

Changes to legislation: There are currently no known outstanding effects for the Oil Taxation Act 1975, Cross Heading: Interest on tax. (See end of Document for details)

SCHEDULES

SCHEDULE 2

MANAGEMENT AND COLLECTION OF PETROLEUM REVENUE TAX

Modifications etc. (not altering text)

- C1** See Oil Taxation Act 1983 (c. 56), Sch. 4 para. 14 for application of Sch. 2 to tax chargeable only by virtue of the provisions of s. 12 and Sch. 4 of that Act

Interest on tax

- 15 (1) Subject to sub-paragraph (2) below, tax charged in an assessment for a chargeable period shall carry interest at the [^{F1}rate applicable under section 178 of the Finance Act 1989] from [^{F2}two months] after the end of the period until payment.
- (2) Nothing in sub-paragraph (1) above shall authorise or require interest to be charged from any time before 30th April 1976.
- (3) Where, under paragraph 14(3) above, tax may be withheld until the determination or abandonment of an appeal, the interest on that tax may also be withheld until the determination or abandonment of the appeal.

Textual Amendments

- F1** Words substituted by Finance Act 1989 (c. 26), s. 179(1)(4) and S.I. 1989 No. 1298 (C. 44) for periods beginning on or after 18 August 1989
- F2** Words substituted by Petroleum Revenue Tax Act 1980 (c. 1, SIF 63:1), s. 2 in relation to tax charged for any period ending on or after 31 December 1979

Modifications etc. (not altering text)

- C1** See Finance Act 1982 (c. 39), ss. 139(6), 142(5) and Sch. 19 para. 13(4)
- C2** Rates applicable: 12 per cent. for periods after 31 December 1979 by S.I. 1979 No. 1687; 8 per cent. after 30 November 1982 by S.I. 1982 No. 1587; 11 per cent. after 30 April 1985 by S.I. 1985 No. 563; 8.5 per cent. after 5 August 1986 by S.I. 1986 No. 1181; 9.5 per cent. after 5 November 1986 by S.I. 1986 No. 1832; 9 per cent. after 5 April 1987 by S.I. 1987 No. 513; 8.25 per cent. after 5 June 1987 by S.I. 1987 No. 898; 9 per cent. after 5 September 1987 by S.I. 1987 No. 1492; and 8.25 per cent. after 5 December 1987 by S.I. 1987 No. 1988 (for later orders see Part III). See also S.I. 1989 No. 1297 for regulations made and interest rates set under Finance Act 1989 (c. 26), s. 178

- 16 [^{F3}Subject to paragraph 17 below] where any amount of tax charged by an assessment to tax [^{F4}or paid on account of tax so charged] becomes repayable under any provision of this Part of this Act that amount shall carry interest at the [^{F5}rate applicable under section 178 of the Finance Act 1989][^{F6}from—

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- (a) two months after the end of the chargeable period for which the assessment was made; or
 - (b) the date on which it was paid,
- whichever is the later, until [^{F7}the order for repayment is issued]].

Textual Amendments

- F3** Words inserted by [Finance Act 1990 \(c. 29, SIF 63:1\)](#), **s. 121(2)**
- F4** Words inserted by [Petroleum Revenue Tax Act 1980 \(c. 1, SIF 63:1\)](#), **s. 2** in relation to tax charged for any period ending on or after 31 December 1979
- F5** Words substituted by [Finance Act 1989 \(c. 26\)](#), **s. 179(1)(4)** and S.I. 1989 No. 1298 (C. 44) for periods beginning on or after 18 August 1989
- F6** Words substituted by [Petroleum Revenue Tax Act 1980 \(c. 1, SIF 63:1\)](#), **s. 2** in relation to tax charged for any period ending on or after 31 December 1979
- F7** Words substituted by [Finance Act 1989 \(c. 26\)](#), **s. 180(2)(a)** and (7) which amendment is deemed always to have had effect

Modifications etc. (not altering text)

- C3** Rates applicable: 12 per cent. for periods after 31 December 1979 by S.I. 1979 No. 1687; 8 per cent. after 30 November 1982 by S.I. 1982 No. 1587; 11 per cent. after 30 April 1985 by S.I. 1985 No. 563; 8.5 per cent. after 5 August 1986 by S.I. 1986 No. 1181; 9.5 per cent. after 5 November 1986 by S.I. 1986 No. 1832; 9 per cent. after 5 April 1987 by S.I. 1987 No. 513; 8.25 per cent. after 5 June 1987 by S.I. 1987 No. 898; 9 per cent. after 5 September 1987 by S.I. 1987 No. 1492; and 8.25 per cent. after 5 December 1987 by S.I. 1987 No. 1988 (for later orders see Part III). See also S.I. 1989 No. 1297 for regulations made and interest rates set under [Finance Act 1989 \(c. 26\)](#), **s. 178**
- C4** By [Petroleum Revenue Tax Act 1980 \(c. 1, SIF 63:1\)](#), **s. 2(3)** any alteration in the rate mentioned in Sch. 2 para. 15(1) to apply also to Sch. 2 para. 16
- C5** See [Finance Act 1982 \(c. 39\)](#), **s. 139(6)** and Sch. 19 para. 13(5) in respect of repayments due in respect of the chargeable period ending on 30 June 1983

