

Finance Act 2020

CHAPTER 14

FINANCE ACT 2020

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- 47 Charge to DST
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- 55 Duty to notify HMRC of change in relevant information
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- 57 Meaning of "group", "parent" etc
- 58 Section 57: meaning of "relevant entity"
- 59 Continuity of a group over time
- 60 Treatment of stapled entities

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- 62 Apportionment of revenues or expenses to accounting period
- 63 Meaning of revenues arising, or expenses recognised, in a period
- 64 Meaning of "the applicable accounting standards" etc

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SCHEDULES

SCHEDULE 1 — Workers' services provided through intermediaries PART 1 — AMENDMENTS TO CHAPTER 8 OF PART 2 OF ITEPA 2003

- 1 Chapter 8 of Part 2 of ITEPA 2003 (application of...
- 2 For the heading of the Chapter substitute "Workers' services provided...
- 3 (1) Section 48 (scope of Chapter) is amended as follows....
- 4 (1) Section 50 (worker treated as receiving earnings from employment)...
- 5 After section 60 insert— When a person qualifies as small...
- 6 In section 61(1) (interpretation), in the definition of company, before... PART 2 AMENDMENTS TO CHAPTER 10 OF PART 2 OF ITEPA 2003
- 7 Chapter 10 of Part 2 of ITEPA 2003 (workers' services...
- 8 For the heading of the Chapter substitute "Workers' services provided...
- 9 (1) Section 61K (scope of Chapter) is amended as follows....
- 10 In section 61L (meaning of "public authority") in subsection (1)—...
- 11 (1) Section 61M (engagements to which the Chapter applies) is...
- 12 (1) Section 61N (worker treated as receiving earnings from employment)...
- After section 61N insert— Meaning of status determination statement (1) For the purposes of section 61N "status determination statement"...
- 14 In section 61O(1) (conditions where intermediary is a company) for...
- 15 In section 61R (application of Income Tax Acts in relation...
- For section 61T substitute— Client-led status disagreement process (1) This section applies if, before the final chain payment...
- 17 (1) Section 61W (prevention of double charge to tax and...
 PART 3 CONSEQUENTIAL AND MISCELLANEOUS AMENDMENTS
- 18 In section 61D of ITEPA 2003 (managed service companies: worker...
- 19 After section 688A of ITEPA 2003 insert— Workers' services provided...
- 20 In section 60 of FA 2004 (construction industry scheme: meaning...
- 21 For the italic heading before section 141A of CTA 2009...
- 22 In the heading of section 141A of CTA 2009 for...
- 23 (1) Part 13 of CTA 2009 (additional relief for expenditure... PART 4 COMMENCEMENT AND TRANSITIONAL PROVISIONS
- 24 Commencement
- 25 The amendments made by Part 2 of this Schedule have...
- 26 The amendment made by paragraph 18 of this Schedule has...
- 27 The amendment made by paragraph 20 of this Schedule has...
- 28 The amendments made by paragraph 23 of this Schedule have...
- 29 Sections 101 to 103 of FA 2009 (interest) come into...
- 30 Transitional provisions
- 31 (1) This paragraph applies where—(a) the client in the...
- 32 (1) This paragraph applies for the purposes of paragraphs 30...
- For the purposes of section 61N(5), (5A)(a) and (8)(za) of...
- For the purposes of section 61T of ITEPA 2003—
- SCHEDULE 2 The loan charge: consequential amendments
 - PART 1 AMENDMENTS TO F(No.2)A 2017 IN CONSEQUENCE OF SECTION 15
- 1 Schedule 11 to F(No.2)A 2017 (employment income provided through third...

