



Revenue Scotland and Tax Powers Act 2014

2014 asp 16

PART 8

PENALTIES

CHAPTER 5

OTHER ADMINISTRATIVE PENALTIES

Penalties for failure to register for tax etc.

209 Penalty for failure to register for tax etc.

- (1) A penalty is payable by a person (“P”) where—
 - (a) P fails to comply with a requirement imposed by or under section 22 or 23 of the LT(S) Act 2014 (“a relevant requirement”), and
 - (b) the failure was—
 - (i) deliberate on P’s part (“a deliberate failure”), or
 - (ii) careless on P’s part (“a careless failure”).
- (2) A failure is careless if it is due to a failure by P to take reasonable care.
- (3) A failure by P to comply with a relevant requirement, which was neither deliberate nor careless on P’s part at an earlier time, is to be treated as careless if P—
 - (a) discovered the failure at some later time, and
 - (b) did not take reasonable steps to inform Revenue Scotland.
- (4) Section 210 sets out the penalty under this section.

210 Amount of penalty for failure to register for tax etc.

- (1) This section sets out the penalty payable under section 209.

Status: This is the original version (as it was originally enacted).

- (2) For a deliberate failure, the penalty is 100% of the potential lost revenue.
- (3) For a careless failure, the penalty is 30% of the potential lost revenue.
- (4) In the case of a relevant requirement relating to Scottish landfill tax, the potential lost revenue is the amount of the tax (if any) for which P is liable for the period—
 - (a) beginning on the date with effect from which P is required in accordance with that requirement to be registered, and
 - (b) ending on the date on which Revenue Scotland received notification of, or otherwise became fully aware of, P's liability to be registered.
- (5) In calculating potential lost revenue in respect of a failure to comply with a relevant requirement on the part of P no account is to be taken of the fact that a potential loss of revenue from P is or may be balanced by a potential over-payment by another person.