[^{F8}17 (1) This paragraph applies where—

- (a) an assessment made on a participator for a chargeable period or an amendment of such an assessment (in this paragraph referred to as “the relevant assessment or amendment”) gives effect to relief under subsection (2) of subsection (3) of section 7 of this Act for one or more allowable losses accruing in a later chargeable period (in this paragraph referred to, in relation to the relevant assessment or amendment, as “the relief for losses carried back”); and
 - (b) the later chargeable period referred to in paragraph (a) above ends after 30th June 1991; and
 - (c) an amount of tax becomes repayable to the participator by virtue of the relevant assessment or amendment (whether wholly or partly by reason of giving effect to the relief for losses carried back).
- (2) In the following provisions of this paragraph, so much of the repayment of tax referred to in sub-paragraph (1)(c) above as is attributable to giving effect to the relief for losses carried back is referred to as “the appropriate repayment” [^{F9} and, in relation to the appropriate repayment, the chargeable period for which the relevant assessment or amendment is made is referred to as “the repayment period”].
- (3) For the purpose of determining the amount of the appropriate repayment in a case where the relevant assessment or amendment not only gives effect to the relief for

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losses carried back but also takes account of any other matter (whether a relief or not) which goes to reduce the assessable profit of the period in question or otherwise to reduce the tax payable for that period, the amount of the repayment which is attributable to the relief for losses carried back is the difference between—

- (a) the total amount of tax repayable by virtue of the relevant assessment or amendment; and
- (b) the amount of tax (if any) which would have been so repayable if no account had been taken of the relief for losses carried back.

(4) [^{F10}Subject to sub-paragraph (6) below] Where this paragraph applies, the amount of interest which, by virtue of paragraph 16 above [^{F11}which is treated as reducing the assessable profit of the repayment period], is carried by the appropriate repayment shall not exceed the difference between—

- (a) [^{F12}the relevant percentage of the amount] of the allowable loss or losses referred to in sub-paragraph (1)(a) above; and
- (b) the amount of the appropriate repayment.

[For the purposes of sub-paragraph (4)(a) above—

- ^{F13}(5) (a) where the repayment period ends on or before 30th June 1993, the relevant percentage, in relation to the amount of the loss or losses which is treated as reducing the assessable profit accruing to the participator for that period is 85 per cent.; and
- (b) in relation to the amount of the loss or losses which is treated as reducing the assessable profit accruing to the participator for any later repayment period, the relevant percentage is 60 per cent ^{F14}....

(6) If, in order to give effect to the relief for losses carried back, a repayment of APRT falls, or will on the making of a claim fall, to be made with respect to a chargeable period which is the repayment period in relation to the appropriate repayment, the reference in sub-paragraph (4)(b) above to the appropriate repayment shall be construed as a reference to the aggregate of that repayment and the repayment of APRT.

(7) In sub-paragraph (6) above “APRT” means advance petroleum revenue tax paid under Chapter II of Part VI of the ^{M1}Finance Act 1982.]]

Textual Amendments

- F8** Sch. 2 para. 17 inserted by [Finance Act 1990 \(c. 29, SIF 63:1\)](#), **s. 121(2)(3)**
- F9** Words in Sch. 2 para. 17(2) added (27.7.1993) by [1993 c. 34, ss. 186\(2\)](#), 195(3)
- F10** Words in Sch. 2 para. 17(4) inserted (27.7.1993) by [1993 c. 34, ss. 186\(3\)\(a\)](#), 195(3)
- F11** Words in Sch. 2 para. 17(4)(a) inserted (27.7.1993) by [1993 c. 34, ss. 186\(3\)\(b\)](#), 195(3)
- F12** Words in Sch. 2 para. 17(4)(a) substituted (27.7.1993) by [1993 c. 34, ss. 186\(3\)\(b\)](#), 195(3)
- F13** Sch. 2 para. 17(5)-(7) added (27.7.1993) by [1993 c. 34, ss. 186\(4\)](#), 195(3)
- F14** Words in Sch. 2 para. 17(5)(b) omitted (with effect in accordance with s. 140(4) of the amending Act) by virtue of [Finance Act 2016 \(c. 24\)](#), **s. 140(2)**

Marginal Citations

- M1** [1982 c. 39](#).

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