- 2 In paragraph 1 (application of Part 7A of ITEPA 2003:...
- For the italic heading before paragraph 2 substitute "Meaning of...
- 4 In paragraph 2 (meaning of "loan", "quasi-loan" and "approved repayment...
- 5 (1) Paragraph 4 (when an amount of a loan is...
- 6 In paragraph 5 (meaning of "outstanding": loans where A or...
- 7 In paragraph 13 (meaning of "outstanding": quasi-loans where A or...
- 8 Omit paragraph 19 (meaning of "approved fixed term loan") and...
- 9 For the heading of Part 2 substitute "Accelerated payments".
- 10 Omit paragraphs 20 to 22 and the italic headings before...
- Omit the italic heading before paragraph 23.
- 12 (1) Paragraph 23 (accelerated payments) is amended as follows.
- 13 (1) Paragraph 35A (when the duty to provide loan charge...
- 14 In paragraph 35B (duty of appropriate third party to provide...
- 15 (1) Paragraph 35D (meaning of "loan charge information") is amended...
- 16 (1) Paragraph 36 (duty to provide loan charge information to...
- 17 Schedule 12 to F(No.2)A 2017 (trading income provided through third...
- 18 For the italic heading before paragraph 2 substitute "Meaning of...
- 19 In paragraph 2 (meaning of "loan", "quasi-loan" and "approved repayment...
- 20 Omit paragraphs 15 to 18 and the italic heading before...
- 21 (1) Paragraph 19 (accelerated payments: application of paragraph 20) is...
- 22 In paragraph 23 (meaning of "loan charge information") in subparagraph...
 - PART 2 AMENDMENTS IN CONSEQUENCE OF SECTION 16
- 23 ITEPA 2003
- 24 (1) Section 554A (application of Chapter 2 of Part 7A:...
- In section 554Z (interpretation: general) in subsection (10)(d) after "paragraph...
- 26 F(No.2)A 2017
- 27 In paragraph 2 (meaning of "loan", "quasi-loan" and "approved repayment...
- 28 In paragraph 3(1) (meaning of "outstanding": loans) for "paragraph 1"...
- 29 In paragraph 4 (when an amount of a loan is...
- 30 In paragraph 5 (meaning of "outstanding": loans where A or...
- In paragraph 7 (meaning of "outstanding": loans in currencies other...
- 32 In paragraph 10 (meaning of "outstanding": loans made in a...
- In paragraph 11(1) (meaning of "outstanding": quasi-loans) for "paragraph 1"...
- 34 In paragraph 12 (certain payments or transfers to be disregarded...
- 35 In paragraph 13 (meaning of "outstanding": quasi-loans where A or...
- In paragraph 15 (meaning of "outstanding": quasi-loans in currencies other...
- 37 In paragraph 18 (meaning of "outstanding": quasi-loans made in a...
- After paragraph 35 insert— Exclusion for relevant step within paragraph...
- 39 Social Security (Contributions) Regulations 2001

SCHEDULE 3 — Entrepreneurs' relief

PART 1 — REDUCTION IN LIFETIME LIMIT

1 Reduction in lifetime limit

- 2 Commencement
- 3 Anti-forestalling: unconditional contracts
- 4 Anti-forestalling: reorganisations of share capital
- 5 Anti-forestalling: exchanges of securities etc
- 6 Interpretation
 - PART 2 RE-NAMING THE RELIEF
- 7 (1) In section 169H(1) of TCGA 1992 (relief under Chapter...
- 8 This Part of this Schedule has effect for the tax...

