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Finance Act, 2008

Section 119 - Correction and amendment of tax returns

1) In section 9ZB(1) of TMA 1970 (correction of personal or trustee return by HMRC)- (a) after "correct" insert "- (a) ", and (b) insert at the end ", and (b) anything else in the return that the officer has reason to believe is incorrect in the light of information available to the officer." (2) In section 12ABB(1) of that Act (correction of partnership return by HMRC)- (a) after "correct" insert "- (a) ", and (b) insert at the end ", and (b) anything else in the return that the officer has reason to believe is incorrect in the light of information available to the officer." (3) Schedule 18 to FA 1998 (company tax returns) is amended as follows. (4) In paragraph 16(1) (correction of company tax return by HMRC)- (a) after "correct" insert "- (a) ", and (b) insert at the end ", and (b) anything else in the return that the officer has reason to believe is incorrect in the light of information available to the officer." (5) In paragraph 31 (amendment of return by company during enquiry), in subparagraph (4), for paragraph (b) substitute- "(b) in any other case, the amendment takes effect as part of the amendments made by the closure notice." (6) In paragraph 34 (amendment of company tax return after enquiry), for subparagraphs (1) and (2) substitute- "(1) This paragraph applies where a closure notice is given to a company by an officer. (2) The closure notice must- (a) state that, in the officer's opinion, no amendment is required of the return that was the subject of the enquiry, or (b) make the amendments of that return that are required- (i) to give effect to the conclusions stated in the notice, and (ii) in the case of a return for the wrong period, to make it a return appropriate to the designated period. (2A) The officer may by further notice to the company make any amendments of other company tax returns delivered by the company that are required to give effect to the conclusions stated in the closure notice." (7) In sub-paragraph (3) of that paragraph, for "any such amendment of a company's return" substitute "an amendment of a company's return under sub-paragraph (2) or (2A)". (8) In sub-paragraph (4)(c) of that paragraph, for "notice of amendment" substitute "closure notice". (9) In paragraph 61(1)(a) and (3)(a) (consequential claims etc), for "34(2)(b)" substitute "34(2A)". (10) In paragraph 88 (conclusiveness of amounts stated in return)- (a) in sub-paragraph (3)(b), omit the words from "and" to the end, (b) in sub-paragraph (3)(c), for "34(2)" substitute "34", (c) in sub-paragraph (4)(b), for "the end of the period specified in paragraph 34(1)" substitute "the completion of the enquiry", and (d) in sub-paragraph (4)(c), for "34(2)" substitute "34". (11) In paragraph 93(1)(b) (general jurisdiction of Special or General Commissioners), for "34(2)" substitute "34". (12) In the following provisions, for "34(2)" substitute "34"- (a) in TMA 1970- (i) section 46B(2)(aa) (questions to be determined by Special Commissioners), (ii) section 46C(2)(b) (jurisdiction of Special Commissioners over certain claims included in returns), (iii) section 46D(2)(aa) (questions to be determined by Land Tribunal), and (iv) section 55(1)(a)(ii) (recovery of tax not postponed), and (b) in ICTA, section 754(2E) (assessment, recovery and postponement of tax). (13) The amendments made by this section come into force on such day as the Treasury may by order appoint.

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