

*Changes to legislation: There are currently no known outstanding effects for the Oil Taxation Act 1975, Paragraph 14. (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

##### *Appeals*

- 14 (1) A participator may appeal <sup>F1</sup>... against an assessment or determination [<sup>F2</sup>or an amendment of an assessment or determination] made on or in relation to him by notice of appeal in writing given to [<sup>F3</sup>HMRC] within thirty days after the date of issue of the notice of assessment or determination [<sup>F2</sup>or of the notice of the amendment].
- [<sup>F4</sup>(1A) A participator who has made a claim under paragraph 13A may appeal from the decision on the claim by notice in writing given to HMRC within 30 days after the date of issue of the notice of the decision.]
- [<sup>F5</sup>(2) The notice of appeal must specify the grounds of appeal.]
- (3) A participator who has given notice of appeal under sub-paragraph (1) above against an assessment charging him with any tax for a chargeable period may, if he delivered a return for that period as required by paragraph 2 above, withhold, until the determination or abandonment of the appeal, so much of the tax charged in the assessment as is the smaller of—
- (a) the amount of the tax so charged; and
  - (b) tax on the difference between—
    - (i) the aggregate of the consideration received or receivable for oil as stated in the participator's return in pursuance of sub-paragraph (2) of that paragraph and, subject to sub-paragraph (4) below, the market value of oil as so stated; and
    - (ii) the aggregate of the corresponding consideration and value as included in the assessment.
- (4) Subject to sub-paragraph (5) below, where the market value of all the oil for which a market value is stated in the participator's return is, as stated in that return, less than the value which is produced for that oil by applying to it the average price mentioned in sub-paragraph (6) below, sub-paragraph (3) above shall have effect as if, for the reference to the market value of oil as so stated, there were substituted a reference to the value which is so produced for that oil.

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- (5) The comparison of values and the substitution required by sub-paragraph (4) above shall, in the case of an appeal by a participator whose return relates both to gas and to other oil, be made separately for the gas and for the other oil.
- (6) The average price referred to in sub-paragraph (4) above is the average price at which all oil included in the relevant returns as oil delivered in the period covered by the returns and disposed of in sales at arm's length was so disposed of.
- (7) The relevant returns for the purposes of sub-paragraph (6) above are all the returns of all the participators in all oil fields which—
- (a) were made for the chargeable period preceding that to which the appeal relates; and
  - (b) were delivered before the end of the chargeable period to which the appeal relates.
- (8) The participator may at any time, if [F<sup>6</sup>HMRC] do not object to his doing so, abandon an appeal instituted by him; and for this purpose he shall notify his desire to do so to [F<sup>6</sup>HMRC] who may, within thirty days after being so notified, object by notice in writing to the participator.
- (9) Where, at any time between—
- (a) the giving of a notice of appeal against the assessment [F<sup>7</sup>determination or amendment] or from a decision of [F<sup>8</sup>HMRC] on a claim under [F<sup>9</sup>paragraph 13A] , and
  - (b) the determination of the appeal by the [F<sup>10</sup>tribunal],
- [F<sup>8</sup>HMRC] and the participator agree [F<sup>7</sup>on how the assessment, determination, amendment or decision should be varied or on what assessment or determination should be substituted in relation to the chargeable period in question, the same consequences shall ensue as if the [F<sup>11</sup>tribunal] had determined the appeal to that effect].
- [F<sup>12</sup>(10) If [F<sup>13</sup>[F<sup>14</sup>an appeal under sub-paragraph (1)] is notified to the tribunal and] it appears to [F<sup>15</sup>the tribunal] that the assessment, determination or amendment is wrong—
- (a) because no, or a smaller, assessable profit or a, or a larger, allowable loss has accrued for the chargeable period in question; or
  - (b) because a, or a larger, assessable profit or no, or a smaller, allowable loss has accrued for that period,
- the [F<sup>16</sup>tribunal] shall vary the assessment, determination or amendment in such manner, or substitute such assessment or determination, as may be required; and it shall be for the participator to satisfy the [F<sup>16</sup>tribunal] as to any matter within paragraph (a) above.]
- [F<sup>17</sup>(10A) If an appeal under sub-paragraph (1A) is notified to the tribunal and it appears to the tribunal that the decision is wrong, the tribunal shall substitute such decision as may be required.]
- [F<sup>18</sup>(11) When an appeal is notified to the tribunal, the decision of the tribunal on the appeal is final and conclusive.
- (12) But sub-paragraph (11) is subject to—
- (a) sections 9 to 14 of the Tribunals, Courts and Enforcement Act 2007,

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- (b) Tribunal Procedure Rules, and
- (c) any provision of this Schedule.]