SCHEDULE 4 — Corporate capital losses

PART 1 — CORPORATE CAPITAL LOSS RESTRICTION

- Restriction on deduction from chargeable gains: main provisions
- 2 After section 269ZB insert— Restriction on deductions from chargeable gains...
- 3 (1) Section 269ZC (restriction on deductions from non-trading profits) is
- 4 In section 269ZD (restriction on deductions from total profits), in...
- 5 In section 269ZF (relevant profits), after subsection (2) insert—
- 6 In section 269ZF, in subsection (3), for steps 3 to...
- 7 In section 269ZF(4) (calculation of modified total profits)—
- 8 Insolvent companies
- 9 In section 269ZZ (company tax return to specify amount of...
- 10 Companies without a source of chargeable income
- 11 Offshore collective investment vehicles
- 12 Insurance companies: ring fence
- 13 After section 269ZFB of CTA 2010 insert— Restriction on deductions...
- 14 (1) Part 7ZA of CTA 2010 is amended in accordance...
- 15 In section 95 of FA 2012 (use of non-BLAGAB allowable...
- 16 Oil activities: ring fence
- 17 Clogged losses
- 18 Pre-entry losses
- 19 Real estate investment trusts
- 20 In section 535B (use of pre-April 2019 residual business losses...
- 21 In section 550 (attribution of distributions) at the end insert—...
- 22 In section 556 (disposal of assets) in subsection (7), for...
- 23 Counteraction of avoidance arrangements
- 24 Minor and consequential amendments to Part 7ZA of CTA 2010
- 25 (1) Section 269ZB (restriction on deductions from trading profits) is...
- 26 In section 269ZC (restriction on deductions from non-trading profits)
- 27 In section 269ZD (restriction on deductions from total profits) omit...
- 28 After section 269ZD insert— References to a company's "deductions allowance"...
- 29 (1) Section 269ZF ("relevant trading profits" and "relevant non-trading profits")...
- 30 (1) Section 269ZFA ("relevant profits") is amended as follows.
- In section 269ZG (general insurance companies: excluded accounting periods), in...
- 32 In section 269ZR (deductions allowance for company in a group),...
- 33 In section 269ZW (deductions allowance for company not in a...
- 34 In section 269ZZ (company tax return to specify amount of...
- 35 (1) Section 269ZZA(1) (excessive specification of deductions allowance: application of...

- 36 Minor and consequential amendments to Part 7A of CTA 2010
- 37 (1) Section 269CB (restriction on deductions for non-trading deficits from...
- 38 In section 269CN (definitions)— (a) omit the definition of "relevant...
 PART 2 CORPORATE CAPITAL LOSS DEDUCTIONS: MISCELLANEOUS
 PROVISION
- 39 Companies without a source of chargeable income: carry back of losses
- 40 Insurance companies: minor amendments to TCGA 1992 and FA 2012
- 41 In section 93 of FA 2012 (minimum profits test), at...
 PART 3 COMMENCEMENT AND ANTI-FORESTALLING PROVISION
- 42 Commencement
- 43 (1) Paragraph 44 applies where a company has an accounting...
- 44 (1) The amount of chargeable gains to be included in...
- 45 (1) This paragraph applies in relation to a non-UK resident...
- 46 Anti-forestalling provision

SCHEDULE 5 — Structures and buildings allowances

- 1 Introduction
- 2 Research and development allowances
- 3 Contribution allowances
- 4 Minor amendments
- 5 In section 270BB (capital expenditure incurred on construction), in subsection...
- 6 In section 270BL (apportionment of sums partly referable to non-qualifying...
- 7 In section 270IA (evidence of qualifying expenditure etc), in subsection...
- 8 Commencement
- 9 The amendments made by paragraph 3 have effect in relation...
- 10 Part 2A of CAA 2001 has effect, and is to...

SCHEDULE 6 — Non-UK resident companies carrying on UK property businesses etc

- 1 Calculation of non-trading profits and deficits from loan relationships or derivative contracts
- 2 In section 574 of CTA 2009 (derivative contracts: non-trading credits...
- 3 Debits referable to times before UK property business etc is carried on
- 4 After section 607 of CTA 2009 insert—Debits referable to...
- 5 In paragraph 40 of Schedule 5 to FA 2019 (transitional...
- 6 Duty to notify chargeability to corporation tax: exceptions
- 7 In section 55A(1) of FA 2004 (exception to duty of...
- 8 Period for making election under regulation 6A of the Disregard Regulations
- 9 In paragraph 44 of Schedule 5 to FA 2019, at...
- 10 Commencement
- 11 The amendments made by paragraphs 8 and 9 have effect...

SCHEDULE 7 — CT payment plans for tax on certain transactions with EEA residents

- 1 CT payment plans
- 2 After Schedule 3ZB to TMA 1970 insert— SCHEDULE 3ZC CT...
- 3 Penalties
- 4 Commencement

5 Power of repeal

SCHEDULE 8 — Digital services tax: returns, enquiries, assessments and appeals

PART 1 — INTRODUCTION

1 (1) References in this Schedule—(a) to the delivery of...

