



Revenue Scotland and Tax Powers Act 2014

2014 asp 16

PART 6

TAX RETURNS, ENQUIRIES AND ASSESSMENTS

CHAPTER 2

TAXPAYER DUTIES TO KEEP AND PRESERVE RECORDS

Duties to keep records

74 Duty to keep and preserve records

- (1) A person who is required to make a tax return in relation to a devolved tax must—
 - (a) keep any records that may be needed to enable the person to make a correct and complete return, and
 - (b) preserve those records in accordance with this section.
- (2) The records mentioned in subsection (1) must be preserved until the end of the later of the relevant day and the date on which—
 - (a) an enquiry into the return is completed, or
 - (b) if there is no enquiry, a designated officer no longer has power to enquire into the return.
- (3) A person who is liable to be registered for tax (a “registrable person”) must—
 - (a) keep any records that may be needed to enable the registrable person to comply with a requirement to notify Revenue Scotland of the person’s intention—
 - (i) to carry out taxable activities, or
 - (ii) to cease to carry out taxable activities,
 - (b) make records relating to material at a landfill site or part of a landfill site, and
 - (c) preserve those records in accordance with this section.

Status: This is the original version (as it was originally enacted).

- (4) The records mentioned in subsection (3) must be preserved until the end of the relevant day.
- (5) “The relevant day” in relation to records mentioned in subsection (1) means—
 - (a) the fifth anniversary of the day on which the return is made or, if the return is amended, the day notice of the amendment is given under section 83, or
 - (b) any earlier day that may be specified by Revenue Scotland.
- (6) The “relevant day” in relation to records mentioned in subsection (3) means—
 - (a) in the case of records mentioned in subsection (3)(a), the fifth anniversary of the day on which the notice was given,
 - (b) in the case of records mentioned in subsection (3)(b), the fifth anniversary of the day on which the record was made, or
 - (c) in either case, any earlier day that may be specified by Revenue Scotland.
- (7) Different days may be specified for different purposes under subsection (5)(b) or (6)(c).
- (8) The records required to be kept and preserved under subsection (1) include—
 - (a) details of any relevant transaction (including relevant instruments relating to any transaction, in particular, any contract or conveyance, and any supporting maps, plans or similar documents),
 - (b) details of any relevant taxable activity,
 - (c) records of relevant payments, receipts and financial arrangements.
- (9) The Scottish Ministers may by regulations—
 - (a) provide that the records required to be kept and preserved under this section do, or do not, include records specified in the regulations, and
 - (b) specify supporting documents that are required to be kept under this section.
- (10) Regulations under this section may make provision by reference to things specified in a notice published by Revenue Scotland in accordance with the regulations (and not withdrawn by a subsequent notice).
- (11) “Supporting documents” includes accounts, books, deeds, contracts, vouchers and receipts.

75 Preservation of information etc.

The duty under section 74 to preserve records may be satisfied—

- (a) by preserving them in any form and by any means, or
- (b) by preserving the information contained in them in any form and by any means, subject to any conditions or exceptions prescribed by the Scottish Ministers by regulations.