



# 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.

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*Status: This is the original version (as it was originally enacted).*

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- (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.