph (3)(a) "appeal period" means the period during which—

(a) an appeal could be brought, or

(b) an appeal that has been brought has not been determined or withdrawn.

(5) Sub-paragraph (1) does not apply to a re-assessment under paragraph 24(2)(b).

Textual Amendments

F77 Words in Sch. 55 para. 19(2) inserted (with effect in accordance with Sch. 50 para. 16(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 50 para. 8(2)**

F78 Words in Sch. 55 para. 19(3)(a) inserted (with effect in accordance with Sch. 50 para. 16(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 50 para. 8(3)**

Modifications etc. (not altering text)

C16 Sch. 55 paras. 18-23 applied (with modifications) (24.2.2022) by Finance Act 2022 (c. 3), **Sch. 2 para. 24(6)**

C19 Sch. 55 paras. 19-23 applied (6.4.2022) by The Pension (Non-Taxable Payments Following Death) (Real Time Information) Regulations 2021 (S.I. 2021/506), regs. 1, **7(3)**

Commencement Information

I133 Sch. 55 para. 19 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))

I134 Sch. 55 para. 19 in force at 6.10.2011 for specified purposes by S.I. 2011/2391, **art. 2(b)** (with art. 3(1)(2))

I135 Sch. 55 para. 19 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**

Sch. 55 para. 19 in force at 6.10.2014 for specified purposes and 6.3.2015 for specified purposes by S.I. 2014/2395, **art. 2(1)(b)**

I136 Sch. 55 para. 19 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I137 Sch. 55 para. 19 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I138 Sch. 55 para. 19 in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

Appeal

20 (1) P may appeal against a decision of HMRC that a penalty is payable by P.

(2) P may appeal against a decision of HMRC as to the amount of a penalty payable by P.

Modifications etc. (not altering text)

C16 Sch. 55 paras. 18-23 applied (with modifications) (24.2.2022) by Finance Act 2022 (c. 3), **Sch. 2 para. 24(6)**

C19 Sch. 55 paras. 19-23 applied (6.4.2022) by The Pension (Non-Taxable Payments Following Death) (Real Time Information) Regulations 2021 (S.I. 2021/506), regs. 1, **7(3)**

Commencement Information

I139 Sch. 55 para. 20 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))

I140 Sch. 55 para. 20 in force at 6.10.2011 for specified purposes by S.I. 2011/2391, **art. 2(b)** (with art. 3(1)(2))

I141 Sch. 55 para. 20 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**

Sch. 55 para. 20 in force at 6.10.2014 for specified purposes and 6.3.2015 for specified purposes by S.I. 2014/2395, art. 2(1)(b)

I142 Sch. 55 para. 20 in force at 1.1.2015 for specified purposes by S.I. 2014/3269, **art. 2**

I143 Sch. 55 para. 20 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I144 Sch. 55 para. 20 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I145 Sch. 55 para. 20 in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

21 (1) An appeal under paragraph 20 is to be treated in the same way as an appeal against an assessment to the tax concerned (including by the application of any provision about bringing the appeal by notice to HMRC, about HMRC review of the decision or about determination of the appeal by the First-tier Tribunal or Upper Tribunal).

(2) Sub-paragraph (1) does not apply—

(a) so as to require P to pay a penalty before an appeal against the assessment of the penalty is determined, or

(b) in respect of any other matter expressly provided for by this Act.

Modifications etc. (not altering text)

C16 Sch. 55 paras. 18-23 applied (with modifications) (24.2.2022) by Finance Act 2022 (c. 3), **Sch. 2 para. 24(6)**

C19 Sch. 55 paras. 19-23 applied (6.4.2022) by The Pension (Non-Taxable Payments Following Death) (Real Time Information) Regulations 2021 (S.I. 2021/506), regs. 1, **7(3)**

Commencement Information

I146 Sch. 55 para. 21 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))

I147 Sch. 55 para. 21 in force at 6.10.2011 for specified purposes by S.I. 2011/2391, **art. 2(b)** (with art. 3(1)(2))

I148 Sch. 55 para. 21 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**

Sch. 55 para. 21 in force at 6.10.2014 for specified purposes and 6.3.2015 for specified purposes by S.I. 2014/2395, **art. 2(1)(b)**

I149 Sch. 55 para. 21 in force at 1.1.2015 for specified purposes by S.I. 2014/3269, **art. 2**

I150 Sch. 55 para. 21 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I151 Sch. 55 para. 21 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I152 Sch. 55 para. 21 in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

22 (1) On an appeal under paragraph 20(1) that is notified to the tribunal, the tribunal may affirm or cancel HMRC's decision.