PART 2 — DST RETURNS

- 2 DST returns
- 3 Amendment of return by responsible member

PART 3 — DUTY TO KEEP AND PRESERVE RECORDS

- 4 Duty to keep and preserve records
- 5 Preservation of information etc

PART 4 — ENQUIRY INTO RETURN

- 6 Notice of enquiry
- 7 Scope of enquiry
- 8 Amendment of self-assessment during enquiry to prevent loss of tax
- 9 Amendment of return by responsible member during enquiry
- 10 Referral of questions to the tribunal during enquiry
- 11 Withdrawal of notice of referral
- 12 Effect of referral on enquiry
- 13 Effect of determination
- 14 Completion of enquiry
- 15 Direction to complete enquiry

PART 5 — HMRC DETERMINATIONS

- 16 Determination of tax chargeable if no return delivered
- 17 Determination to have effect as a self-assessment
- 18 Determination superseded by actual self-assessment

PART 6 — HMRC ASSESSMENTS

- 19 Assessments where loss of tax discovered
- 20 Restrictions on assessments
- 21 Time limits for discovery assessments
- 22 Assessment procedure etc
- 23 Liability to amounts charged by way of discovery assessment PART 7 RELIEF IN CASE OF OVERPAID TAX
- 24 Claim for relief for overpaid tax
- 25 Making a claim
- 26 Cases in which Commissioners not liable to give effect to claim
- 27 Power to enquire into claims
- 28 Completion of enquiry into claim etc
- 29 Assessment for excessive repayment etc
- 30 Supplementary assessments
- Further provision about assessments under paragraphs 29 and 30
- 32 Time limits for assessments

PART 8 — APPEALS AGAINST HMRC DECISIONS ON TAX

- 33 Right of appeal
- 34 Notice of appeal
- 35 Late notice of appeal
- 36 Steps that may be taken following notice of appeal
- 37 Right of appellant to require review
- 38 Offer of review by HMRC
- 39 Nature of review
- 40 Effect of conclusions of review
- 41 Notifying appeal to tribunal after appellant has required review
- 42 Notifying appeal to tribunal after HMRC have offered review

- 43 Interpretation of paragraphs 36 to 42
- 44 Settling of appeals by agreement
- 45 Appeal does not postpone recovery of tax
- 46 Application for payment of tax to be postponed
- 47 Agreement to postpone payment of tax
- 48 Assessments and self-assessments
- 49 Payment of tax where appeal has been determined
- 50 Payment of tax where there is a further appeal
- 51 Tribunal determinations

PART 9 — PENALTIES

- 52 Failure to deliver return: flat-rate penalty
- 53 Failure to deliver return: tax-related penalty
- 54 Failure to deliver a return: reasonable excuse
- 55 Failure to keep and preserve records: penalty
- 56 Assessment of penalty, etc
- 57 Special reduction
- 58 Right to appeal against penalty
- 59 Procedure on appeal against penalty
- 60 Payments in respect of penalties

SCHEDULE 9 — DST payment notices

- 1 Introduction
- 2 Payment notice: effect
- 3 Payment notice: appeals
- 4 Payment notices: effect of making payment etc

SCHEDULE 10 — Digital services tax: minor and consequential amendments

- 1 Provisional Collection of Taxes Act 1968
- 2 FA 1989
- 3 FA 2007
- 4 FA 2008
- 5 (1) Schedule 36 (information and inspection powers) is amended as...
- 6 (1) Schedule 41 (penalties for failure to notify etc) is...

SCHEDULE 11 — Private pleasure craft

- 1 Amendments of HODA 1979
- 2 In section 6AB(4A) after "vehicles" insert "etc".
- 3 (1) Section 12 is amended as follows.
- 4 In section 13ZB(5), in paragraph (b) of the definition of...
- 5 In section 14A for subsection (4) substitute—
- 6 (1) Section 14B is amended as follows.
- 7 (1) Section 14C is amended as follows.
- 8 For section 14E substitute— Restrictions on use of certain fuel...
- 9 For section 14F substitute—Penalties for contravention of section 14E...
- 10 In section 20AAA(4)(a) after "vehicle" insert "or as fuel for...
- 11 In section 24 (control of use of duty-free and rebated...
- 12 In section 27(1) at the appropriate place insert— "private pleasure...
- 13 (1) Schedule 4 (regulations under section 24) is amended as...
- 14 (1) Schedule 5 (sampling) is amended as follows.
- 15 Other amendments
- 16 In Schedule 41 to FA 2008, in the table in...
- 17 In Schedule 9 to TCTA 2018, in paragraph 6 omit...

