



# Finance Act 2011

## 2011 CHAPTER 11

### PART 8

#### MISCELLANEOUS PROVISIONS

#### **88 Amendments of section 1 of the Provisional Collection of Taxes Act 1968**

- (1) Section 1 of the Provisional Collection of Taxes Act 1968 (temporary statutory effect of House of Commons resolutions relating to certain taxes) is amended in accordance with subsections (2) to (7).
- (2) In subsection (2) for “(8)” substitute “(9)”.
- (3) For subsection (3) substitute—
  - “(3) The period is one expiring at the end of seven months after the date on which the resolution is expressed to take effect or, if no such date is expressed, after the date on which the resolution is passed.”
- (4) In subsection (5)—
  - (a) in paragraph (c) omit “or prorogued”, and
  - (b) after paragraph (c) insert “, or
  - (d) Parliament is prorogued.”
- (5) After subsection (5) insert—
  - “(5A) Subsection (5B) applies in relation to a resolution instead of subsection (5)(d) where Parliament is prorogued at the end of a session if—
    - (a) one of the following happens during the session—
      - (i) a Bill renewing, varying or, as the case may be, abolishing the tax is read a first time by the House, or
      - (ii) a Bill is amended by the House in Committee or on Report or by any Public Bill Committee of the House so as to include provision for the renewal, variation or, as the case may be, abolition of the tax,

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*Status: This is the original version (as it was originally enacted).*

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- (b) the Standing Orders or Sessional Orders of the House provide, or during the session the House orders, that proceedings on the Bill not completed before the end of the session shall be resumed in the next session, and
  - (c) proceedings on the Bill are not completed during the session.
- (5B) The resolution shall cease to have statutory effect under this section if, during the period of thirty sitting days beginning with the first sitting day of the next session, no Bill renewing, varying or, as the case may be, abolishing the tax is presented to the House.
- (5C) In subsection (5B) “sitting day” means a day on which the House sits.
- (5D) Where a Bill is amended as mentioned in subsection (5A)(a)(ii), it does not matter for the purposes of subsection (5A)(b) if the House orders as mentioned in subsection (5A)(b) before the amendment to the Bill is made.”
- (6) In subsection (6) for “(4) or (5)” substitute “(4), (5) or (5B)”.
- (7) After subsection (8) insert—
- “(9) Subsection (8) does not apply where the later resolution is passed in a different calendar year from that in which the earlier resolution is passed.”
- (8) Accordingly, the following provisions are repealed—
- (a) section 205(4) of FA 1993;
  - (b) section 50(1) and (3) of F(No.2)A 1997.
- (9) The amendments made by this section come into force on such day as the Treasury may by order made by statutory instrument appoint.
- (10) Subject to subsection (11), the amendments do not apply in relation to any resolution passed before the day appointed under subsection (9).
- (11) The cases covered by section 1(9) of the Provisional Collection of Taxes Act 1968 (as inserted by subsection (7)) include cases where the earlier resolution (but not the later resolution) is passed before the day appointed under subsection (9).

## **89 Specified investments**

- (1) The amendments made by the second order are to be treated, for all tax purposes, as having come into force on 24 February 2010 immediately after the coming into force of the first order.
- (2) A person may elect that subsection (1) is not to have effect in relation to that person.
- (3) An election under subsection (2)—
  - (a) is to be made by notice in writing to an officer of Revenue and Customs,
  - (b) may not be made after the end of the period of 30 days beginning with the day on which this Act is passed, and
  - (c) is irrevocable.
- (4) In this section—
 

“the first order” means the Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2010 ([S.I. 2010/86](#));

“the second order” means the Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2011 ([S.I. 2011/133](#));

“tax” means any tax or duty.

- (5) Nothing in this section affects the commencement of the second order otherwise than as provided for by this section.

**90 Machine games duty**

The Commissioners for Her Majesty’s Revenue and Customs may incur expenditure in preparing for the introduction of a new duty to be charged in respect of games played on machines.

**91 Redundant reliefs**

Schedule 26 contains provision repealing redundant reliefs.