(2) On an appeal under paragraph 20(2) that is notified to the tribunal, the tribunal may —

(a) affirm HMRC's decision, or

(b) substitute for HMRC's decision another decision that HMRC had power to make.

(3) If the tribunal substitutes its decision for HMRC's, the tribunal may rely on paragraph 16—

(a)

to the same extent as HMRC (which may mean applying the same percentage reduction as HMRC to a different starting point), or

(b) to a different extent, but only if the tribunal thinks that HMRC's decision in respect of the application of paragraph 16 was flawed.

(4) In sub-paragraph (3)(b) "flawed" means flawed when considered in the light of the principles applicable in proceedings for judicial review.

(5) In this paragraph "tribunal" means the First-tier Tribunal or Upper Tribunal (as appropriate by virtue of paragraph 21(1)).

Modifications etc. (not altering text)

C16 Sch. 55 paras. 18-23 applied (with modifications) (24.2.2022) by Finance Act 2022 (c. 3), **Sch. 2 para. 24(6)**

C19 Sch. 55 paras. 19-23 applied (6.4.2022) by The Pension (Non-Taxable Payments Following Death) (Real Time Information) Regulations 2021 (S.I. 2021/506), regs. 1, **7(3)**

Commencement Information

I153 Sch. 55 para. 22 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))

I154 Sch. 55 para. 22 in force at 6.10.2011 for specified purposes by S.I. 2011/2391, **art. 2(b)** (with art. 3(1)(2))

I155 Sch. 55 para. 22 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**

Sch. 55 para. 22 in force at 6.10.2014 for specified purposes and 6.3.2015 for specified purposes by S.I. 2014/2395, **art. 2(1)(b)**

I156 Sch. 55 para. 22 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I157 Sch. 55 para. 22 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I158 Sch. 55 para. 22 in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

Reasonable excuse

23 (1) **[**F79 Liability to a penalty under any paragraph of this Schedule does not arise in relation to a failure to make a return if P satisfies HMRC or (on appeal) the First-tier Tribunal or Upper Tribunal that there is a reasonable excuse for the failure.**]**

[F79 If P satisfies HMRC or (on appeal) the First-tier Tribunal or Upper Tribunal that there is a reasonable excuse for a failure to make a return—

(a) liability to a penalty under any paragraph of this Schedule does not arise in relation to that failure, and

(b) the failure does not count for the purposes of paragraphs 13B(2), 13C, 13G(2) and 13H.**]**

(2) For the purposes of sub-paragraph (1)—

(a) an insufficiency of funds is not a reasonable excuse, unless attributable to events outside P's control,

(b) where P relies on any other person to do anything, that is not a reasonable excuse unless P took reasonable care to avoid the failure, and

(c) where P had a reasonable excuse for the failure but the excuse has ceased, P is to be treated as having continued to have the excuse if the failure is remedied without unreasonable delay after the excuse ceased.

Textual Amendments

F79 Sch. 55 para. 23(1) substituted (12.2.2019 for specified purposes) by Finance (No. 3) Act 2010 (c. 33), s. 26(2), **Sch. 10 para. 11**; 2019 c. 1, s. 67(2)

Modifications etc. (not altering text)

C16 Sch. 55 paras. 18-23 applied (with modifications) (24.2.2022) by Finance Act 2022 (c. 3), **Sch. 2 para. 24(6)**

C19 Sch. 55 paras. 19-23 applied (6.4.2022) by The Pension (Non-Taxable Payments Following Death) (Real Time Information) Regulations 2021 (S.I. 2021/506), regs. 1, **7(3)**

Commencement Information

I159 Sch. 55 para. 23 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))