- 18 General
- 19 Different days may be appointed for different purposes or different...
- 20 The Treasury may by regulations make such transitional, transitory or...
- 21 The Treasury may by regulations make such amendments of any...
- 22 A statutory instrument containing regulations under paragraph 21 is subject...
- 23 Any power to make regulations under this Schedule is exercisable...

SCHEDULE 12 — Carbon emissions tax

- 1 Introduction
- 2 Power to set emissions allowance
- 3 Power to make further provision by regulations
- 4 (1) Section 75 (power to make further provision about carbon...
- In section 76 (consequential provision), in subsection (5), for the...
- 6 (1) Section 78 (regulations) is amended in accordance with this...
- 7 Interpretation
- 8 Commencement and transitional provision
- 9 Penalty for failure to make payments on time
- 10 Commencement

SCHEDULE 13 — Joint and several liability of company directors etc

- 1 Introduction
- 2 Tax avoidance and tax evasion cases
- 3 Repeated insolvency and non-payment cases
- 4 (1) The Treasury may by regulations made by statutory instrument—...
- 5 Cases involving penalty for facilitating avoidance or evasion
- 6 "Tax-avoidance arrangements"
- 7 "Tax-evasive conduct"
- 8 "Insolvency procedure" etc
- 9 Interaction with penalties
- 10 Withdrawal or modification of notice
- 11 Right of review
- 12 Reviews under paragraph 11
- 13 Right of appeal
- 14 Appeals under paragraph 13
- 15 Appeal in respect of liability of company
- 16 Proceedings for determination of penalty to be imposed on company
- 17 Cases where company has ceased to exist
- 18 Application to limited liability partnerships
- 19 Interpretation

SCHEDULE 14 — Amendments relating to the operation of the GAAR

- 1 Introduction
- 2 Protecting adjustments under the GAAR before time limits expire
- After section 209 insert—Protective GAAR notices (1) An officer of Revenue and Customs may give a...
- 4 After section 209AA (as inserted by paragraph 3) insert—Adjustments...
- 5 After section 209AB (as inserted by paragraph 4) insert— Sections...
- 6 Omit sections 209A to 209F (provisional counteraction notices).
- 7 In section 214(1) (interpretation of Part 5 of FA 2013),...
- 8 Minor amendments
- 9 In paragraph 5 of Schedule 43C (penalty under section 212A),...

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

- 10 Commencement
- 11 The amendment made by paragraph 3 has effect in relation...
- 12 The amendment made by paragraph 4 has effect in relation...
- 13 The amendment made by paragraph 6 does not affect the...
- 14 The amendment made by paragraph 9 has effect in relation...
- 15 In paragraphs 10 to 14 "the commencement date" means the...

SCHEDULE 15 — Tax relief for scheme payments etc

- 1 Introductory
- 2 Qualifying payments
- 3 Exemption from income tax
- 4 Exemptions from capital gains tax
- 5 Relief from inheritance tax

SCHEDULE 16 — Taxation of coronavirus support payments

- 1 Accounting for coronavirus support payments referable to a business
- 2 Amounts not referable to activities of a business which is being carried on
- 3 Amounts referable to businesses in certain cases
- 4 Exemptions, reliefs and deductions
- 5 Charge where employment costs deductible by another
- 6 Charge where no business carried on
- 7 Modification of the Tax Acts
- 8 Charge if person not entitled to coronavirus support payment
- 9 Assessments of income tax chargeable under paragraph 8
- 10 Calculation of income tax liability
- 11 Calculation of tax liability: companies chargeable to corporation tax
- 12 Notification of liability under paragraph 8
- 13 Penalty for failure to notify: knowledge of non-entitlement to payment
- 14 Penalties: partnerships
- 15 Liability of officers of insolvent companies