#### Textual Amendments

- F1** Words in Sch. 2 para. 14(1) omitted (1.4.2009) by virtue of The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 74(2)(a)**
- F2** Words inserted by Finance Act 1976 (c. 40), **s. 130(3)(4)**
- F3** Word in Sch. 2 para. 14(1) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 74(2)(b)**
- F4** Sch. 2 para. 14(1A) inserted (1.4.2011) by Finance (No. 3) Act 2010 (c. 33), s. 28(2), **Sch. 12 para. 11(2)**
- F5** Sch. 2 para. 14(2) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 74(3)**
- F6** Words in Sch. 2 para. 14(8) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 74(4)**
- F7** Words substituted by Finance Act 1976 (c. 40), **s. 130(5)**
- F8** Words in Sch. 2 para. 14(9) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 74(5)(a)**
- F9** Words in Sch. 2 para. 14(9) substituted (1.4.2011) by Finance (No. 3) Act 2010 (c. 33), s. 28(2), **Sch. 12 para. 11(3)**
- F10** Word in Sch. 2 para. 14(9) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 74(5)(b)**
- F11** Word in Sch. 2 para. 14(9) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 74(5)(c)**
- F12** Sch. 2 para. 14(10) substituted by Finance Act 1976 (c. 40), **s. 130(6)**
- F13** Words in Sch. 2 para. 14(10) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 74(6)(a)**
- F14** Words in Sch. 2 para. 14(10) substituted (1.4.2011) by Finance (No. 3) Act 2010 (c. 33), s. 28(2), **Sch. 12 para. 11(4)**
- F15** Words in Sch. 2 para. 14(10) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 74(6)(b)**
- F16** Word in Sch. 2 para. 14(10) substituted (1.4.2009) by The Transfer of Tribunal Functions and Revenue and Customs Appeals Order 2009 (S.I. 2009/56), art. 1(2), **Sch. 1 para. 74(6)(c)**
- F17** Sch. 2 para. 14(10A) inserted (1.4.2011) by Finance (No. 3) Act 2010 (c. 33), s. 28(2), **Sch. 12 para. 11(5)**
- F18** Sch. 2 para. 14(11)(12) substituted for Sch. 2 para. 14(11) (1.4.2009) by The Revenue and Customs Appeals Order 2009 (S.I. 2009/777), arts. 1, 2

#### Modifications etc. (not altering text)

- C1** See Finance Act 1982 (c. 39), **s. 142(5)**
- C2** See Finance Act 1982 (c. 39), **Sch. 19 para. 7(2)**
- C3** Sch. 2 para. 14(2)(8)(11) applied (with modifications) by Finance Act 1994 (c. 9), **Sch. 22 para. 4(5)** (as substituted (1.4.2009) by S.I. 2009/56, art. 1(2), **Sch. 1 para. 211(5)**)
- C4** Sch. 2 para. 14(2)(8)(11) applied (with modifications) by Finance Act 1987 (c. 16), **s. 66(8)** (as substituted (1.4.2009) by S.I. 2009/56, art. 1(2), **Sch. 1 para. 129(4)**)
- C5** Sch. 2 para. 14(2)(8)(11) applied (with modifications) by Finance Act 1987 (c. 16), **Sch. 12 para. 3(2)(d)** (as substituted (1.4.2009) by S.I. 2009/56, art. 1(2), **Sch. 1 para. 130(5)**)
- C6** See also Petroleum Revenue Tax Act 1980 (c. 1, SIF 63:1), **s. 1(5)** in relation to chargeable periods ending on or after 31 December 1979

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