I160 Sch. 55 para. 23 in force at 6.10.2011 for specified purposes by S.I. 2011/2391, **art. 2(b)** (with art. 3(1)(2))

I161 Sch. 55 para. 23 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**

Sch. 55 para. 23 in force at 6.10.2014 for specified purposes and 6.3.2015 for specified purposes by S.I. 2014/2395, **art. 2(1)(b)**

I162 Sch. 55 para. 23 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I163 Sch. 55 para. 23 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I164 Sch. 55 para. 23 in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

Determination of penalty geared to tax liability where no return made

24 (1) References to a liability to tax which would have been shown in a return are references to the amount which, if a complete and accurate return had been delivered on the filing date, would have been shown to be due or payable by the taxpayer in respect of the tax concerned for the period to which the return relates.

(2) In the case of a penalty which is assessed at a time before P makes the return to which the penalty relates—

(a) HMRC is to determine the amount mentioned in sub-paragraph (1) to the best of HMRC's information and belief, and

(b) if P subsequently makes a return, the penalty must be re-assessed by reference to the amount of tax shown to be due and payable in that return (but subject to any amendments or corrections to the return).

(3) In calculating a liability to tax which would have been shown in a return, no account is to be taken of any relief under [F80 section 458 of CTA 2010] (relief in respect of repayment etc of loan) which is deferred under [F81 subsection (5)] of that section.

Textual Amendments

F80 Words in Sch. 55 para. 24(3) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 723(a)** (with Sch. 2)

F81 Words in Sch. 55 para. 24(3) substituted (with effect in accordance with s. 1184(1) of the amending Act) by Corporation Tax Act 2010 (c. 4), s. 1184(1), **Sch. 1 para. 723(b)** (with Sch. 2)

Modifications etc. (not altering text)

C20 Sch. 55 para. 24(2) modified by 2012 c. 14, **Sch. 38 para. 26C(6)** (as substituted (1.4.2026 with effect in relation to acts or omissions on or after that date) by Finance Act 2026 (c. 11), s. 250(2), **Sch. 22 para. 18**)

Commencement Information

I165 Sch. 55 para. 24 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))

I166 Sch. 55 para. 24 in force at 6.10.2011 for specified purposes by S.I. 2011/2391, **art. 2(b)** (with art. 3(1)(2))

I167 Sch. 55 para. 24 in force at 1.1.2015 for specified purposes by S.I. 2014/3269, **art. 2**

I168 Sch. 55 para. 24 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**

Sch. 55 para. 24 in force at 6.10.2014 for specified purposes and 6.3.2015 for specified purposes by S.I. 2014/2395, **art. 2(1)(b)**

I169 Sch. 55 para. 24 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I170 Sch. 55 para. 24 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I171 Sch. 55 para. 24 in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

[F82 *Partnerships*]

Textual Amendments

F82 Sch. 55 para. 25 and cross-heading omitted (6.4.2024 for specified purposes, 1.4.2026 for specified purposes) by virtue of Finance Act 2021 (c. 26), s. 118(2), **Sch.**

27 para. 39(5); S.I. 2024/440, reg. 2; S.I. 2026/370, reg. 3

[F82 25(1) This paragraph applies where—

(a) the representative partner, or

(b) a successor of the representative partner,

fails to make a return falling within item 3 in the Table (partnership returns).

(2) A penalty in respect of the failure is payable by every relevant partner.

(3) In accordance with sub-paragraph (2), any reference in this Schedule to P is to be read as including a reference to a relevant partner.

(4) An appeal under paragraph 20 in connection with a penalty payable by virtue of this paragraph may be brought only by—

(a) the representative partner, or

(b) a successor of the representative partner.

(5) Where such an appeal is brought in connection with a penalty payable in respect of a failure, the appeal is to treated as if it were an appeal in connection with every penalty payable in respect of that failure.

(6) In this paragraph—

"relevant partner" means a person who was a partner in the partnership to which the return relates at any time during the period in respect of which the return was required;

"representative partner" means a person who has been required by a notice served under or for the purposes of section 12AA(2) or (3) of TMA 1970 to deliver any return;

"successor" has the meaning given by section 12AA(11) of TMA 1970.]

Commencement Information

I172 Sch. 55 para. 25 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))

I173 Sch. 55 para. 25 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**

Sch. 55 para. 25 in force at 1.1.2015 for specified purposes by S.I. 2014/3269, **art. 2**

I174 Sch. 55 para. 25 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I175 Sch. 55 para. 25 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I176 Sch. 55 para. 25 in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

Double jeopardy

26 P is not liable to a penalty under any paragraph of this Schedule in respect of a failure or action in respect of which P has been convicted of an offence.

Modifications etc. (not altering text)

C21 Sch. 55 para. 26 applied (6.4.2022) by The Pension (Non-Taxable Payments Following Death) (Real Time Information) Regulations 2021 (S.I. 2021/506), regs. 1, **7(3)**

Commencement Information

I177 Sch. 55 para. 26 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))

I178 Sch. 55 para. 26 in force at 6.10.2011 for specified purposes by S.I. 2011/2391, **art. 2(b)** (with art. 3(1)(2))

I179 Sch. 55 para. 26 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**

Sch. 55 para. 26 in force at 6.10.2014 for specified purposes and 6.3.2015 for specified purposes by S.I. 2014/2395, **art. 2(1)(b)**

I180 Sch. 55 para. 26 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I181 Sch. 55 para. 26 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I182 Sch. 55 para. 26 in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

Interpretation

27 (1) This paragraph applies for the construction of this Schedule.

(2) The withholding of information by P is—

(a) "deliberate and concealed" if P deliberately withholds the information and makes arrangements to conceal the fact that the information has been withheld, and

(b) "deliberate but not concealed" if P deliberately withholds the information but does not make arrangements to conceal the fact that the information has been withheld.

[F83 (2A) The Commissioners" means the Commissioners for Her Majesty's Revenue and Customs.]

(3) "HMRC" means Her Majesty's Revenue and Customs.

[F84 (3A) Tax month" means the period beginning with the 6th day of a month and ending with the 5th day of the following month.]

(4) References to a liability to tax, in relation to a return falling within item 6 in the Table (construction industry scheme), are to a liability to make payments in accordance with Chapter 3 of Part 3 of FA 2004.

(5) References to an assessment to tax, in relation to inheritance tax and stamp duty reserve tax, are to a determination.

Textual Amendments

F83 Sch. 55 para. 27(2A) inserted (with effect in accordance with Sch. 50 para. 16(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 50 para. 9(2)**

F84 Sch. 55 para. 27(3A) inserted (with effect in accordance with Sch. 50 para. 16(2) of the amending Act) by Finance Act 2013 (c. 29), **Sch. 50 para. 9(3)**

Modifications etc. (not altering text)

C22 Sch. 55 para. 27 applied (6.4.2022) by The Pension (Non-Taxable Payments Following Death) (Real Time Information) Regulations 2021 (S.I. 2021/506), regs. 1, **7(3)**

Commencement Information

I183 Sch. 55 para. 27 in force at 1.4.2011 for specified purposes and 6.4.2011 for specified purposes by S.I. 2011/702, **art. 2** (with art. 1(2))

I184 Sch. 55 para. 27 in force at 1.1.2015 for specified purposes by S.I. 2014/3269, **art. 2**

I185 Sch. 55 para. 27 in force at 17.7.2013 for specified purposes by 2013 c. 29, **Sch. 34 para. 7(2)**

Sch. 55 para. 27 in force at 6.10.2014 for specified purposes and 6.3.2015 for specified purposes by S.I. 2014/2395, **art. 2(1)(b)**

I186 Sch. 55 para. 27 in force at 6.4.2018 for specified purposes by S.I. 2018/468, **art. 2(b)**

I187 Sch. 55 para. 27 in force at 12.2.2019 for specified purposes by 2019 c. 1, **Sch. 2 para. 29(3)**

I188 Sch. 55 para. 27 in force at 1.4.2022 for specified purposes by S.I. 2021/1409, **reg. 2(b)**

I189 Sch. 55 para. 27(1)-(4) in force at 6.10.2011 for specified purposes by S.I. 2011/2391, **art. 2(b)** (with art. 3(1)(2))